

2006-12-08 OHV 1 2006 Grants

STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

REGULAR MEETING

Friday, December 8th, 2006

8:32 a.m. to 8:04 p.m.

held at

McClellan Air Force Base
Wildland Fire & Training Conference Center
3237 Peacekeeper Way
Sacramento, California

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1 (Sacramento, California, Friday, December 8, 2006.)

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3 CHAIR BRISSENDEN: Call this meeting to order.
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4 Everyone is ready.

5 Phil, since you're the closest to the flag, if
6 you'll lead us in the Pledge of Allegiance, that would
7 be great.

8 (Pledged the Flag.)

9 CHAIR BRISSENDEN: And instead of the
10 traditional roll call, I would like to -- at Sandy
11 Elder's suggestion this morning -- let everyone
12 introduce themselves because some people have changes
13 in their lives such as the Commissioner farthest to my
14 left, Sheriff Mike Priznich. Can you begin the
15 introductions of where you're going in life?

16 COMMISSIONER PRIZNICH: What was the last part
17 of that?

18 CHAIR BRISSENDEN: Where are you going in life?
19 I know that you're sleeping in -- (Inaudible) John
20 Wayne now.

21 COMMISSIONER PRIZNICH: I have no clue. At the
22 end of the month I am going to the great unknown of
23 retirement, whatever that means, so kind of looking
24 forward. Is that what you wanted?

25 CHAIR BRISSENDEN: That's good. He's present,

2

1 by the way.

2 Gary, a little bit about yourself since this is
3 the first time I think we've all been together.

4 COMMISSIONER WILLARD: Good morning, I'm Gary
5 Willard, newly appointed Commissioner. This is my
6 second meeting -- third, so new, but not too new.
7 Unfortunately, I'm not about to retire. I have a, my

8 wife tells me, a very long, long career ahead of me.

9 I'm a commercial real state broker in San Francisco.

10 COMMISSIONER THOMAS: Hal Thomas. You know me,

11 I'm just a country lawyer.

12 VICE-CHAIR ANDERSON: Judith Anderson, I retired

13 a teacher, mathematics. Happily enjoying retirement.

14 You wonder how you ever had time to work.

15 COMMISSIONER SPITLER: Paul Spitzer, student.

16 COMMISSIONER McMILLIN: Mark McMillin relatively

17 new commissioner, home builder in Southern California,

18 off-road enthusiast, and looking forward to doing this

19 for the citizens of our state who enjoy OHV use,

20 looking at doing this for the citizens of the state who

21 need a little protection from the abuse side of that

22 OHV use, and for protecting our resources.

23 CHAIR BRISSENDEN: You didn't mention the father

24 that you should be so proud of.

25 COMMISSIONER McMILLIN: My father?

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1 CHAIR BRISSENDEN: Isn't that right?

2 COMMISSIONER McMILLIN: Dad has been involved

3 with off-road racing for 31 years.

4 CHAIR BRISSENDEN: Just appointed to the Hall of

5 Fame.

6 COMMISSIONER McMILLIN: He got into the Off-Road

7 Hall of Fame in Reno, Nevada.

8 DEPUTY DIR. GREENE: John, if I may, I think

9 Mark has something else to share in terms of a race he

10 just completed, and that standing that not only he but

11 also his nephew achieved.

12 COMMISSIONER McMILLIN: We race cars as a hobby,

13 and my 19-year-old nephew just won the Baja National
14 overall, had a great race. I got fourth. My son got
15 seventh.

16 CHAIR BRISSENDEN: And I'm President, I'm John
17 Brissenden from Hope Valley. I'm an innkeeper by trade
18 and proud father of four and four grandchildren. And
19 soon my daughter Ann is getting married in Mexico in a
20 couple of weeks, so I'm very happy about that. So
21 without --

22 COMMISSIONER PRIZMICH: Point of order,
23 Chairman, wouldn't it have been easier just to do the
24 roll call?

25 CHAIR BRISSENDEN: I realize that we are going 4

1 to be here for a couple of days, might as well know who
2 we are for a little familiarity. Thank you though for
3 that point.

4 Move to -- at this point I'd like to have the
5 Deputy Director introduce her staff, and then the
6 Division Chief Phil Jenkins introduce his staff,
7 please.

8 DEPUTY DIR. GREENE: Thank you, Chairman
9 Brissenden. First of all, my apologies for my voice,
10 just getting over a cold.

11 Just a couple of logistical things first, in
12 this facility, we do not have the typical coffee,
13 water, tea. We actually have purchased waters and
14 sodas. So if you do help yourself, maybe we can start
15 a kitty so that we could have enough for tomorrow, as
16 well.

17 Just before I turn to the Chief of the Division,
18 Phil Jenkins, all of you are familiar with Counsel Tim
19 LaFranchi sitting to my left, and then I'll turn it to
20 the chief for the introductions for the remainder of
21 the staff.

22 CHIEF JENKINS: Thank you and good morning,
23 Commissioners, everybody else out there. I want to
24 start with the grant team that we have here, of course,
25 as they are going to be kind of spotlighted,

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1 highlighted for their work that they've been trying to
2 put together and being very conscientious about that I
3 might add. So starting at the far end of the table
4 down here is, Ken Glaspie, right next to him is Martha
5 Ibarra, and then Barbara Greenwood sitting next to her;
6 Kelly Roach, there in the brown; and John Pelonio who's
7 been with the program for quite some time, and then
8 Larry Bellucci. Those are the grant administrators
9 that have been going through all of these applications
10 trying to put together all of the paperwork that we
11 will be reviewing, spreadsheets and all of those
12 things.

13 Over on the far table over here, some of the
14 support staff that we have in the room today, Vicki
15 Perez at the far end of the table is there. Next to
16 that is Aaron Freitas, Aaron is helping with all of the
17 audiovisual needs. I might add the screens you see up
18 there, we are not watching football today, but you
19 should be able to see by the time we get started,
20 working out a couple of bugs, on one screen you will
21 see the scoring sheets for the grants that we will be

22 working on. On the other screen, you will be able to
23 see the spreadsheets that show where we are in the
24 process. So we should be able to keep track of where
25 we are. And if those in the crowd are interested, the

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1 Commissioners can actually see those in front of them.
2 They don't have to be imagining what's behind their
3 back there.

4 Also, sitting there at the table there is Joanna
5 Parra, who has been helping us quite a bit and Sandy
6 Elder, of course, who has been at many of these
7 meetings and helped us. And back at the far table,
8 raise your hand there, is Mardi Stallcop.

9 OHMVR STAFF STALLCOP: Just call me Mardi.

10 CHIEF JENKINS: Also, have behind me here some
11 of our other support staff, Rick LeFlore, one of the
12 managers from the Division and Jennifer Buckingham.
13 Did I catch all of my staff? And almost missed a
14 couple of people. Oh, and I want to add, by the way,
15 before I forget because I know I always end up
16 forgetting him, but Dave Quijada is here in the
17 audience. He's been in the grants program for many,
18 many years. Apparently, he just can't stay away from
19 us because he just loves this stuff. Tom Bernardo,
20 sitting over here, who I almost overlooked. Who else
21 did I miss? Is Bob here? Bob Williamson is here
22 somewhere, hiding back over here in the corner,
23 Superintendent for Prairie City. So thank you Bob.
24 And Ed Navarra back here in the audience who has been
25 helping us in a lot of management planning, strategic

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1 planning issues, and I know some of you Commissioners
2 have been working directly with him.

3 CHAIR BRISSENDEN: Thanks for the introductions,
4 and thanks staff for being here. You get the work done
5 that we have to oversee. And also thank you to whoever
6 sold tickets, we have a pretty good response today, and
7 look forward to working with all of you over the next
8 couple of days.

9 We now move to the approval of the agenda.

10 VICE-CHAIR ANDERSON: I have a question. This
11 room appears very echoey. Is that a problem for either
12 the transcriber or the audience?

13 COMMISSIONER THOMAS: Everyone else but us can
14 hear. How ironic.

15 VICE-CHAIR ANDERSON: We're getting a real echo
16 up here.

17 CHAIR BRISSENDEN: I think it may be the
18 placement of the speakers. Maybe at a break we can
19 move these apart a little further.

20 (Discussion held off the record.)

21 CHAIR BRISSENDEN: So does anybody have any
22 suggestions in terms of recommendations on agenda
23 changes or items on the agenda. I do if nobody --

24 COMMISSIONER THOMAS: The agenda that you're
25 working off is which?

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1 VICE-CHAIR ANDERSON: The one that was mailed.

2 COMMISSIONER THOMAS: This is May 9th.

3 VICE-CHAIR ANDERSON: No, the copy that was sent
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4 separately in the mail.

5 CHAIR BRISSENDEN: The one I'm working off is
6 the one in the binder, but if that's in error.

7 COMMISSIONER THOMAS: I'm sure it's roughly the
8 same.

9 CHAIR BRISSENDEN: It won't be when I get
10 through with it, but.

11 COMMISSIONER THOMAS: All right. Well, I'll
12 approve it then.

13 CHAIR BRISSENDEN: Wait a minute. Due to
14 conflicts of schedule, we need to move the closed
15 session to about a 3:45, 4:00 p.m. slot. So that those
16 doing the work on the ground don't have to sit around
17 too long, we'll move our discussion of the riparian
18 policy, as well as the audit response to either later
19 today or the end of tomorrow. That will float a little
20 bit, I think, if that's all right with everyone.

21 VICE-CHAIR ANDERSON: That's going to somewhere
22 near the end of the agenda, the old business.

23 CHAIR BRISSENDEN: Yes. We were thinking maybe
24 after the closed session.

25 COMMISSIONER SPITLER: Is there a reason for

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1 moving that?

2 CHAIR BRISSENDEN: Just so that we can have the
3 discussion after we've reviewed most of the grants.

4 COMMISSIONER SPITLER: I mean if there is no
5 objection, I'd just as soon get those items out of the
6 way and hear them first, so we can discuss them and
7 spend our time focusing on grants.

8 DEPUTY DIR. GREENE: Chairman Brissenden, if I
9 may, we also have staff today just to speak on the
10 riparian policy. So if you are looking at moving it
11 into tomorrow, that could be somewhat problematic.

12 COMMISSIONER THOMAS: I think moving it makes
13 sense, at least until after we've talked to -- talk
14 about what Ecological Partners is suing us over the
15 policies; at least we ought to be informed about that
16 before we analyze the subject. It might have something
17 to do with our conclusions, the fact that we have a
18 lawsuit against the Commission might add to the content
19 of our discussion.

20 COMMISSIONER WILLARD: Chair Brissenden, I agree
21 with both comments that if we're going to move it, we
22 should probably just move it right after the closed
23 session and keep the closed session where it is in
24 regards to the staff that's here.

25 CHAIR BRISSENDEN: Okay. So you can't go back 10

1 to the office to go to work.

2 So with those couple of changes, do I have a
3 motion for approval agenda?

4 COMMISSIONER THOMAS: I move, so move.

5 COMMISSIONER WILLARD: I second.

6 CHAIR BRISSENDEN: It's been moved and seconded.

7 Thomas moved and Willard second. All those in favor?

8 (Commissioners simultaneously voted.)

9 CHAIR BRISSENDEN: Those opposed?

10 Before we go into the Deputy Director's report,
11 I have my little obligatory comments about how the
12 tenor of the meeting shall go, and I just wanted to go

13 through that once again. We will today as a Commission
14 be considering many items. Although we must use our
15 time wisely, we encourage your input on any of those
16 items so that our decision will be based on all
17 available information. There are a number of cards out
18 there for you to sign so that we get your attention so
19 that you're called upon at the appropriate time. So
20 check with Mardi Stallcop at my right, your left, for
21 any comment cards that you can fill out.

22 We do expect all of the statements made before
23 this Commission to be truthful with no attempts to
24 mislead us by false statements, deceptive presentation
25 or failure to include essential information. We also

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1 ask that you obey our ground rules which are treat
2 everyone with respect, this includes Commissioners,
3 Division staff, and your fellow citizens. This means
4 no personal attacks and no violent, contentious, or
5 disruptive behavior. In the interest of time, please
6 communicate your ideas clearly and efficiently.

7 And with that, I will turn it over to Deputy
8 Director Greene for your report.

9 DEPUTY DIR. GREENE: Good morning, members of
10 the Commission, members of the public, it's nice to
11 have everybody here today.

12 In the spirit of Christmas, I would like to say
13 that as we start off that I'm delighted to let you know
14 that the Governor's office has indicated a release date
15 of December 20th for the Fuel Tax Study to the
16 Legislature. We will be briefing members of the

17 Legislature, as well as if the Commission so desires to
18 identify a special meeting date or we can make sure
19 that we incorporate that into the January meeting. We
20 also are going to identify stakeholder, interested
21 stakeholder parties and members of the public; will be
22 doing briefings throughout the state to identify key
23 points of the study and to also have some thoughtful
24 discussion as to the results of the study, as we move
25 forward looking at the study. So just wanted to let

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1 you know that December 20th is in fact the date.

2 CHAIR BRISSENDEN: He will dust the ribbon off
3 of that. Where has it been sitting?

4 DEPUTY DIR. GREENE: It will be released on the
5 20th, so we're delighted to announce that.

6 Also, many of you are interested in, as are we,
7 in the potential Bakersfield SVRA, just want to let you
8 know a couple of points on this is that we did appear
9 before the board of supervisors of Kern County in
10 October. We did ask for a continuance before they
11 voted on that due to number of outstanding items that
12 are of concern to the Division. In particular, there's
13 some issues regarding the soils on the property that
14 are of concern that we are still doing some specific
15 studies on to identify some of the erosive soils, the
16 friable soils. In addition, we continue to have
17 problems with issues of access on the property. At
18 this point in time, we simply don't have access to the
19 property. Working with a number of different land
20 owners around it, but that continues to remain
21 problematic. In addition, with the late notice we

22 received that an end holding, which we had anticipated
23 as willing seller, at this point in time has indicated
24 that they are not. And continued issues of concern
25 about dust, air quality, and then issues of valley

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1 fever. So we did ask for a continuance based on these
2 items of concern. We will be returning to the board of
3 supervisors on January 23rd, but I know many of you are
4 interested in that, and I wanted to give you an update.

5 Ocean Dunes celebrated its 100th year of
6 motorized recreation on the beach. It was a wonderful
7 weekend and many, many people were in attendance.
8 Also, Ocotillo Wells, since we last met, celebrated its
9 30th anniversary. So over the Thanksgiving holiday,
10 estimates are at Ocotillo Wells that over the four-day
11 period there were in excess of half a million visitors
12 to Ocotillo Wells, so very popular particularly this
13 time of year. And that is all for the movement.

14 CHAIR BRISSENDEN: That's rather brief. Thank
15 you.

16 VICE-CHAIR ANDERSON: I have a question.

17 CHAIR BRISSENDEN: Please.

18 VICE-CHAIR ANDERSON: Would you please arrange
19 to get me a copy of the environmental document?

20 DEPUTY DIR. GREENE: Of course.

21 VICE-CHAIR ANDERSON: Thank you.

22 COMMISSIONER SPITLER: I just had a question. I
23 wonder if we might get an update on the Riverside
24 project, as well.

25 DEPUTY DIR. GREENE: Yes. As I mentioned in

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1 May, on the Riverside project we have not received
2 confirmation yet in the form of a documented letter.
3 But all indications are that at this point in time
4 Lockheed Martin is not willing to remediate the soil to
5 a standard for active recreation. And so therefore at
6 this point in time, given the results as well from DTS,
7 Department of Toxic Substance, there are a number again
8 of outstanding issues on that property in terms of
9 contaminants in the soil, perchlorates in the water.
10 So at this point in time indications are from Riverside
11 County that we should be receiving some sort of formal
12 documentation that in fact they will not be moving
13 forward with purchasing that property. And then the
14 agreement with the State to turn it over to the State.
15 Commissioner Spittler, any other questions?

16 CHAIR BRISSENDEN: You're knitting your brow,
17 Commissioner Spittler.

18 COMMISSIONER SPITTLER: Thank you.

19 COMMISSIONER WILLARD: Mr. Chair, I have a
20 question. Was there some issue with the return of
21 monies from Riverside?

22 DEPUTY DIR. GREENE: That is an ongoing
23 discussion with Riverside County. Yes, there was the
24 original grant that was provided to Riverside County,
25 the Anza properties, this goes back some 25 years. So,
15

1 again, we are working with the county to make sure that
2 those monies are in fact returned to the State.

3 COMMISSIONER WILLARD: Do we know how much that
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4 is?

5 DEPUTY DIR. GREENE: Last estimate it's a
6 little -- approximately \$5.5 million.

7 COMMISSIONER WILLARD: Thank you.

8 CHAIR BRISSENDEN: As long as we're going along
9 in that, what's Truckhaven doing?

10 DEPUTY DIR. GREENE: The Freeman property,
11 otherwise known as Desert Truckhaven property, that has
12 moved forward. It was approved by the Public Works
13 Board. That is now the property of California State
14 Parks. We thank the Commission for their support and
15 their vote on that. So working with Anza-Borrego and
16 obviously Ocotillo State Vehicle Recreation Area, we
17 are doing the necessary studies as we look at moving
18 forward to identify a date where we'll start the
19 strategic planning process. Because obviously that is
20 a very important area, a lot of recreation that's taken
21 place there over the years, and also the need to
22 protect some of the natural and cultural resources.

23 We've worked with State Lands Commission to try
24 and see if we can perhaps fence off some of -- they
25 have some of the palm oases, which we are looking to

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1 try to fence off so that we can protect those riparian
2 areas and do that as an agreement with State Lands
3 Commission so that we could make sure that those are
4 protected as we move forward. But we are out there on
5 the ground, and it continues as we move forward. We're
6 delighted that we've moved forward at that acquisition.

7 CHAIR BRISSENDEN: Thank you. Any other reports

8 that want to come forward? Any other questions of the
9 Deputy Director?

10 So seeing nothing else, we will move to item
11 seven, numeral seven, New Business, Local Assistance
12 Grants and Cooperative Agreements, review the status
13 and allocate funding for '06/'07 Local Grants and
14 Cooperative Agreements. We'll consider the application
15 and take testimony if necessary and allocate funds for
16 local assistance grants and cooperative agreements.

17 Before we embark upon this joyous journey, I
18 have a couple of remarks. As we begin the deliberation
19 on grants, I would like to remind everyone to receive
20 funding from the State of California is a privilege not
21 a right, and that we seven volunteer commissioners have
22 the responsibility to determine which will have the
23 greatest impact on the ground, obviously with the
24 direction mandated by the legislation that governs our
25 decisions and with the careful guidance and

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1 recommendations and the good work of the Division
2 staff. You're chosen to spend the citizens' of
3 California money wisely and do work and be happy. If
4 not chosen, please learn from the process and your
5 fellow applicants and go out and do good work with the
6 support you have and be encouraged to know that we
7 value the work you do. Be happy that you don't have to
8 deal with our scrutiny and our audits.

9 And, lastly, as I have said from the moment I
10 stood on this dais 10 these many four years ago, that
11 all of the federal agencies should be on their own
12 funding, and they've been fortunate to be granted

13 monies from the State of California over the years.
14 There is a new and refreshing wind in Washington, and I
15 will recommend to this Commission and the Director of
16 Parks, Ruth Coleman and Secretary Chrisman and the
17 Governor that a summit be scheduled soon with Senators
18 Feinstein, Boxer and our good friend, Majority Leader
19 Reid and members of Congress to develop realistic
20 budgets for the Forest Service and Bureau of Land
21 Management in the areas of recreation, planning, and
22 law enforcement so these agencies can do their job, and
23 so that California can get back to spending our monies
24 on our priorities.

25 Having said that, we'll go forward. Unless

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1 others want to weigh in on that motion.

2 COMMISSIONER THOMAS: Thank you, Mr. Chairman.

3 COMMISSIONER McMILLIN: I have a question
4 regarding the minutes. Do we not approve minutes
5 anymore? I just realized it wasn't on the agenda.

6 DEPUTY DIR. GREENE: Thank you for that
7 reminder, Commissioner McMillin. On the minutes, the
8 September minutes, we received them. Unfortunately,
9 there were a number of -- first of all, the process,
10 they come back to us. We make sure that in terms of
11 spelling errors, that sort of thing, clarification of
12 names, there were a number of notations where it was
13 inaudible. The stenographer goes back typically and
14 listens to the tape. So they get to listen to the
15 Commission meeting twice. In this particular case, the
16 tapes were damaged so we ended up sending them out. We

17 were able to get them repaired, and so now they're back
18 with the stenographer, so we should have those
19 September minutes by the next meeting. It typically
20 takes about four to six weeks from a meeting before we
21 actually get the minutes. So we will make sure that we
22 have them for you at the next meeting.

23 And as Commissioner Thomas suggested at the last
24 meeting, as well, rather than providing you with
25 voluminous transcripts, Ms. Elder is working on taking
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1 those transcripts and turning into them minutes so that
2 the document is much easier for all of the
3 Commissioners to read. So we're also working to make
4 sure that we can get those minutes to you, as well.

5 CHAIR BRISSENDEN: I know Commissioner Thomas
6 had a question on the transcripts that he had requested
7 from the Northern California and Southern California so
8 that we can base our decisions on some of the input
9 that was received at that time. I didn't see mine, but
10 I've been gone for several days.

11 DEPUTY DIR. GREENE: I'm sorry, I didn't
12 understand.

13 CHAIR BRISSENDEN: The transcripts from the
14 subcommittee meeting.

15 DEPUTY DIR. GREENE: We don't have those back
16 yet at this time. Commissioner Thomas, I never -- I'm
17 sorry, I never --

18 COMMISSIONER THOMAS: I just wanted to take
19 advantage of that good input and read the transcripts.
20 That not being required, we'll proceed without it.

21 DEPUTY DIR. GREENE: I think that perhaps the
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22 memory of those who were in attendance at those meeting
23 will have to serve the rest of the Commissioners.

24 CHAIR BRISSENDEN: That's up to you, Mark. You
25 were the loyal one.

20

1 COMMISSIONER McMILLIN: I was thinking about
2 something to say, I wasn't listening. But I just can't
3 believe -- I mean the legal system in this country, and
4 I've been lucky enough to be deposed enough in my life
5 on different issues not related to this, and those
6 things are back in a matter of 72 hours. And I think
7 we've got to do better.

8 COMMISSIONER THOMAS: I will note when we're
9 sued the transcripts are quite timely.

10 DEPUTY DIR. GREENE: So noted. We will get
11 together.

12 CHAIR BRISSENDEN: I was thanking you for being
13 at both subcommittees, as well. Your memory is the one
14 that's going to serve us best.

15 COMMISSIONER McMILLIN: This is my first rodeo,
16 and I plan on attending a hundred percent of these
17 meetings the first year. And then packing a hundred
18 percent of the paperwork.

19 CHAIR BRISSENDEN: Thank you. So this is my
20 first grants meeting, so give me a little guidance
21 maybe from the former chair and from the --

22 VICE-CHAIR ANDERSON: We're on the Consent
23 Calendar.

24 CHAIR BRISSENDEN: Consent Calendar, okay.

25 COMMISSIONER SPITLER: So I will assume that the

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1 process will be as we consider each funding category,
2 we will first consider all of the Consent items in that
3 particular category, and then we will take individual
4 items that are not on Consent; is that a safe
5 assumption?

6 COMMISSIONER THOMAS: Well, I don't think it is
7 a safe assumption. Perhaps we can ask the staff a
8 question.

9 It seems to me given the revolving nature of the
10 scoring system, that assume you have something on
11 Consent and it was approved at a prior meeting and it
12 was near the cut line, and as a result of say four
13 other grants being taken off Consent in that same
14 category at this meeting, we were to adjust the scores
15 on those four, and we pushed the Consent item before
16 the cut line, same score now below the cut line,
17 wouldn't that constitute defeating or --

18 Is somebody -- just a second. Could you knock
19 the volume down a bit. It sounds like you're
20 increasing it.

21 OHMVR STAFF: I'm having difficulty hearing you.
22 You are about six inches from your mic, and that makes
23 it difficult.

24 COMMISSIONER THOMAS: I'll try to get closer.
25 Thank you.

22

1 It would seem to me that if we were to change
2 the four or five ratings that are before us, and it had
3 a substantive effect on the Consent item, we would have

4 effectively removed it from Consent and thereby voted.

5 So my thought is that in effect you can only
6 tentatively vote for Consent because you're going to be
7 modifying -- potentially modifying all of the scores
8 and maybe somebody else has a better idea, but I bring
9 that procedural issue up.

10 COMMISSIONER SPITLER: Maybe in light of the
11 fact that we have a new process this year that's never
12 been used before, it's worth someone -- and I don't
13 mean to put anyone on the spot, probably should have
14 thought of this in advance, but maybe it's worth having
15 someone from the staff just kind of walk through how
16 this process will work so that everyone in the room
17 understands and the Commissioners all understand.

18 CHIEF JENKINS: Absolutely. First, let me
19 address the consent issue. So on Consent, the Consent
20 Calendar is developed to settle scores, not funding
21 necessarily. In other words, when you're looking at
22 scoring of the individual projects, you're scoring them
23 against how well they answered or addressed the
24 criteria for that particular category, not against how
25 much money is available in that particular bucket of

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1 money to be spread out.

2 So that to stay true to this competitive
3 process, what you would be doing is voting on a Consent
4 Calendar saying that the score for that particular
5 project is appropriate based on what that project is
6 designed to do, you know, how closely that project
7 meets the goals of the Commission in achieving

8 restoration, conservation, law enforcement, all those
9 various non-CESA project types. So that's the Consent
10 Calendar saying, yes, the project they turned in, the
11 work they planned to do, all of the data, factual data
12 that we have in front of us, says that this project is
13 deserving of a score equalling X, whatever it is.

14 At the end of the day, once all of the scores
15 are up on the wall and you can see how they relate to
16 each other, some higher, some lower then you start
17 applying the funding available in that particular
18 bucket, and it goes down until you run out of money,
19 and then everybody below that line would be perhaps
20 eligible for funding, but no funding remaining to hand
21 out. And that's just the nature of the process when
22 there are only \$18 million in funds available to pass
23 out and some \$40 plus million in requests.

24 So the Consent Calendar, just very briefly, the
25 Consent Calendar then is to consent to the score, not

24

1 necessarily to say that it definitely will or will not
2 be funded.

3 COMMISSIONER SPITLER: And that's true whether
4 an item is on Consent or whether it's taken
5 individually because it's just getting a score and any
6 later grant could receive a higher score and move any
7 particular grant below the cut line. Maybe you can --
8 can you just back up a step, though, because I'm not
9 sure everyone in the public understands -- and maybe
10 they do and this is all repetitive, but I think it
11 would be helpful anyway to just back up a step and walk
12 through what is the cut line, how is that determined,

13 so everyone understands how this whole process is going
14 to work, and there are no surprises at the end of it.

15 COMMISSIONER THOMAS: That's a good idea.

16 COMMISSIONER SPITLER: Maybe just start from the
17 beginning.

18 CHIEF JENKINS: I have a whole kind of
19 description I was going to go through later. I don't
20 know if I should just go through it now, the process,
21 or stick with this kind of narrow part of it. But just
22 to stick with the funding, perhaps, is the clearest way
23 to approach it.

24 So beginning back at the beginning of the year
25 when the Commission identified funding in each of the 25

1 four funding categories, and so that's where the whole
2 process gets kicked, off the ball starts rolling. And
3 so there are buckets, one for law enforcement, one for
4 conservation, one for restoration, and then one for --
5 those three by the way make up the conservation,
6 enforcement services account, which is a restricted
7 funding bucket where that money can only be spent in
8 those areas. Restoration can only be spent on
9 restoration, and then conservation and law enforcement
10 are the remaining funds in the CESA bucket,
11 Conservation Enforcement Services Account.

12 And then there's another pot of money called the
13 non-CESA. It's just everything that's not in that CESA
14 account. And so when we start the year, there is
15 \$18 million identified by the Governor as available for
16 the Grants and Cooperative Agreements program. In that

17 first meeting of the year, the Commission divided that
18 \$18 million up between those four buckets of -- those
19 four categories of funding.

20 So each grant applicant as they start the year,
21 the reason that process is set up is so that each year
22 as you go into the process, you can kind of have a
23 ballpark guess of, you know, there is more money in
24 this bucket, there is less money in that bucket. I'm
25 probably going to be more successful for my law

26

1 enforcement or restoration. It's like where should you
2 spend your time focusing of going through the process
3 of filling out an application. Because we realize that
4 is a timely process.

5 COMMISSIONER SPITLER: Just a point of
6 clarification, those funding levels are -- they're
7 determined by the Commission, but they're based on what
8 the legislation requires, how the legislation requires
9 that the funding be allocated.

10 CHIEF JENKINS: They're based on that
11 requirement in combination with the Division's budget.
12 So when the Division gets its entire budget, both the
13 grant \$18 million for grants and all of our operational
14 dollars, there are some specific guidance in the
15 statute that says that certain funds have to go into
16 the CESA account, and within that CESA account, you
17 have to have 30 percent of those funds go to
18 restoration, 70 percent is available for conservation
19 and law enforcement. How that conservation, law
20 enforcement, and restoration split is made at the end
21 of the year so that we meet our legal mandates is a

22 combination of both the funds that are spent in the
23 grants program and the funds that are spent in the
24 operation of the SVRAs and the Division. So that lays
25 across the whole framework.

27

1 Once the grant applicants choose their
2 categories and put in their applications, they fill out
3 the criteria for their particular project and turn it
4 in, and it is scored. And so that is what we have
5 before us now is all of those applications applying for
6 projects within those four funding categories.

7 So there might be a situation arise where one
8 category of money -- and that's why we'll hear them, by
9 the way, today by funding category, that makes it the
10 cleanest we felt for everybody to understand. So that
11 if you start with conservation, you know how much --
12 how many applications there are in conservation, and as
13 you go through it, you can have that criteria fresh in
14 your mind and just do it for each one, and you're not
15 jumping, kind of mentally jumping from the criteria for
16 restoration, back to the criteria for law enforcement,
17 et cetera. So we'll hear them by funding category, be
18 able to evaluate all of those scores, and then I would
19 assume at the end of the day, throw up the scores on
20 the wall and see where everything falls on that cutoff
21 line. Does that answer pretty much where you wanted me
22 to go?

23 COMMISSIONER SPITLER: It answers it for me. I
24 mean I understand the process, but I think that's fine.
25 I do have a couple just clarifying questions.

28

1 So there's basically two restricted funding
2 categories. There's restoration, there's CESA
3 nonrestoration, and then there is non-CESA. We have
4 broken out the CESA nonrestoration into conservation
5 and law enforcement, and that comes up with our four
6 large funding buckets, restoration, enforcement,
7 conservation, and non-CESA.

8 COMMISSIONER THOMAS: That's three.

9 COMMISSIONER SPITLER: Restoration, law
10 enforcement, conservation, and non-CESA. There's
11 eleven different application categories.

12 There's nothing in the regulations, as I've seen
13 them, that puts any application that's in a particular
14 application category into one of those four funding
15 buckets; is that correct?

16 CHIEF JENKINS: No, that's not correct.

17 COMMISSIONER SPITLER: Maybe you can clarify how
18 the decision is made as to when someone applies in any
19 particular application category, which of the four
20 large funding buckets it ends up in.

21 CHIEF JENKINS: Certainly. When you look at the
22 regulations, they incorporate the grants manual by
23 reference. So when you're applying for a grant or
24 cooperative agreement, you have to consider both the
25 regulations that are published, and then they reference

29

1 and are combined with the Grants and Cooperative
2 Agreements Manual. There are three chapters in the
3 Grants and Cooperative Agreements Manual.

4 In both chapter one and then again in chapter
5 three, there is a reference to the various 11 project
6 types and how they will be funded, whether they will be
7 funded in conservation, enforcement, restoration or
8 non-CESA. So it's listed there in chapter one and
9 chapter three.

10 And then there were a number of questions that
11 came in. This year when we were doing the process, we
12 were trying to be a little bit more interactive with
13 people to try to help people through the process. So
14 we did have a frequently asked questions web page up
15 available for people so that when they called in and
16 asked a question, and we would take that question,
17 place it on the frequently asked question page, so that
18 everybody that was applying would have the opportunity,
19 the benefit of having that same answer that we had
20 given out. This question was addressed during that
21 time period, somebody asked specifically about how you
22 could spend some of the restoration and planning
23 grants, and that was addressed then on the frequently
24 asked questions page on the web. And so it's three
25 places where the information could have been found,

30

1 chapter one, chapter three, and then on that frequently
2 asked questions page. And it does specify that
3 those -- you know, the law enforcement goes to law
4 enforcement bucket, restoration goes to the restoration
5 bucket, and the way those are decided -- perhaps left
6 out one point of information.

7 So as you're going through the grants manual and

8 filling out your application, you have to decide what
9 criteria you're going to answer as you are trying to
10 get your score, so that projects are scored against the
11 standard criteria for whatever those are. Restoration
12 has a unique set of criteria; law enforcement likewise,
13 and conservation. And then the rest of the project
14 types, the remaining nine -- eight project types have
15 specific criteria, and they are all in the non-CESA
16 bucket.

17 So when people turned in their application this
18 year, there were some instances where people would
19 apply for -- for instance, they would apply for an
20 equipment project and fill out the equipment criteria,
21 but then they would mark the front of the page law
22 enforcement because they intended to use the equipment
23 for law enforcement purposes. By the regulations, as
24 we interpret them, since they filled out the criteria
25 for equipment, that is, in fact, the criteria that

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1 we're judging their points against. And then according
2 to that chapter one, chapter three, and frequently
3 asked question reference, that then determines where
4 they go into the funding categories.

5 CHAIR BRISSENDEN: Mr. Willard.

6 COMMISSIONER WILLARD: Chair, question for
7 staff. Since we're getting a little bit of an overview
8 of the process, I would like to just make sure I have
9 the appropriate understanding of the Commission's role,
10 what I'm supposed to be looking at.

11 Obviously, there is a tremendous amount of
12 information. I had to bring a dolly to bring it all

13 in, and I'd like to tell you I read it all, but I
14 didn't. It's just too much.

15 And so I think the way this works is we have
16 staff. There's, I believe, five grant reviewers that
17 spent a good portion of the last month or three going
18 over this and understanding each grant, and then doing
19 the very subjective scoring. So, again, in a question:

20 What we're looking for is public input that's
21 factual that would somehow lead us as Commissioners to
22 question the scoring that's been applied and make a
23 change; otherwise, we have not read every grant and
24 reviewed every score -- I don't think we have.

25 COMMISSIONER SPITLER: Speak for yourself.

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1 COMMISSIONER THOMAS: I wouldn't admit to that.

2 COMMISSIONER WILLARD: Maybe my fellow
3 Commissioners have devoted more time than I, but it
4 just seems that it would be totally inefficient and
5 unrealistic to expect unpaid commissioners without
6 staff to get into the level of detail that is needed to
7 be fair to the public. So, again, I think what I'm
8 looking for is I'm just going to hear what happens, and
9 if I say -- if I see something, oh yes, geez, why did
10 they do this, based on some fact that I hear, then we
11 can make some changes to the scoring. But absent that,
12 how could we then -- I mean we have to go with what the
13 subjective criteria is. Is that correct? I know it's
14 a long question, but.

15 CHIEF JENKINS: And perhaps I can answer it best
16 this way: What we have provided to the Commissioners,

17 realizing that there is a tremendous amount of
18 information, those ten volumes of project applications
19 are quite a bit of material to go through, and it takes
20 our scoring team two solid months. We're actually
21 trying to adjust the schedule next year to give them
22 three months to score so that they can give due
23 consideration to all of the projects.

24 In the scoring books that we gave you where we
25 have brief comments below the criteria -- so we have in
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1 your scoring book, and if the members of the public
2 haven't looked on the web to see those yet, the scoring
3 sheets that we put up with the final scores from the
4 determinations that were reached by the Division
5 scoring teams, we would list the criteria. And then
6 for each sub point or bullet, we would put down what we
7 saw in the application that led us to awarding the
8 score that we put on there.

9 We did not put -- and this is where some
10 confusion came up later on. We did not put what was
11 necessarily missing. In other words, it might say for
12 a particular criteria where there is ten possible, the
13 applicant said that they would, and we list a couple of
14 facts, and then we award a score of three. What we
15 aren't showing there -- and based on input from the
16 public, we'll try to do this next year, is say they did
17 give us these facts, what we can't get were these other
18 facts. They didn't answer fully the question so they
19 might get partial scoring on that.

20 So when the Commissioners -- back to your
21 question. When the Commissioners look at the scoring

22 sheet, you're seeing the facts that we used to arrive
23 at the scores we arrived upon. And so now if the
24 public comes forward and says, you know, I really think
25 that in that particular area, there are more facts that
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1 weren't in evidence that, you know, the applicant
2 perhaps didn't put in the application or perhaps wasn't
3 clearly described in the application, and then they can
4 give you more factual information. And then it's up to
5 you, the Commission, to evaluate that information and
6 decide whether or not that warrants an adjusted score,
7 so.

8 COMMISSIONER WILLARD: Thank you.

9 CHAIR BRISSENDEN: Before you go ahead with your
10 question, Judith had a question prior to yours,
11 Commissioner Thomas.

12 VICE-CHAIR ANDERSON: Yes, among the volumes of
13 materials that we got, this partly addresses Gary's
14 concern over how much paper we're trying to process as
15 underpaid volunteers here. I will admit to perhaps not
16 a clear understanding at the subcommittee meeting in
17 Southern California. I think that inviting applicants
18 to submit materials in advance of this meeting was a
19 good idea, but perhaps it encouraged people to do
20 things which I don't think were fair to other
21 applicants, which was to attempt to rewrite their
22 application.

23 So in my own assessment of the materials,
24 particularly in light of the subcommittee meetings, I
25 was listening fairly carefully and looking through the
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1 paperwork fairly carefully for instances where
2 applicants felt that they had indeed answered the
3 questions in the criteria within the document, and the
4 staff that was evaluating it either didn't find it or
5 where the applicant felt that they didn't give it
6 enough weight. But I was not particularly interested,
7 in fact, I was fairly dismissive in the case where
8 people were submitting extensive rewrites of what
9 should have been the answers to their criteria, because
10 there were space limitations as I understand it. There
11 was a limitation on the number of pages that applicants
12 were supposed to confine their responses to, and that
13 inviting an applicant to, you know, keep all of their
14 responses within say ten pages, and then subsequently
15 file with us another five to ten pages of additional
16 information, I felt was not appropriate.

17 So at least within my own examination of the
18 materials, I looked at whether or not there was a
19 reference to where was that information in the
20 application, if the information was in the application,
21 could I find it. And in light of that, there was a lot
22 of difficulty because sometimes applicants in their
23 responses to their scores would refer to a confusion of
24 pages. And sometimes I think they referred to the
25 original pagination that they had used within their

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1 application, which didn't correspond to the pages that
2 I had my documents. And that was fairly confusing. So
3 I would hope that in the future we could establish some

4 kind of a uniform, you know, once the scoring and the
5 ten volumes come out, can we please everybody use the
6 same pages in referring to the material?

7 This is certainly a revision from where it was
8 last year, and I like the new order that we're using.
9 It certainly helps a lot that we got descriptions of,
10 as you were saying, Mr. Jenkins, between what was there
11 and what was not there. The law enforcement grants in
12 particular I thought were a little thin on reasons why
13 an application scored low, and I hope that we can
14 develop some standards about -- you're working on it,
15 I'm sure, but what was missing, how could this
16 application be improved because the scoring should not
17 only serve as a determiner for what kind of a grant
18 they might get this year, but also as an education tool
19 for future years. And if we don't provide any feedback
20 about what's missing or what's wrong, then I think it
21 becomes very problematic for applicants to improve
22 their work.

23 CHIEF JENKINS: Yes, thank you. And as I note
24 that is something that many of the applicants pointed
25 out to us, as well, that uncertainty about why we

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1 have -- it's like you said right there, that we gave
2 you facts and yet you didn't give us full points, so
3 we've come to that same realization that our comments
4 would be more efficient if we also included what was
5 missing or what we would have liked to have seen to
6 achieve that full score.

7 VICE-CHAIR ANDERSON: I have sort of a little

8 follow-up question. In a couple of instances,
9 applicants submitted essentially the same information
10 in within several grants, the same criteria question
11 was there, particularly in the section on experience,
12 okay, experience, what is your record with past grants;
13 and were dismayed to point out that although they
14 provided the same information in the conservation grant
15 and the equipment grant, that the same information was
16 scored differently, and there may be rationale for
17 that, but it's not clear to me what that rationale
18 would be. So that kind of internal consistency also I
19 would ask that you give some kind of attention.

20 CHIEF JENKINS: And as we go through the
21 individual projects, we can look at those on a
22 case-by-case basis if you like as we go through. Just
23 to speak to it as a general concept, we did look. The
24 teams did go back and try to once they were through the
25 process, tried to go back and make sure that at least

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1 the teams themselves within their project categories
2 were consistent from beginning to end in how they
3 scored. We realize at the end, it's a human process
4 driven by human minds, so sometimes there can be
5 variation in there. However, we did make an attempt to
6 go back and look at those. In some cases we found that
7 they would basically cut and paste text over. But in
8 some instance, they would add like one extra line that
9 would give a little bit more information. Or in other
10 cases, the same information might have more weight on
11 certain categories than it does on another. They might
12 have had many years of law enforcement grants, but this

13 is the first time they're really asking for a large
14 equipment grant. So while they have a good history of
15 grants, per se, perhaps they really haven't done
16 equipment grants with us in the past, and might not be
17 worth the same weight. And sometimes, quite honestly,
18 from scoring team to scoring team, there may be a
19 little bit of variability in how they interpret what
20 was said. But the key is within that category, within
21 that funding bucket, that was the same team within the
22 funding bucket. So that everybody was comparing --
23 within that funding bucket, it is a level playing
24 field, and that's the most important part, I believe.

25 VICE-CHAIR ANDERSON: Thank you.

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1 CHAIR BRISSENDEN: I have Commissioner Thomas,
2 then Willard, and Spitler have comments and questions.
3 Commissioner Thomas.

4 COMMISSIONER THOMAS: I just need to make sure
5 we're all on the same factual page. Now, is the
6 summary sheet of 10/24 that identifies itself as
7 revised 10/23, is that the summary that we're using?

8 CHIEF JENKINS: In your binder were some
9 spreadsheets that should be colored this color.

10 COMMISSIONER THOMAS: Those are Consent sheets.

11 CHIEF JENKINS: They have both the Consent
12 Calendar on there, as well as all of the most recent
13 information.

14 COMMISSIONER THOMAS: Okay. But these are
15 Consent Calendar by score from the top, right?

16 CHIEF JENKINS: For instance, if you look at the

17 first page, which is the conservation spreadsheet, and
18 you'll see that it's listed. It has the Consent
19 Calendar on the end, so we noted that you'd have the
20 Consent Calendar on this spreadsheet.

21 COMMISSIONER THOMAS: Just a second. It should
22 be self-evident. I mean I'm not, you know -- anyway,
23 I'll restrain myself. Let's get back to it.

24 DEPUTY DIR. GREENE: Commissioner Thomas, it
25 might be clear --

40

1 COMMISSIONER THOMAS: Let me work through this,
2 please. The title says, "Consent", but it's not
3 Consent, it's something else identified by the yes and
4 nos on the side.

5 CHIEF JENKINS: No.

6 COMMISSIONER THOMAS: Explain to me what we're
7 working with.

8 CHIEF JENKINS: Let me answer that. It is in
9 fact a reflection of the Consent calendar that was
10 developed at the subcommittee meetings. And as you go
11 through today and either take the Consent calendar as
12 it is or adjust it in a vote on it, we can use that
13 last column where it says Consent, yes or no, to
14 interpret that.

15 It is also the most current spreadsheets with
16 all of the scores, all of the information that has been
17 on your previous spreadsheets, and any corrections that
18 had to be made noted at the bottom of each category in
19 the footnotes section. So right now this spreadsheet
20 will have the most current, the final information as
21 it's being presented, and this is our starting point

22 for today.

23 COMMISSIONER THOMAS: What is different from
24 10/23 to the 11/21 sheets? Because I prepared off the
25 original volume and the 10/23 summaries, which is

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1 logically what one would do.

2 CHIEF JENKINS: Yes.

3 COMMISSIONER THOMAS: If you're looking at the
4 entire package, as opposed to merely dividing it into
5 consent and non-consent.

6 CHIEF JENKINS: So you can look on each of these
7 as I noted at the bottom, you'll see --

8 COMMISSIONER THOMAS: Each of which?

9 CHIEF JENKINS: Each of the yellow categories.

10 COMMISSIONER THOMAS: Each of the yellow
11 categories.

12 CHIEF JENKINS: So if you go to the -- let me
13 give you an example, perhaps would be illustrative and
14 explain what you are after.

15 COMMISSIONER THOMAS: That would be nice. Thank
16 you.

17 CHIEF JENKINS: If you go to the first page,
18 which is conservation projects. The first page of
19 actual spreadsheets.

20 COMMISSIONER THOMAS: First full page of text
21 after the yellow title page, thank you.

22 (Inaudible, Reporter interrupted.)

23 CHAIR BRISSENDEN: The transcriber cannot hear,
24 Hal. And I don't know, I can hear him very clearly so
25 I don't know what's going on.

42

1 COMMISSIONER THOMAS: First full page of
2 Consent.

3 CHIEF JENKINS: On the bottom right it says page
4 one of nine. And so anything that was changed on this
5 sheet from the last sheet that you were referring to on
6 10/23, you'll notice at the bottom, it says revision.

7 COMMISSIONER THOMAS: At the bottom of which,
8 where is it?

9 CHIEF JENKINS: If you look at the bottom of the
10 page below the table.

11 COMMISSIONER THOMAS: I see, on the left side.
12 Thank you.

13 CHIEF JENKINS: It says revisions. You'll see
14 that there is a revision noted from 10/23 which should
15 have been on your last 10/23 spreadsheet, and the only
16 change since this is noted. It says 11/21 added
17 Consent column. So that would be the one change from
18 the last sheet that you had looked at, the last
19 spreadsheet that you had looked at, we added the
20 Consent column. And so we noted that so it would be
21 quite easy for the Commissioners and yourselves, the
22 public, to look at this and say, what's different from
23 the sheet I was looking at to this sheet. That will be
24 noted in the revisions footnote at the bottom of the
25 page.

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1 COMMISSIONER THOMAS: And could you now
2 summarize the various changes you've made, so that I
3 can go back to my 10/23 worksheet and actually perform

4 intelligent decision making today? In other words,
5 what revisions were made? I see in the first page it
6 was originally a single revision, then it's just a
7 Consent column.

8 CHIEF JENKINS: Correct, and if you go to the
9 bottom of the next category, which would be page three
10 of nine.

11 COMMISSIONER THOMAS: Just added Consent
12 calendar.

13 CHIEF JENKINS: Right, just added the Consent
14 calendar there.

15 COMMISSIONER THOMAS: Same for nine.

16 CHIEF JENKINS: On restoration, which is page
17 four of nine, there was addition of 11/21, added
18 Consent column to that score sheet.

19 COMMISSIONER THOMAS: Okay. So that's not
20 significant changes.

21 CHIEF JENKINS: And then there were two
22 changes -- if you go to the page eight of nine, you'll
23 see that the footnotes on that page begin with the most
24 recent spreadsheet that you had been looking at was --

25 COMMISSIONER THOMAS: 10/23.

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1 CHIEF JENKINS: So you'll see that we made
2 changes on 10/31, remaining column was removed when
3 sheet was sorted by project type. So what there had
4 been on the sheet you looked at previously was a
5 countdown like was on the other categories where we
6 listed things by how much money was -- by their scores
7 so that you could see when the funding ran out.

8 In order for the Commission to look at these
9 sheets and consider them project by project, we had to
10 resort the information so that all of the acquisition
11 was together with acquisition, et cetera. By doing
12 that, we couldn't show on this sheet that cutoff line
13 because it reordered them.

14 COMMISSIONER THOMAS: So we don't know when the
15 funding runs out.

16 CHIEF JENKINS: On this one, as I stated at the
17 beginning of that explanation, I think the process
18 would be that we would go through -- you would go
19 through, apply scores based on the criteria, and then
20 at the end of the day, once all of those were scored,
21 we could then go back and resort the information by
22 score and be able to project that at the end of the
23 day.

24 COMMISSIONER THOMAS: So that when we are
25 evaluating scores, we don't know when the funding runs
45

1 out.

2 CHIEF JENKINS: That is correct, which I think
3 is not part of what the consideration would be in any
4 case because you're scoring them against the criteria,
5 not against the available funds.

6 COMMISSIONER THOMAS: I don't accept that, but
7 we'll proceed.

8 Continue to tell me what changes you made so
9 that I can understand these new sheets.

10 CHIEF JENKINS: The next footnote is 10/31/2006
11 grant OR-2-MA-60 requested an amount change from
12 \$290,385 to \$289,163.

13 COMMISSIONER THOMAS: Thank you. That's not
14 consequentia l .

15 CHIEF JENKINS: All right. The next one is
16 11/3, there was a project that was withdrawn by the
17 applicant.

18 COMMISSIONER THOMAS: Which project was that?

19 CHIEF JENKINS: OR-2-P-87, one of the grants
20 administrators can help me with who that was, the
21 Plumas planning grant, withdrawn.

22 And then 11/21, the Consent column, once again,
23 was added.

24 COMMISSIONER THOMAS: All right. Is that it?

25 CHIEF JENKINS: Those were the changes, yes.

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1 CHAIR BRISSENDEN: Do you have further
2 questions, Commissioner Thomas?

3 COMMISSIONER THOMAS: Not at this time, thank
4 you.

5 CHAIR BRISSENDEN: Commissioner Willard.

6 COMMISSIONER WILLARD: This is along the lines
7 of, you know, the whole process is competitive, it's a
8 lot of work and time and effort and in some instances
9 money by the applicants to make these applications. I
10 think it's our duty to ensure a very level playing
11 field and that everyone plays by the same rules.

12 And so there was a lot of information that came
13 after the subcommittee hearings, and I just want to
14 know what we should consider, what's appropriate,
15 what's fair, so that one applicant didn't get an unfair
16 advantage on another. Because, again, it's a

17 competitive thing how we're going through this process.

18 CHIEF JENKINS: Thank you. And I can tell you
19 what's in the regulations, and then I'll throw it back
20 to the Chair for how he chooses to address that answer
21 because I believe that answer rightfully belongs with
22 the Chair.

23 The regulations do allow for at the subcommittee
24 meetings both the public and the applicant to provide
25 factual information, either clarify factual information

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1 that existed or to submit new factual information. So
2 that latitude is given in the regulations. I would go
3 to the Chair to discuss that amongst yourselves about
4 how you choose to proceed, with the only thought that I
5 would add, would be whatever process you use, as long
6 as it's universally applied and you maintain that
7 competitive level playing field, that would be your
8 prerogative. I don't know if counsel has anything more
9 to add.

10 COMMISSIONER WILLARD: I just want to be more
11 specific, there was a packet of information I got
12 through the mail yesterday, and I'm just wondering if
13 that's information that was submitted per the rules and
14 is to be considered, or was that sort of something that
15 just came in on its own outside of the rules.

16 CHIEF JENKINS: Counsel, perhaps you can address
17 that?

18 MR. LaFRANCHI: The process as outlined in the
19 regulations contemplated that the Commission would
20 consider basically three or four items when it did its
21 independent review of the staff work, independent

22 review of the scoring. One of those items, of course,
23 the original applications. Another item would be the
24 public testimony that was presented at the Commission
25 meetings, subcommittee meetings. Another item would be 48

1 any additional written input or comments that were
2 provided to the Commission. This is pretty standard
3 for commissions holding public meetings. They're
4 required to allow for public comment.

5 And so from the inception, and as outlined in
6 the regulations, all of the applicants know or should
7 know that the Commission could consider additional
8 information; therefore, they all had and will have had
9 the opportunity to provide whatever additional factual
10 information they want to provide to the Commission;
11 therefore, they're all on the same level as far as the
12 competitive process.

13 At that point, it's up to the Commission in its
14 discretion to decide what information it wishes to rely
15 on and what information it's going to disregard in
16 exercising its final judgment on how these should be
17 awarded, and how the monies should be allocated, and
18 how the deliverables should be approved.

19 COMMISSIONER WILLARD: Thank you.

20 CHAIR BRISSENDEN: So it's been thrown back to
21 me in the Commission. And I think, Gary, you pointed
22 it out rather well, that a level playing field is
23 really rather difficult in this situation.

24 I would prefer to refer back to the good work of
25 the staff that took two months to do the scoring, we 49

1 certainly don't have that time to do that due
2 diligence, to look at what those recommendations were
3 at that time and try to filter out all of this excess
4 information that came in after the 12th hour.

5 MR. LaFRANCHI: Can I add one comment, Chair
6 Brissenden. The Commission is clearly and perfectly
7 entitled to presume that the work that was done by
8 staff and submitted to it is accurate and appropriate
9 without any future review. And it would only be in a
10 situation, for example, as you pointed out Commissioner
11 Willard, where somebody raises a question about the
12 original work done by staff that you would in essence
13 be triggered. That doesn't mean that one of the
14 commissioners could not on his or her own motion, if
15 you will, or his or her own volition, look at an
16 application and bring up a question about that
17 original -- the Division and the staff's scoring.

18 But the bottom line is the Commission may, and
19 is entitled to, rely on the Division's work if it so
20 chooses and presume that that work is accurate unless
21 it finds in its own discretion that there is some error
22 or problem with that information.

23 CHAIR BRISSENDEN: Commissioner Spittler, you had
24 some comments to weigh in with.

25 COMMISSIONER SPITLER: Well, as the senior

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1 member of the Commission, I just wanted to make just a
2 general observation about the process today and the
3 process that we're using to evaluate these grants.

4 Commissioner Willard, you don't recall because
5 you weren't on the Commission before we did this new
6 competitive process. And back in the day, we would
7 have eight binders which were at least six inches thick
8 of grant materials, and I think six days of meetings,
9 at least, maybe eight, to go through the grants. And
10 it was a very difficult, time-consuming, elaborate, and
11 subjective process.

12 And I just wanted to commend the staff for their
13 excellent work in the shifting us to this new scoring
14 system. I know it hasn't been an easy transition, and
15 I think a particular deputy director has done a great
16 job moving to a new competitive scoring system, which I
17 think will be in everyone's best interest. And I think
18 the staff recommendations this year are by far the most
19 thoughtful that I've seen in my time on the Commission.
20 And this has been just a really thoughtful process.
21 And that's not to say I agree with all of the scores.
22 I certainly don't and will make my disagreements known
23 throughout the next couple of days, but I just really
24 want to hand it to the staff for their excellent work
25 in getting us to this point, and their really

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1 thoughtful evaluation of the applications and the
2 entire process.

3 CHIEF JENKINS: Thank you, Commissioner, and I
4 know that means a tremendous amount to the staff
5 because they really have dedicated a big chunk of their
6 lives recently to this effort, so thank you.

7 CHAIR BRISSENDEN: Any other thoughts?

8 Commi ssi oner Pri zmi ch, pl ease.

9 COMMI SSI ONER PRI ZMI CH: As the second most
10 seni or commi ssi oner by several months probably -- were
11 you on before me -- talk about that at break, how is
12 that.

13 Several of us went through the volumes of books
14 that we carry around.

15 VICE-CHAIR ANDERSON: Check the date we swore
16 in.

17 COMMI SSI ONER PRI ZMI CH: The questi on I have is I
18 guess twofold. First of all, I'd like to compliment
19 Hal Thomas on his courage to ask the questions that he
20 asks. I think that we all presume sometimes that we
21 know what we're reading, and I for one di dn' t have the
22 courage to ask that and was kind of willy-nilly
23 marching down the road. So I was appreciative in
24 hearing some of the defi ni ti ons that came from Phil.
25 You did a great job, Phil, thank you. And I think the

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1 attendees also appreciated that, so thank you both.

2 The problem when we first started this process
3 several years back, at least from my area of concern,
4 the law enforcement area, was that as questions came up
5 originally, the staff at OHV were not as helpful in
6 terms of answering those questions as the grants were
7 being sent in and evaluated and whatnot.

8 And I understand there has been a change in
9 that, and could we just get a little without -- over an
10 hour into this thing, and we're going nowhere, but just
11 for purposes of everybody's understanding, could you
12 just explain how that's changed just recently?

13 CHIEF JENKINS: Yes, just very briefly, last
14 year there was a concern that if we allow people to
15 call directly and speak to the individual grant
16 administrators or staff at the Division, that somebody
17 might get an advantage over somebody else because they
18 had a conversation or had information that wasn't
19 available to everybody, that everybody wasn't privy to.

20 So in an effort to make sure that we maintained
21 that level playing field, we required that everybody
22 submit questions on the web, and then we would answer
23 them on the web, and that was the way we handled the
24 process.

25 What we learned through the year was that it's

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1 very difficult sometimes to get your real question down
2 in writing. So often the question that we answered
3 wasn't the question that the applicant was really
4 asking. So what we did this year to adjust for that
5 was we allowed for people to call in and actually speak
6 to a grant administrator. We had each grant
7 administrator keep a phone log so that we know every
8 time somebody called, it was written down, spoke with
9 so and so, discussed about these issues, this was their
10 question, this is the answer I give them. So that way
11 we know that we've captured all those phone calls,
12 nobody gets the private phone call and insider
13 information.

14 Once we had answered the question, the first
15 thing that the grants administrator would do, by the
16 way, would ask -- you know, that sounds like a lot of

17 what you're asking is already on the frequently asked
18 question page, you can go to the page, and they would
19 take them to the page and show them where the answer
20 would be found. Quite often they would ask a question
21 that we haven't been asked before, so they would answer
22 the question. And then at the end of the phone call,
23 they would then post the question and answer that they
24 gave onto the frequently asked question page. So that
25 allowed for both the personal interaction, the ability

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1 to make sure that we really are answering the question
2 that the applicant was asking, and then everybody gets
3 to see that same answer, it's all up there on the web,
4 everybody has the same world of information to peruse
5 as they're going through and trying to decide how to
6 fill out their application.

7 COMMISSIONER PRIZMICH: Thank you. My
8 understanding is that worked better this year than in
9 the past.

10 CHIEF JENKINS: We felt it did. I know some of
11 the applicants thought it was great. I know, as in any
12 process, there are still some bugs to work out.

13 COMMISSIONER PRIZMICH: I know for one, I didn't
14 receive the volume of calls this year that I have in
15 the past.

16 CHIEF JENKINS: That's a good thing.

17 COMMISSIONER PRIZMICH: The one final
18 commentary, if I might, I'm still not convinced that
19 the method that we're utilizing is the best method, and
20 hopefully that will evolve and change.

21 Our charge here is to provide grants to

22 grantees, and I think we are focusing on scoring versus
23 granting, and I'm not sure at the end of the day that
24 we're actually providing -- because not everyone can
25 write a good grant, like it or not. Yet there are

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1 needy people out there, agencies that are in real need
2 of these monies. And I don't have a solution to it,
3 unfortunately. But I think it's something that we need
4 to keep in mind, that we're one step removed from
5 actually giving out the money. We're actually
6 confirming or not confirming the scoring process, and
7 I'm not really completely comfortable with that.

8 COMMISSIONER THOMAS: I would like to follow
9 that because I think, Commissioner, you're right on the
10 mark. Our charge is to give out grants, not make
11 scores. And every time we adjust the score, it's going
12 to have an impact on a grant whether it's on the
13 Consent calendar or off the Consent calendar, which is
14 why initially I was advocating that we take everything
15 off of Consent because at the moment you start
16 manipulating scores, you will manipulate grants and
17 thereby somebody who had an entitlement on Monday --
18 entitlement prior to today's meeting after the Consent
19 vote, will no longer have that entitlement so that will
20 be effectively a loss of position. The Commission, I'm
21 sure, will do what it does.

22 But the issue of grants versus scores is
23 important because we are, in effect, and I look at the
24 law enforcement category for a good example, by giving
25 large grants to a couple of people, we are effectively

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1 denying grants for ten Northern California counties,
2 and all because it's a score, not because of a choice
3 we made, but because of a score we gave. And I think
4 that the equities and the balancing that this
5 Commission was appointed to do is defeated by that
6 scoring system. And I know the way, the remedy to
7 that. The remedy to that is for us exercise our
8 discretion as individuals and to readjust scores. In
9 order to readjust scores, you have to take them off of
10 Consent.

11 COMMISSIONER PRIZMICH: Thank you for that
12 commentary. I'm not sure that I agree that this is not
13 in and of itself a bad way of doing it. I just think
14 there are some difficulties with it.

15 COMMISSIONER THOMAS: I agree.

16 COMMISSIONER PRIZMICH: That we could hopefully
17 could keep in mind.

18 CHIEF JENKINS: If I may, just one point of
19 clarification. I just have to at least respond to
20 that.

21 At the end of the day, the Commission is indeed
22 granting the money out to achieve the goals of the
23 program. The scores relate to that in a very specific
24 and meaningful way in that the comment was also made
25 about good grant writers and the ability to get the

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1 money where it belongs.

2 You don't have to be a good grant writer to get
3 a good score. You could literally go through and

4 answer the questions, the criteria in bullet point form
5 and use terrible English, and you might achieve a
6 fantastic score because what we're looking for is
7 factual information, not beautiful prose, not flowing
8 penmanship. We're looking for facts that address the
9 criteria, the criteria that are built on achieving the
10 intent of the program.

11 So when you look at that whole world of how does
12 this all fit together, we're all trying to implement
13 the OHV Act. We're all trying to achieve the goals of
14 the program which is the sustainable recreation, the
15 protection of the environment, all of those issues.
16 What the score does is reflect how well in the opinion
17 of the Division and the Commission, at the end of the
18 day, how well that project achieves those aims. And so
19 the score is a measuring stick, if you will, about this
20 application achieves our aims better than this
21 application does at the end of the day, thus that's how
22 they get sorted and funded. So I would say the scores
23 are just a tool in achieving that end goal of meeting
24 the goals of the program.

25 CHAIR BRISSENDEN: Okay. I think this has been 58

1 a good discussion. Did you have one more additional
2 comment?

3 COMMISSIONER PRIZMICH: Real brief, and no need
4 to get tweaked about it. It's just a problem that I
5 can see that can arise and become an overbearing burden
6 that we end up dealing. I think this is better than it
7 was, and I know you don't need to be Shakespeare to

8 complete these grants, but there are still people in
9 need out there that aren't getting the money that they
10 need. So there's got to be a way and some means to get
11 there. So thank you all for the work.

12 CHAIR BRISSENDEN: Okay. Thank you. Back to
13 the Consent calendar. I, myself, am a little perplexed
14 on how to go forward at this point, but I would take
15 some direction from the Commission.

16 I do have public comment cards, and my
17 understanding from counsel is that we have to at least
18 address these requests for removal from Consent, and
19 there's about 22 that have been requested, plus I have
20 several fairly generic requests saying all, which I
21 can't quite deal with.

22 So could you comment for the Commission and the
23 public at large as to how to go forward here and try to
24 keep it brief. We have high-paid federal employees
25 tapping their wristwatches already.

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1 MR. LaFRANCHI: Yes, I hear that, Mr. Chair.
2 Basically consent calendars are designed to expedite
3 processes and get approval where there is no
4 controversy with regard to a particular item. During
5 the subcommittee meetings, the prime purpose of the
6 subcommittee meetings, and the process of the
7 subcommittee meetings, was to make a determination and
8 make a recommendation to the full Commission as to
9 which items should be on Consent and which would be off
10 of Consent.

11 At the end of those meetings, or during those
12 meetings, during those subcommittee meetings, the

13 person chairing the meeting would indicate -- the
14 subcommittee would make a decision, we're going to put
15 this on consent or not, and at that point, the
16 applicants or the public made a decision, and in some
17 respects were, if not instructed at least advised, that
18 if they were not being placed on consent at that point,
19 they would have the opportunity to comment at the full
20 Commission meeting and save their comments for the full
21 Commission meeting.

22 So we have kind of a three-pronged situation,
23 those that are off Consent, clearly the public has an
24 opportunity and thought they were going to have an
25 opportunity to comment at the full Commission meeting. 60

1 Those that were indicated as being Consent during or --
2 recommended for Consent during the subcommittee
3 meetings had a full opportunity at those subcommittee
4 meetings to comment on their item. The open meeting
5 law does not require any further opportunity for
6 comments on those items.

7 The iffy items are the ones that were added to
8 Consent following the subcommittee meetings on further
9 review. Those items, the members of the public and the
10 audience believe they would have further opportunity to
11 comment at the full Commission meeting. If those items
12 are left on Consent at this point, they would not have
13 their full opportunity to comment, thus we have devised
14 a method whereby members of the public whose items they
15 wished to Consent on that are marked with double
16 asterisks in the yellow on or off Consent column, have

17 the opportunity to request that those items be pulled
18 off Consent if they so wish an opportunity to comment,
19 in which case you would need to pull them off of
20 Consent and consider them individually with the other
21 items.

22 CHAIR BRISSENDEN: Was that clear?

23 Ms. Anderson.

24 VICE-CHAIR ANDERSON: Upon careful review of my
25 notes from the Southern California subcommittee

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1 meeting, I'll move this process along by asking for a
2 small list of grants to be moved off the Consent
3 calendar. When I looked at my notes, I missed one of
4 the -- one of my pages where I had details, so I'm
5 sorry that the recommendations that came out were
6 incorrect in terms what happened in Southern
7 California. So I'd like to begin in the law
8 enforcement category.

9 CHAIR BRISSENDEN: We have a comment before you
10 go forward with this. I think we'll hear from
11 Commissioner Spittler.

12 COMMISSIONER SPITTLER: I mean I think this
13 process is going to go a lot smoother if we just stick
14 to the funding bucket that we're dealing with now,
15 which I see on the TV in front of me is conservation.
16 So rather than starting to address the Consent calendar
17 for other categories, enforcement, restoration,
18 et cetera, my suggestion would be that we stick to the
19 conservation category, develop a Consent list, agree to
20 take action on that Consent list, and then take the
21 individual conservation grants that are not on Consent.

22 VICE-CHAIR ANDERSON: That's fine. I can live
23 with that.

24 COMMISSIONER THOMAS: That seems reasonable.

25 CHAIR BRISSENDEN: Otherwise, it's a little --

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1 as you can see, I have many a yellow page here, as
2 well.

3 So with that suggestion, for those in the
4 audience, the conservation projects starting with
5 OR-2180, we'll look at -- shall we just go look at --

6 VICE-CHAIR ANDERSON: Does anyone have any
7 suggestions for other things that they want off the
8 Consent calendar for conservation?

9 COMMISSIONER McMILLIN: I have a question. Why
10 don't we try to leave everything on the Consent
11 calendar except for the double asterisks ones in
12 conservation that the public would like to comment on,
13 or any of the single asterisked items that the
14 commissioners want to pull off? That's the law, isn't
15 it, sort of say? I think the people that have put
16 these slips in and say they want to comment on
17 everything and have us pull everything on the Consent
18 calendar, is not fair.

19 MR. LaFRANCHI: If I may, Mr. Chair just affirm
20 that. Those that have the single asterisks, the public
21 would not have an opportunity to request that they be
22 pulled off, only the Commissioners could request that.

23 COMMISSIONER SPITLER: So I think that's a fair
24 suggestion, Mr. Chair, and perhaps the way to handle
25 this process most efficiently at this point is to just

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1 ask any Commissioners if there is any single asterisk
2 items to be pulled off Consent and ask the public to
3 step up to the microphone to request any double
4 asterisked items be pulled off Consent.

5 CHAIR BRISSENDEN: Because as you can see, we
6 have people that have commented on all, and we need
7 some clarification on what they mean. So, yes, I will
8 with that suggestion go forward.

9 Are there any ones with the asterisks that wish
10 to be -- from the Commissioners that wish to be pulled
11 off? I'm seeing shaking of heads.

12 Do we have anybody from the public under
13 conservation on the single asterisks. On the double
14 asterisks, thank you. Seeing no one, do I have a
15 motion?

16 COMMISSIONER SPITLER: Move the Consent calendar
17 under conservation.

18 MEMBER OF THE PUBLIC: Are you talking single
19 asterisks or double asterisks?

20 COMMISSIONER McMILLIN: Double for you.

21 MEMBER OF THE PUBLIC: Double would be, yes,
22 pull it off.

23 COMMISSIONER SPITLER: Please step forward.

24 CHAIR BRISSENDEN: Just state your name and your
25 agency and the number of the one that you wish pulled.

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1 No other rationale is needed.

2 COMMISSIONER McMILLIN: Shall we start with like
3 number four, go in line items?

4 COMMISSIONER SPITLER: No, no, I think we should
5 just ask the public which items they want pulled off.
6 We will pull those off. We won't get into comments on
7 those because when they come off Consent, we will have
8 an opportunity to discuss them.

9 TOM KAUCHER: Tom Kaucher, Angeles National
10 Forest, OR-2-A-68, conservation.

11 KAREN MCKINLEY: Karen McKinley, Los Padres
12 National Forest, OR-2-LP-102.

13 RON GARTLAND: Ron Gartland, BLM, California
14 Desert District Office, OR-1-CD-365 and OR-1-CD-353.

15 COMMISSIONER THOMAS: Can you give us a line
16 item if you've got the yellow pages there?

17 CHAIR BRISSENDEN: 18 and 19. And I should warn
18 you if you have a high score, I wouldn't pull it off,
19 or even some money.

20 DIANA CRAIG: Diana Craig, with the U.S. Forest
21 Service OR-2-SW-37. Thank you.

22 CHAIR BRISSENDEN: And per Hal, which ones, line
23 15.

24 COMMISSIONER THOMAS: Line 15.

25 COMMISSIONER McMILLIN: Excuse me, that's a

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1 single line item. You can't pull those off, single
2 asterisk.

3 CHAIR BRISSENDEN: Good try.

4 COMMISSIONER SPITLER: We are paying attention.

5 CHAIR BRISSENDEN: Seeing no other wishes for
6 being off the Consent, do I have a motion of the
7 remaining, and maybe we should call those out at this

8 point so it's clear?

9 COMMISSIONER McMILLIN: I'll make a motion that
10 we move the Consent calendar forward with everything
11 except for line item six.

12 CHAIR BRISSENDEN: Seven was the one, I thought.

13 VICE-CHAIR ANDERSON: Six, seven.

14 COMMISSIONER McMILLIN: I believe it was 6, 10,
15 18, and 19.

16 COMMISSIONER WILLARD: In addition to the ones
17 that are labeled as being off of Consent, that's what
18 you mean?

19 COMMISSIONER McMILLIN: Correct.

20 CHAIR BRISSENDEN: There is a motion. Do I have
21 a second?

22 COMMISSIONER SPITLER: Second. Public comment.

23 CHAIR BRISSENDEN: Thank you. Public comment on
24 the Consent calendar for conservation projects.

25 MR. LaFRANCHI: Chair Brissenden, you don't need
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1 to ask for public comment on the Consent items at this
2 point. They can move forward. Just for your
3 information, they can move forward without any further
4 discussion.

5 CHAIR BRISSENDEN: I like your approach over
6 this younger lawyer. Is that fair to your -- I see no
7 one, so the question is before us. All those in favor?

8 (Commissioners simultaneously voted.)

9 CHAIR BRISSENDEN: Opposed?

10 So shall we then go forward with those that were
11 just pulled off?

12 COMMISSIONER SPITLER: Mr. Chair, I have a
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13 question for staff. I just have one question for staff
14 before we get into the individual conservation items.

15 There's grants that were put under the non-CESA
16 category, which is the -- I don't have the grant
17 number, but wildlife studies from the Forest Service
18 Regional Office. Historically, the Commission has
19 actually funded that grant, I believe out of the
20 conservation category. Is the staff's opinion that
21 that grant is appropriately placed in non-CESA and
22 should not come out of the conservation category?

23 CHIEF JENKINS: That decision I would say yes,
24 and that decision was based on the criteria that they
25 filled out.

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1 COMMISSIONER SPITLER: Thank you.

2 DEPUTY DIR. GREENE: Chairman Brisenden, for
3 the stenographer, thank you.

4 CHAIR BRISSENDEN: I have been advised that the
5 stenographer's hands get weary after an hour and a
6 half, and so there might be other demands on people's
7 bodies that we should address that, and we can take a
8 five-minute break and be back at ten after.

9 (Break taken in proceedings.)

10 CHAIR BRISSENDEN: So the first application that
11 was not on Consent was OR-1-SW-45, if I'm following
12 across correctly. I'm sorry, OR-2-A-68, Angeles
13 National Conservation '07.

14 And I will look to the staff to give us a little
15 bit of overview on that for just like two sentences,
16 three sentences.

17 OHMVR STAFF GREENWOOD: Hi, Barbara Greenwood,
18 with the grant staff. We had 20 conservation projects,
19 and there was a total of \$1,883,788 requested. And the
20 funding target for that conservation bucket is one
21 million dollars.

22 CHAIR BRISSENDEN: And just a brief overview, we
23 have a request for \$139,000 on this particular grant.

24 OHMVR STAFF GREENWOOD: I'll go ahead and read
25 the grant.

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1 CHAIR BRISSENDEN: We had a Commission
2 allocation of zero. If you could just read into --

3 OHMVR STAFF GREENWOOD: Okay. The requested
4 amount was \$139,465. The score was 77. The percent
5 was 70, and the funding determination was \$97,626.

6 CHAIR BRISSENDEN: So would the applicant like
7 to comment?

8 TOM KAUCHER: Tom Kaucher, Angeles National
9 Forest, Off-Highway Vehicle Coordinator. First, I'd
10 like to just make the comment to Mr. Brissenden about
11 his efforts to the State Legislature to get federal
12 funding, I would like to have that happen. Also, the
13 last thing I would like to do is continue doing these
14 grant applications like this. But if we get better
15 federal funding, that would be fantastic.

16 CHAIR BRISSENDEN: It's not the State
17 Legislature, by the way, it's those other guys back
18 east.

19 TOM KAUCHER: Good for your efforts, if you
20 could do that, for sure.

21 The other thing is I'd like to know what you
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22 consider to be a high score. You mentioned that a high
23 score probably shouldn't be up here, but.

24 CHAIR BRISSENDEN: Just my interpretation given
25 that there is \$40 million in requests, and we have

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1 \$18 million. If you're getting anything, you probably
2 shouldn't be up here, but that's my simplification.

3 TOM KAUCHER: Yes, I did submit information at
4 the southern grants meeting requesting a higher score.
5 I still believe that there's information within that
6 that would give us a higher score. It's very important
7 that we continue the efforts we've been doing in the
8 past with our conservation efforts, especially with the
9 hardening block that we've used in the past that has
10 reduced our maintenance cost. With the innovative use
11 of the hardening block, we've cut down our use of our
12 heavy equipment by at least 70 percent. We no longer
13 have to put the tractor out there, and that's really an
14 important part. The information there, I hope you
15 consider increasing the score on us. Thank you.

16 COMMISSIONER WILLARD: Chair, maybe so that this
17 moves a little bit quicker, we could ask people making
18 comments to keep it to specifics on the scoring and
19 what score they didn't like and why it should be
20 changed, and then submit the factual information that
21 we should consider; instead of more just general
22 statements about -- that are more conclusory, I
23 guess. That would be appreciated. Thank you.

24 CHAIR BRISSENDEN: Good advice. We currently
25 have you score at 77. Because you were taken off

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1 Consent you were at zero percent funding from our
2 little table up here.

3 What's the pleasure of the Commissioners? Do we
4 have any questions of the applicant?

5 COMMISSIONER McMILLIN: You thought you should
6 have scored 89 at the south grants meeting; is that
7 still where you're standing?

8 TOM KAUCHER: Yes.

9 COMMISSIONER McMILLIN: He presented us
10 information at the south grants hearing, that I can't
11 remember specifically, but I made a note that he
12 thought it should be an 89, and I thought it was
13 reasonable information at the time without having it
14 laid out in front of me, again.

15 TOM KAUCHER: I was hoping that I wouldn't have
16 to go through all of the details I did in the past.

17 COMMISSIONER McMILLIN: I don't think you
18 should.

19 TOM KAUCHER: Since the information was already
20 there. One specific thing that did come up on the
21 criteria number 1(b), the statement by the Division
22 that says, "The WHPP was only mentioned relative to
23 monitoring." Well, in the application process, if you
24 had previously submitted a WHPP in the previous year,
25 you weren't required to submit a whole WHPP, only the

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1 monitoring results. That's exactly what we did. There
2 were no changes to any of the sensitive species or the
3 wildlife process that was in the WHPP. So all we did

4 was submit our monitoring report, and I feel we didn't
5 get the proper score for submitting that documentation.

6 COMMISSIONER SPITLER: Mr. Chair, question.

7 CHAIR BRISSENDEN: Spitler.

8 COMMISSIONER SPITLER: Can you describe the
9 management changes you've made on the ground in
10 response to your wildlife monitoring?

11 TOM KAUCHER: Well, in the monitoring, it
12 specifically talks about arroyo toad habitat. We just
13 continued to maintain what we've been doing there with
14 the closure, and the same thing with monitoring the
15 Santa Ana sucker in the San Gabriel Canyon, maintains
16 the same as what we've been doing to maintain those
17 habitats.

18 COMMISSIONER SPITLER: I'm trying ask which
19 specific management changes you've made in response
20 to -- I think this has been seven years now of the
21 wildlife monitoring?

22 TOM KAUCHER: I can't answer that question
23 because I haven't gone through the WHPP myself. I'm
24 not that familiar with all of the biology parts of the
25 WHPP and their management changes they've been doing.

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1 COMMISSIONER SPITLER: When could you provide
2 that information to the Commission?

3 TOM KAUCHER: Next week.

4 CHAIR BRISSENDEN: But you're asking us to score
5 this grant -- to reallocate the score on this grant
6 today.

7 TOM KAUCHER: I can look through the -- I don't

8 even have the whole WHPP from last year. I've only got
9 what our monitoring results were for this year.

10 COMMISSIONER SPITLER: Well, I'd like to see
11 what management changes you've made in the response to
12 the seven years of wildlife monitoring.

13 TOM KAUCHER: Like I stated before, we've
14 continued to do the same things we've done in the past
15 by maintaining our closure. They've been doing
16 monitoring with the sensitive species that we have
17 there on the ground in two locations, and watching
18 those and maintaining exactly what we've been doing.
19 Our law enforcement efforts of keeping people out of
20 the closed areas. With the Santa Ana sucker, they
21 maintain the educational process we've been doing in
22 handing out information to the public, making them
23 aware of the sensitive habitat there in San Gabriel
24 Canyon, and we've been doing those types of processes.

25 COMMISSIONER SPITLER: Were those closures that ⁷³

1 you're mentioning put in place in response to the
2 wildlife monitoring that you've done?

3 TOM KAUCHER: Yes, partially.

4 COMMISSIONER SPITLER: There was no litigation?

5 TOM KAUCHER: We've had a lawsuit that was
6 brought against us by Fish and Wildlife Service in our
7 monitoring efforts of the arroyo toad in Little Rock
8 Recreation Area, and based on that information, we
9 determined that there was a need to close the area to
10 defer the monitoring of the habitat in that.

11 COMMISSIONER SPITLER: In response to
12 litigation.

13 TOM KAUCHER: Right, that's correct.

14 COMMISSIONER SPITLER: I'd still like to see the
15 changes, the management changes that you've made in
16 response to the seven years of wildlife monitoring that
17 has been required as all of our past grants from this
18 Commission. So if you could provide that information
19 to the Commission, I certainly would appreciate it.

20 TOM KAUCHER: I'll try to see if I can dig it
21 up. I can't say anything right there. I have to read
22 through all of the documentation I have here.

23 COMMISSIONER SPITLER: Sure, understood.
24 Thanks.

25 CHAIR BRISSENDEN: Any other questions of this

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1 applicant? I have a question of staff.

2 Have we had any onsite reviews in that seven
3 years of monitoring? Can you verify any of the...

4 CHIEF JENKINS: I don't have that information
5 right in front of me. I will have to get back to you
6 on that. I know that we've done some law enforcement
7 site visits in recent years.

8 CHAIR BRISSENDEN: Specifically to the
9 conservation.

10 CHIEF JENKINS: I can't say specifically off the
11 top of my head to the conservation ones or not.

12 OHMVR STAFF PELONIO: I can address a couple of
13 issues. I have been up there -- down there several
14 times, and I have seen the education efforts, the
15 information panels regarding the sucker, and they used
16 to, at least, have boulders to keep people out of the

17 riparian area. So there are barriers and interpretive
18 information to help protect critical resources. But it
19 was a law enforcement site visit, so I didn't do a
20 whole lot of conservation related.

21 CHAIR BRISSENDEN: Thanks, John.

22 COMMISSIONER McMILLIN: I have a question, just
23 a clerical thing. This gentleman has pulled his
24 application off. He scored a 77, and now we're showing
25 zeros. I don't think it's -- I don't know what the

75

1 process is, but if the guy is here to try to improve
2 his score, I don't think he should be set back to zero
3 and have to work from zero back up.

4 CHAIR BRISSENDEN: They didn't hear my warning
5 earlier.

6 COMMISSIONER McMILLIN: I heard your warning,
7 but this pool happens to have more water than there is.

8 COMMISSIONER SPITLER: The score should be 77.

9 COMMISSIONER McMILLIN: The score should be 77,
10 minimum.

11 CHAIR BRISSENDEN: Not minimum.

12 (Simultaneously speaking, inaudible.)

13 COMMISSIONER SPITLER: And item is off of
14 Consent. A score can go up or down.

15 COMMISSIONER WILLARD: I see, they set it back
16 to zero because it's --

17 CHAIR BRISSENDEN: Here we're looking --

18 (Simultaneously speaking, inaudible.)

19 COMMISSIONER WILLARD: I was wondering about
20 that. Thank you.

21 TOM KAUCHER: I didn't have that understanding
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22 to begin with, and if I knew it would go down to zero,
23 and you'd have the opportunity --

24 COMMISSIONER SPITLER: No, your score is not
25 going to zero. It will stay at 77 unless the

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1 Commission changes it.

2 TOM KAUCHER: I might consider whatever you got
3 on Consent or not.

4 CHAIR BRISSENDEN: The stenographer asks that we
5 not talk over one another, so if you could pause
6 between conversations that would be good.

7 So, Aaron, is very cleverly rescoring all of
8 these in the right columns so we can see what we're
9 doing one way or the other. Any comments? How do you
10 want to proceed with all of these. Shall we just do
11 one at a time? So any further public comment, other
12 than from the applicant?

13 JOHN STEWART: Good morning, Commissioners, John
14 Stewart, California Association of 4-Wheel Drive Clubs
15 and United 4-Wheel Drive Associations. I've looked at
16 this, and on the basis of the grant committee or the
17 Division scoring, I believe that the 77 is accurate,
18 although we would like to see it higher based on the
19 need. And really find that the applicant did address
20 what was in the grant criteria. And some of this other
21 past history and that, yes, it was adequately addressed
22 in the grant criteria, and so this other, I think, it's
23 kind of reaching to bring in something that's outside
24 the grant criteria. But we support the Division staff,
25 Division evaluation, and that score at 77. Thank you.

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1 CHAIR BRISSENDEN: Thank you. So seeing no
2 other, do I have a motion from the Commission? Do we
3 have some comments?

4 COMMISSIONER PRIZMICH: I have a comment. Just
5 for clarification, I think I understand this, but to
6 change this score or to change the grant award, we're
7 going to need to change the score itself, so.

8 VICE-CHAIR ANDERSON: Where is the rationale?

9 COMMISSIONER PRIZMICH: Exactly. I know we ran
10 into trouble with that in the past. I just wanted to
11 highlight that.

12 CHAIR BRISSENDEN: So you need to be very, very
13 careful with these things. I would point out that as
14 you adjust these scores, those on the bottom or even
15 the one below could all be affected. So we have to be
16 very, very careful. Ms. Anderson.

17 VICE-CHAIR ANDERSON: Based on the comment on
18 the web, I would suggest adding two points. I'm not
19 sure that that helps very much, but this is 1(b). I
20 had a question on some of the material that was
21 submitted referred to some -- on 3(c), there was a
22 question about qualifications and availability of
23 staff. And the question was:

24 Are the FPOs doing conservation work, which is
25 what this is. It says the projects would use trained

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1 techs and qualified fisheries biologist. And the
2 fisheries biologist sounds fine. I was wondering about
3 the OHV techs. Are they really the appropriate person

4 for a conservation grant? Can you elaborate on that?

5 TOM KAUCHER: Yes, the FPO, which is the forest
6 protection officers, which we -- which I stated in
7 there on basic recreation technicians. We do
8 everything when it comes to the respective OHV program.
9 We do law enforcement. We do trail maintenance. We do
10 facility maintenance, and we do our conservation work.
11 And understanding that conservation is not just going
12 out and doing monitoring reports, but it also has to do
13 with permanent fixtures to your trails, also your soils
14 monitoring, soils report that we have to do. So we are
15 involved in all aspects of the OHV program.

16 VICE-CHAIR ANDERSON: Thank you.

17 CHAIR BRISSENDEN: Do I have a motion?

18 VICE-CHAIR ANDERSON: That was a motion to add
19 two points in category 1(b). I'm making that motion.

20 CHAIR BRISSENDEN: Dies for lack of second. I
21 do have a second motion?

22 COMMISSIONER PRIZMICH: Move staff's
23 recommendation.

24 COMMISSIONER WILLARD: Second.

25 CHAIR BRISSENDEN: Been moved and second, staff

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1 recommendation. All those in favor?

2 (Commissioners simultaneously voted.)

3 CHAIR BRISSENDEN: Opposed?

4 TOM KAUCHER: Thank you.

5 CHAIR BRISSENDEN: Thank you for your time.

6 Moving right along.

7 OHMVR STAFF GREENWOOD: The next conservation

2006-12-08 OHV 1 2006 Grants
8 project is OR-1-SW-45. That's the California State
9 Office Thorn Woodland. The requested amount is
10 \$78,181. The score is 76. The percent is 70, and the
11 funding determination is \$54,727.

12 JIM WEIGAND: Good morning, Commissioners, staff
13 of the Division, and members of the public. My name is
14 Jim Weigand, I'm the ecologist at the California State
15 Office of BLM here in Sacramento, and I would be glad
16 to answer any questions that you have about this grant.

17 COMMISSIONER THOMAS: Are you on 102? No, the
18 BLM.

19 VICE-CHAIR ANDERSON: The Thorn Woodland.

20 COMMISSIONER THOMAS: Thorn Woodland, number
21 seven.

22 CHAIR BRISSENDEN: Go ahead, questions.

23 COMMISSIONER SPITLER: It's my understanding,
24 this is the fifth year of a five-year survey; is that
25 correct?

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1 JIM WEIGAND: That's correct, Commissioner.

2 COMMISSIONER SPITLER: What do you expect to be
3 the management implications after the survey is
4 complete?

5 JIM WEIGAND: Actually, the management
6 implications have already started. In this year,
7 actually since the grant was filed, the California
8 Department of Fish and Game has listed Lucy's warbler
9 as a species of concern. That is a species that is
10 breeding in the old growth woodlands of the Sonoran
11 Desert, in the Colorado River Valley, BLM lands, and
12 also in parts of Western Imperial County, as well. The

13 results of the survey have already indicated that this
14 species is of great concern to Fish and Game and,
15 therefore, it becomes of concern to BLM, as well as to
16 the Division under the scope of the WHPP.

17 And then the second element here that's very
18 critical is that these woodlands, apart from the ones
19 in the Imperial Sand Dune, which are not covered under
20 this grant, are part of DWMA, that is Desert Wildlife
21 Management Areas, established under the North and East
22 Colorado Desert Plan Amendments to BLM's desert plan.
23 And so their recognition as important wildlife habitat
24 has been underscored in BLM during the time that these
25 surveys have been undertaken, and there will be

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1 management plans specifically for these desert wildlife
2 management areas.

3 The third element is that the Needles Field
4 Office will be preparing in the next year a management
5 plan for the Chemehuevi Special Recreation Area. And
6 Mike Ehrens, Recreation Manager at Needles Field
7 Office, Jim Keeler, and I will be working on a design
8 to essentially make this BLM's 21st Century model for
9 sustainable motorized recreation and conservation.

10 COMMISSIONER THOMAS: Can I interrupt a moment?
11 You've got four points. You need to increase to get
12 more money. So give us a reason why -- where we can
13 give you four points. Go to the criteria and give us
14 four points.

15 JIM WEIGAND: Well, this is, you know, an area
16 where we have demonstrated biological need to get

17 sustainabi lity. We' ve had efforts here to --

18 COMMI SSIONER THOMAS: If you hold up your sheet,
19 your grading sheet, it says 39 out of 50 in the first
20 category. Are you telling me that you need 44 out of
21 50 because you' ve i ncreased your protection of critical
22 resources; is that what I' m hearing?

23 JIM WEIGAND: Well, but let me give you also
24 some background in this. I believe it was the
25 Commissioners that asked that this grant be taken off

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1 of Consent, so there were concerns at the meeting in
2 Northern Cali forni a that the Commi ssi oners had of
3 wanting to take it off of Consent, too.

4 COMMI SSIONER THOMAS: So are you sati sfi ed wi th
5 the current fundi ng?

6 JIM WEIGAND: Yes, and I asked at thi s time that
7 the grant be put on the Consent calendar.

8 COMMI SSIONER THOMAS: I thi nk we shoul d j ust
9 proceed and ask you to si t down and proceed wi th publi c
10 testi mony. I was not aware of --

11 (Simul taneousl y speaki ng, Reporter i nterrupted.)

12 JIM WEIGAND: I had asked at that meeting that
13 it can be put on the Consent calendar.

14 CHAIR BRI SSENDEN: There were 113 of those, and
15 so thi s one sl ipped by.

16 COMMI SSIONER SPITLER: I wasn' t at that meeting,
17 Dr. Weigand, but I was concerned that the score
18 received was actual ly too low. But based on your
19 comments, if you thi nk your score is fi ne, then I wi ll
20 not be movi ng to revi se it.

21 JIM WEIGAND: Of course, I woul d l ike more
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22 money. Our concern at BLM is that we also wanted to
23 make sure that some of our other conservation grants
24 that were zeroed out originally got some funding, so
25 it's a triage.

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1 VICE-CHAIR ANDERSON: You can play that game, so
2 thank you.

3 COMMISSIONER THOMAS: Each one of you that
4 stands up -- and this goes to the audience as a
5 whole -- needs to be really specific and say this grant
6 needs five more points, I think you underrated it.
7 Here, look at this criteria, please add this or
8 subtract it, and this is why. And if you do it in two
9 minutes, we'll probably get it done.

10 COMMISSIONER WILLARD: And again, facts, not
11 we're doing a great job or we're going to do this. Why
12 this is going to happen is really important.

13 JIM WEIGAND: Well, I was giving you some of the
14 background facts that had happened since the time that
15 the grant was written. Thanks very much.

16 CHAIR BRISSENDEN: In this case, he is doing an
17 excellent job. Thank you. For your advice and
18 direction to the applicants, Commissioners Thomas and
19 Willard.

20 So with that piece of information, do I have a
21 motion?

22 COMMISSIONER THOMAS: Do we have to take public
23 testimony?

24 COMMISSIONER SPITLER: You can do a motion
25 first.

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1 COMMISSIONER THOMAS: I move the staff with four
2 additional points for protecting critical resources and
3 moving 39 to 44 because I believe the additional
4 information provided regarding the endangered species
5 protections justifies that additional number. It's a
6 total of five additional points to 44 out of 50,
7 criteria one.

8 COMMISSIONER SPITLER: Second.

9 CHAIR BRISSENDEN: Mr. Stewart, I saw you coming
10 to the podium. Did you want to comment on that?

11 JOHN STEWART: Yes, John Stewart, California
12 Association of 4-Wheel Drive Clubs and United 4-Wheel
13 Drive Association. And just to make sure for the
14 record that we support the original scoring of 75 by
15 the Division scoring. Thank you.

16 CHAIR BRISSENDEN: Any other comments? If you
17 are intending to comment, please come forward to the
18 podium, so you can be next in line.

19 BRENT SCHORADT: Brent Schoradt with California
20 Wilderness Coalition. We agree with Commissioner
21 Thomas that the information provided here underscores
22 the importance of this grant and the important
23 conservation principles that it will bring to the State
24 of California. So we agree with the additional five
25 points. Thanks.

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1 KAREN SCHAMBACH: Karen Schambach, Center for
2 Sierra-Nevada Conservation. We also support the higher
3 scoring suggested by Commissioner Thomas. Thank you.

4 CHAIR BRISSENDEN: Seeing no other comments from
5 the public, discussion from the board?

6 COMMISSIONER SPITLER: I just have --

7 CHAIR BRISSENDEN: Commissioner Spitler and then
8 Willard.

9 COMMISSIONER SPITLER: One additional comment,
10 I'm looking at the application here on page 11, which
11 it describes all of the rare species that will be
12 protected, the diversity in the Sonoran Desert, and the
13 importance of protecting these Thorn Woodlands. I
14 think that certainly justifies the increase in score
15 under the first criteria, which is that the project
16 will protect and conserve ecological conditions,
17 et cetera.

18 CHAIR BRISSENDEN: Commissioner Willard.

19 COMMISSIONER WILLARD: Again, I'm looking for
20 factual statements. How will it result in the end
21 statement that it will conserve, you know, specific
22 species. I guess I'm looking for the how, and I'm not
23 sure I heard that. Maybe I missed it. I'm just
24 looking for the facts to back up that statement. So if
25 you could, please; thank you.

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1 JIM WEIGAND: Jim Weigand, again, ecologist at
2 the California BLM Office in Sacramento. Since the
3 time that this grant was written, BLM has convened a
4 meeting with its biologists and biologists from the
5 Point Reyes Bird Observatory, Conservation Scientists
6 of Petaluma, California. They're the contractor that
7 has been doing the monitoring. After this five

8 years -- actually, beginning this year, we will be
9 working with California Fish and Game, Conservation --
10 Point Reyes Bird Observatory Conservation and Science,
11 Arizona Game and Fish, and U.S. Fish and Wildlife
12 Service to develop management guidelines for Sonoran
13 Woodlands. I am personally focusing just on
14 California, and I'm focusing particularly on the
15 creation of appropriate silviculture to grow the trees
16 in these woodlands, many of which have been decimated
17 by the presence of wild burros, which is another
18 concern that the BLM has to manage. And so we need to
19 balance managing burros and providing OHV recreation
20 and sustainable growth of these woodlands, and we're
21 not getting any regeneration. The species such as
22 Lucy's warblers, long-eared owls, the gila woodpeckers
23 require large desert trees, and that sounds kind of
24 like an anomaly because you don't think of deserts
25 having old-growth trees. Well, the Sonoran Desert is

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1 an exception in that regard, and we have 300- to
2 800-year old trees. And if we don't develop a way now
3 to start following generations, there will be gaps in
4 the habitat and loss of wildlife habitat in these
5 regions.

6 And so it's very important that this ecosystem
7 which has never been concertedlly managed before, that
8 we now start doing it. BLM has a particular
9 responsibility in this regard because about 95 percent
10 of this habitat in California is under BLM management.
11 Thank you.

12 CHAIR BRISSENDEN: Does that help?

13 COMMISSIONER WILLARD: Thank you, very good
14 response. I appreciate it.

15 CHAIR BRISSENDEN: Other thoughts? We have a
16 motion and a second. Those in favor?

17 (Commissioners simultaneously voted.)

18 CHAIR BRISSENDEN: Opposed?

19 COMMISSIONER PRIZMICH: Aye.

20 CHAIR BRISSENDEN: Moving right along.

21 OHMVR STAFF GREENWOOD: On line number nine, the
22 next conservation project, OR-1-B-60, the Bishop Field
23 Office. Requested amount is \$51,220. Score is 75.
24 Percent is 70, and the funding determination \$35,854.

25 COMMISSIONER THOMAS: Can I ask staff to give us
88

1 the page in the original criteria books if they've got
2 it?

3 VICE-CHAIR ANDERSON: Volume eight.

4 COMMISSIONER THOMAS: We have one volume with
5 all of the scores. Oh, it's on there, sorry.

6 COMMISSIONER SPITLER: Page 11.

7 COMMISSIONER THOMAS: Page 11, we're learning.
8 Thank you very much.

9 COMMISSIONER McMILLIN: I show this one on the
10 south grants meeting as wanting it on the Consent
11 calendar, so I don't understand how it got a no next to
12 it. So maybe we don't need to go through it?

13 COMMISSIONER SPITLER: I requested that it be
14 pulled off, but I would be happy to support the staff
15 recommendation.

16 RICHARD WILLIAMS: Good morning, Commissioners,

17 Division, members of the public, My name is Richard
18 Williams, Bishop Field Office, Bureau of Land
19 Management. I had originally asked that this be put on
20 the Consent calendar. I support the Division's
21 scoring; however, I'm open to comments from the
22 Commission. If there's any questions on it, I would be
23 more than happy to answer it.

24 CHAIR BRISSENDEN: In the interest of time and
25 consideration of that person who pulled it off, we will
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1 move forward, unless there are some comments or
2 questions. So I do have motion on that?

3 VICE-CHAIR ANDERSON: I'll move the staff
4 recommendation.

5 COMMISSIONER McMILLIN: Second.

6 CHAIR BRISSENDEN: It's been moved and second.
7 Does anybody from the public want to comment on this
8 particular item?

9 JOHN STEWART: John Stewart, California
10 Association of 4-Wheel Drive and the United 4-Wheel
11 Drive Association. And for the record, we support the
12 staff recommendations on this.

13 CHAIR BRISSENDEN: So we'll call for the
14 question. All those in favor?

15 (Commissioners simultaneously voted.)

16 CHAIR BRISSENDEN: Those opposed?

17 OHMVR STAFF GREENWOOD: Next conservation grant,
18 line 10, project number OR-2-LP-102, Los Padres
19 National Forest. Requested amount is \$125,896. The
20 score is 73. Percent is 70. Funding determination
21 \$88,127.

22 KAREN McKINLEY: Good morning, Commissioners.
23 I'm Karen McKinley, Los Padres National Forest. I'm
24 actually Mt. Pinos OHV Recreation Officer, basically.
25 I only have two points based on the rescore

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1 sheets that we submitted at the subcommittee, I believe
2 it was last month. One of them would be 1(c). The
3 scoring indicated that monitor use for potential
4 effects to resources and prevent future damage, the
5 comment by the scorers is detail is lacking on the type
6 of monitoring to be done. And as Commissioner Anderson
7 pointed out, we used references to our original
8 application. So the page numbers you have in front of
9 you will not reflect the volumes that you received.

10 However, monitoring details are outlined in
11 general on the initial page of that section and then in
12 detail on pages 33 and 34. Monitoring will be
13 conducted using the state wildlife checklist, stream
14 crossing checklist, and soil conditions survey
15 protocols annually. And the staff analyzed collected
16 monitoring data to identify trends or problems area.
17 The results are used to schedule maintenance, priority
18 routes of future year monitoring, and to identify any
19 areas that may need more detailed review or focused
20 study. All of that information can be found on pages
21 32 to 34 of our original application.

22 We did not submit in any of our rescore requests
23 any additional information, only the information that
24 was in our current grant. What we're requesting in
25 this particular area is an additional five points. And

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1 then did you want me to just go on to the next one,
2 because I only have one more, and then it would be a
3 total of an additional ten points.

4 CHAIR BRISSENDEN: Please.

5 KAREN McKINLEY: The other one would be 3(a), it
6 says completion of prior projects within the time frame
7 provided. We were rated zero, and in effect actually
8 the application addressed similar projects which was
9 the request of a history of successfully completed
10 similar projects that were completed on time. Our L&P
11 revision, OHV route designation which is currently in
12 process, the Southern California Conservation Strategy,
13 additionally by inference, the ongoing work
14 accomplished in support of the OHV grant application
15 process and monitoring documentation, the WHPP, the
16 soil conservation program which we've done for numerous
17 years successfully without additional comment were
18 completed in a timely manner in order to meet grant
19 application deadlines over the last 20 plus years.
20 Specific grant numbers were not requested in the grant.
21 We could have provided those, if that would have upped
22 the scoring. So we're requesting a total of ten
23 additional points.

24 CHAIR BRISSENDEN: Any questions of the
25 applicant.

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1 VICE-CHAIR ANDERSON: No, I have a question kind
2 of of staff. First, I'll ask you a question.

3 Is this the first conservation grant of this

4 type?

5 KAREN McKINLEY: Actually, for the WHPP funding,
6 explicitly, yes. We've kind of evolved with the
7 application process as it's evolved over the last few
8 years. WHPP funding when it was requested was often
9 within an O&M, so it never was separate.

10 VICE-CHAIR ANDERSON: Thank you. No, that
11 answers my question.

12 So now I have a question for staff. There was a
13 comment within the material they provided indicating
14 that they had taken the word "similar", history of
15 fiscal accountability was similar, and they had taken
16 the word similar as literal, I think those were the
17 words I saw at one place. What is happening if an
18 applicant asks or interprets this way and thinks that
19 this is their first grant application within a
20 category, it may not be, but is there -- was there
21 direction to provide background on other OHV projects
22 or does the word, "similar" refer to anything that they
23 might -- any grant that they might get from U.S. Fish
24 and Wildlife Service or some other source? How does
25 one who is moving in a new grant area address that

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1 question?

2 OHMVR STAFF GREENWOOD: Asking for similar
3 projects, they don't necessarily have to be the OHV
4 project, I would think as much as possible close to a
5 conservation project. But I think what we were looking
6 for is examples, perhaps including time frames, start
7 date, end date type of, if they completed prior to the

8 end of the project, and it was -- they gave us
9 narrative with no specific identifying specifically
10 each criteria and the sub criteria, so it's difficult
11 to go through the narrative and pick out each piece.

12 VICE-CHAIR ANDERSON: I understand that, okay.

13 CHAIR BRISSENDEN: Further questions?

14 COMMISSIONER THOMAS: Can we have the remaining
15 below?

16 CHAIR BRISSENDEN: Aaron, can you run the
17 balance?

18 COMMISSIONER THOMAS: Balance remaining so that
19 we can understand the amplifications of what we're
20 doing.

21 CHAIR BRISSENDEN: And have you adjusted the
22 number so we see who drops off?

23 COMMISSIONER THOMAS: I'm doing the math in my
24 head, but I was hoping that -- see, I don't have the...

25 CHAIR BRISSENDEN: I think Commissioner Thomas

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1 is curious if once the score, the previous one was
2 adjusted, do we have a bottom line and that's also been
3 adjusted? It's the total.

4 OHV STAFF FREITAS: Total cut line hasn't been
5 adjusted. It won't get resorted until all of the --

6 COMMISSIONER THOMAS: Until you've completely
7 nailed everybody at the bottom of the list.

8 OHV STAFF FREITAS: Until you've gone through
9 all of the conservation.

10 CHAIR BRISSENDEN: Commissioner Thomas, you have
11 a due diligence. You can adjust it yourself as you go
12 through, right? He's not listening.

13 Commissioner Spitler, do you have a question?

14 COMMISSIONER SPITLER: I have a question for the
15 applicant. Can you tell me the on-the-ground
16 management changes that have taken place as a result of
17 your past seven years of wildlife monitoring?

18 KAREN MCKINLEY: I can't tell you intimately of
19 each one. I've only been on the force two-and-a-half
20 years; however, what I can tell you that is that in the
21 current management of your OHV program, we have not had
22 to have any closures due to conflicts with rare plants
23 or animals. We are very active in monitoring our
24 system and overlaying new habitat survey information.

25 We have a request in this grant in particular

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1 to -- I believe it's for six weeks of botanist's time
2 to survey for 20 new plants that were just listed in
3 October. We do a lot of one-to-one on the contact on
4 the ground with the user and any kind of off-route
5 impact we have, we correct those immediately. As kind
6 of part of in the new BLM Land Management plan revision
7 that was just approved, there is what's called,
8 "Adaptive Mitigation for Recreation." So you start at
9 the least intrusive and then work down.

10 We have not had to get to a point where we have
11 to close, fence, any type of action of that manner.
12 Most of it has been that we have found that our routes
13 are in the right place or that our mitigation has been
14 sufficient so far. However, we need to continue that
15 monitoring in case that changes because we are having
16 the population increases that are now affecting the use

17 out there in the field.

18 COMMISSIONER SPITLER: I appreciate. Thank you
19 for that answer. Would you be able to get back to the
20 Commission with the specific information on the
21 management changes that have taken place as a result of
22 your previous wildlife monitoring?

23 KAREN MCKINLEY: I absolutely could, whether
24 that could be today would be another issue.

25 COMMISSIONER SPITLER: At your convenience.

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1 KAREN MCKINLEY: Absolutely.

2 CHAIR BRISSENDEN: Any other question, comments?

3 COMMISSIONER WILLARD: Thank you, Chair. Maybe
4 this is for staff and sort of a general question.

5 The grants were scored a while ago, and
6 additional information has come up at the subcommittee
7 hearings and in other ways. Has staff had a chance to
8 look at the new information, and do they have any
9 comments? Is it fair for us to ask if they have any
10 comments on whether or not they now would say, oh, you
11 know what, I see they may have given us additional
12 information and perhaps this should be two more points
13 here or three more points there. Is that fair to ask,
14 and has any of that happened.

15 OHMVR STAFF GREENWOOD: I can tell you on my
16 quick analysis that I did looking at what they provided
17 and then also the new information, on this one in
18 particular, I didn't really find that there was new
19 information, maybe just kind of more clarification of,
20 yes, it's there. But, again, it was difficult to find
21 it, the criteria weren't identified specifically by

22 number or by heading, so even though they referenced
23 page number 32 through 35, it's still the same game of
24 trying to find it. So it was kind of difficult to go
25 back and check it. But I didn't find any new

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1 information that I could see that helped me with them
2 addressing -- finding that they addressed the criterion
3 more clearly.

4 COMMISSIONER WILLARD: So the score would stand
5 in your opinion?

6 CHIEF JENKINS: If I might interject, it's a
7 little unfair to ask an individual grants administrator
8 to say that on a score because at the time we did the
9 score, there's five people involved, it's a very
10 deliberative process.

11 VICE-CHAIR ANDERSON: It really was a team.

12 COMMISSIONER WILLARD: Fine. I guess I'm just
13 looking for some more professional input on the
14 additional information that's come in. That's what I'm
15 trying to get.

16 OHMVR STAFF BELLUCCI: Commissioner Willard,
17 Larry Bellucci, Grants staff. The Division staff was
18 bound by a program that had a specific due date by the
19 applicants to submit their information. We used that
20 information and scored it. We definitely did review
21 the subsequent review that was provided to us; however,
22 we had to distinguish between information that was
23 provided by the due date and new information that was
24 introduced after the due date. We did make that
25 distinction. There may have been cases where we

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1 overlooked something or the applicant clarified
2 something that maybe wasn't real clear in the
3 application. And in those cases, we did definitely
4 take that into consideration. But as I said, we were
5 bound by program that had a specific due date, and that
6 is where our scores were initially based on.

7 COMMISSIONER WILLARD: What I'm wrestling is, I
8 want to take the scoring that you've done on face value
9 and say it's correct, but then additional information
10 has come in. So it's my burden then to make judgments
11 on that new information, and that's what I'm wrestling.
12 Because I'd much rather rely on you guys, but
13 apparently that's not going to be the case.

14 COMMISSIONER THOMAS: Welcome to the new world
15 order.

16 CHAIR BRISSENDEN: Originally you said, let's
17 maintain the playing field as level. Now, you're
18 having difficulty with that level field.

19 COMMISSIONER WILLARD: Still trying to find the
20 field.

21 CHAIR BRISSENDEN: I have those moments. Any
22 other questions of the applicant?

23 KAREN McKINLEY: If I could make one more
24 comment --

25 CHAIR BRISSENDEN: Certainly.

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1 KAREN McKINLEY: -- after all of that
2 conversation? No new information was provided on this
3 particular grant. All we did was redirect back to the

4 application. And in our rescore submittal, which I
5 believe the Commissioners were given a copy of,
6 correct? Whatever we submitted you can find that for
7 yourselves.

8 CHAIR BRISSENDEN: Do I have a motion then? We
9 will go to public comment.

10 COMMISSIONER SPITLER: Move the staff
11 recommendation.

12 VICE-CHAIR ANDERSON: I'll second that.

13 CHAIR BRISSENDEN: It's been moved and seconded,
14 staff recommendation. All in favor?

15 COMMISSIONER THOMAS: No, wait a minute,
16 comment.

17 (Simultaneously speaking, inaudible.)

18 CHAIR BRISSENDEN: Oh damn, good try. Caught me
19 already so early.

20 ED WALDHEIM: Ed Waldheim for CORVA, good
21 afternoon or good morning. Mr. Chairman, you should
22 not do the motions before you get the correct
23 recommendations because now you're going to have to
24 undue a motion if you so want to change something.
25 It's easier to get your public comments, then your

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1 motions, please.

2 I will not be coming up here for every grant.
3 If it's accepted by the staff, I'm just going to accept
4 it. If I don't show up here, it doesn't mean that I
5 don't support, so we save a lot of time.

6 There is one thing on this grant which Karen
7 forgot to tell you, and it's probably the most

8 important thing on why they should be getting this
9 extra money. There is such a thing called the Dade
10 fire. They had the biggest fire in the United States
11 in a national forest in this area. These folks are in
12 desperate need to make sure that they monitor
13 everything that's going on. We've got trails closed
14 right now because of the fire. The job that's in front
15 of them is just humungus. So I would seriously
16 consider giving her the extra ten points. It gives her
17 a little bit more money, but they're going to have a
18 job in front of them that none of us would really like
19 to do, is figure out how they are going to manage this
20 national forest with a fire that has devastated
21 thousands and thousands and thousands of acres. And I
22 hope they do the monitoring properly so we can get some
23 more trails opened up.

24 So leaving it at that point, I'd just go back to
25 the five points on item number one and five points on
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1 item number three to bring it up to the score of 83.

2 Thank you.

3 CHAIR BRISSENDEN: Any other public comments?

4 Thanks for the suggestion, Ed. Seeing none, there is a
5 motion on the floor. All those in favor?

6 (Commissioners simultaneously voted.)

7 CHAIR BRISSENDEN: Opposed? Moving on.

8 OHMVR STAFF GREENWOOD: Next conservation grant,
9 line item number 14, project number OR-1-SW-41
10 California State Office Archeological Site; requested
11 amount is \$88,000, score of 64, percent is 60. Funding
12 determination, \$52,800.

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13 COMMISSIONER SPITLER: Point of order, Mr.
14 Chair, we're about at the time of the agenda where we
15 take --

16 CHAIR BRISSENDEN: I know.

17 COMMISSIONER SPITLER: Just making sure.

18 CHAIR BRISSENDEN: I'm aware of the time. I'm
19 trying to get through this section, and I'll go with
20 the public comment.

21 JIM KEELER: Jim Keeler, BLM California State
22 Office. While we did ask for an increase, I would go
23 with the will of the Commission. I would accept staff
24 recommendation on this one. Unless there is further
25 questions or public comment.

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1 CHAIR BRISSENDEN: Any questions of the
2 applicant on that? Any other public comment?

3 JOHN STEWART: Good morning, Commissioners, John
4 Stewart California Association of 4-Wheel Drive Clubs,
5 United 4-Wheel Drive Association. We've looked at
6 this, and we concur with the BLM rep and the staff
7 recommendation or the staff scoring is appropriate.
8 Thank you.

9 CHAIR BRISSENDEN: Comments, question?

10 COMMISSIONER THOMAS: Move it.

11 CHAIR BRISSENDEN: We have a motion,
12 Commissioner Thomas. Do we have a second?

13 COMMISSIONER SPITLER: Second.

14 CHAIR BRISSENDEN: All those in favor?

15 (Commissioners simultaneously voted.)

16 OHMVR STAFF GREENWOOD: Next conservation grant

17 is line item number 18, OR-1-CD-365, California Desert
18 District. Requested amount is \$326,850. The score is
19 57. The percent is 50. The funding is \$163,425.

20 JIM WEIGAND: Good morning, I'm Jim Weigand,
21 ecologist at the California State Office of BLM in
22 Sacramento.

23 RON GARTLAND: I'm Ron Gartland, BLM Office,
24 California Desert District. Good morning,
25 Commissioners. We would like to respectfully ask for

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1 an increase of five points based on criterion 1(b)
2 where the Division mentioned that in their score
3 rationale that our application did not address the
4 WHPP, but we did have a WHPP form, but I will defer to
5 Division staff. If they think we should stay at
6 Division recommendation, we will.

7 COMMISSIONER THOMAS: We didn't hear you.

8 VICE-CHAIR ANDERSON: We're getting echos.

9 COMMISSIONER THOMAS: Try again, please.

10 RON GARTLAND: We would like to ask for an
11 increase of five points on criterion 1(b) on the WHPP
12 where we did submit a WHPP Form B, but we were notified
13 in the score, the Division score rationale, that the
14 application did not address the WHPP. So we're just
15 asking for an additional five points, and I will defer
16 to the Division. If they disagree with me, I will
17 accept the Division recommendations.

18 CHAIR BRISSENDEN: They're looking to the
19 Division for comment. Do you want to give comment,
20 John?

21 OHMVR STAFF GREENWOOD: I think Jennifer

22 probably can speak to that best.

23 OHMVR STAFF BUCKINGHAM: Good morning,
24 Commissioners, Jennifer Buckingham with OHV Division.
25 We actually had a couple of issues with this

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1 application, per se. Part of it was that they did
2 supply WHPP form, the short form, and their specific
3 needs would have actually required a different WHPP
4 form. So therefore they had a difficult time relaying
5 and referencing all of their WHPP activities, which
6 left us with a lack of detail in order to give them the
7 points that you probably could have had, but
8 unfortunately we weren't able to link the correct WHPP
9 form and information. So I hope that provides some
10 clarity.

11 RON GARTLAND: No, that's fine. We'll accept
12 Division recommendation.

13 CHAIR BRISSENDEN: Are there questions of the
14 applicant or, Mr. Weigand, did you want to make
15 comment?

16 JIM WEIGAND: Yes, I just wanted to mention that
17 yesterday, Ron Gartland and I had a chance to talk with
18 the author of this grant element, Dr. Larry LaPre, who
19 is the wildlife biologist for BLM's California Desert
20 District, and he said that for him -- and I think Ron
21 and I also agree -- the most important element in terms
22 of sustainable OHV management and conservation for him
23 would be the element that dealt with monitoring
24 riparian areas in the Juniper Flat ACEC, and that that
25 element totaling \$27,710 would perhaps provide the

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1 greatest contribution. So I just wanted to let you
2 know that that is something that has support both from
3 BLM scientists, our restoration ecologist, and also the
4 community's residents at Juniper Flat, and I have a
5 copy of a letter from the community in support of that
6 in particular.

7 CHAIR BRISSENDEN: Thank you. Any questions of
8 the applicant? Any further comments from the public?

9 COMMISSIONER THOMAS: Mr. Chairman, let me ask a
10 question of staff first. Again, these are procedural
11 questions. The current allocation is zero because it's
12 a 50 percent funding; is that correct?

13 CHIEF JENKINS: I think I can take that one. On
14 this one, it falls right on -- when we're looking at
15 the spreadsheet there, is eligible to receive \$163,425.
16 In this case, not taking into account, one grant that's
17 already changed. There is only \$40,809 left available.

18 COMMISSIONER THOMAS: Actually it's only
19 \$33,000.

20 CHIEF JENKINS: Whatever money was remaining
21 available would be awarded to the applicant.

22 COMMISSIONER THOMAS: They've changed their
23 scoring.

24 VICE-CHAIR ANDERSON: Okay. So they would get
25 whatever the residual was of that?

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1 CHIEF JENKINS: That is correct.

2 COMMISSIONER THOMAS: \$33,000. It does seem
3 ironic that BLM who wrote us a letter saying they

4 couldn't monitor desert riparian in our policy is now
5 asking for money to monitor desert riparian. It's
6 tough to have two voices speaking opposite.

7 JIM WEIGAND: I don't think that we've said that
8 we won't or don't monitor, but that we need to perhaps
9 do it in a way that everybody agrees is sufficient.

10 COMMISSIONER THOMAS: I understand your point of
11 view.

12 JIM WEIGAND: Thank you.

13 CHAIR BRISSENDEN: Thank you. Any other public
14 comments. Pleasure of the Board?

15 COMMISSIONER SPITLER: I'll make a motion to
16 increase the score by five points in the first category
17 based on the comment that we've heard today about the
18 wildlife habitat protection plan to a 33 out of 50,
19 giving a total score of 62.

20 COMMISSIONER THOMAS: I'll second that.

21 CHAIR BRISSENDEN: So it's been moved and
22 seconded. If I'm looking at this, that still doesn't
23 do anything for their -- I guess it does move them up a
24 bit, but you just eliminated one.

25 COMMISSIONER SPITLER: I believe the comments

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1 today justify the score that I moved.

2 CHAIR BRISSENDEN: So it's been moved and
3 seconded. All those in favor?

4 (Commissioners simultaneously voted.)

5 CHAIR BRISSENDEN: Opposed?

6 COMMISSIONER PRIZMICH: No.

7 COMMISSIONER WILLARD: No.

8 CHAIR BRISSENDEN: Because we've moved now ten
9 minutes past the public comment period, I was hoping to
10 move through this whole --

11 COMMISSIONER THOMAS: We have one more.

12 CHAIR BRISSENDEN: I know we've got one more,
13 but we also have to adjust some. So it's going to be
14 much more complicated than just one more, I think.

15 VICE-CHAIR ANDERSON: I think you ought to go to
16 public comment.

17 CHAIR BRISSENDEN: The scoring that was done
18 earlier, we have -- unless Aaron is picking up all of
19 these changes and moving along.

20 OHV STAFF FREITAS: It will re-sort at the end.

21 VICE-CHAIR ANDERSON: I suggest we go to public
22 comment.

23 COMMISSIONER THOMAS: We'd like to re-sort
24 before the end so that we know what we're doing.

25 CHAIR BRISSENDEN: So I have -- going to public
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1 comment. In order of appearance in my stack I have
2 Mr. Waldheim, allocation of funds and Needles open
3 house; then John Stewart on recreation issues; Mr. Don
4 Amador, you need to be more specific, unless you're
5 addressing all of the world's concerns.

6 OHV STAFF FREITAS: You pulled line item number
7 19 off of Consent. Do you still want to hear it?

8 CHAIR BRISSENDEN: We're going to go to it after
9 public comments. Thank you, Mr. Waldheim.

10 ED WALDHEIM: Thank you, Ed Waldheim for CORVA.
11 Boy, that does resonate. I would like to add this
12 morning when you talked about the D'Anza Cycle Park

13 that the Deputy Director, Ms. Greene, said that she's
14 working negotiating with the folks on the \$5.5 million,
15 which they gave them. We gave them about \$8 million,
16 and part of that was to purchase some land. I didn't
17 see you ask, Mr. Willard, what's happened to the 1500
18 or 2,000 acres that we bought for them. I would think
19 that we would get a lot more than just a little bit of
20 interest on that property because probably today that's
21 worth \$8 million by itself, all by itself. So I think
22 we should be playing hardball with Riverside County.
23 If they want to give us some money back, let's get the
24 money for the real estate that we own there which is
25 right next to San Mateo Canyon, which is where we were

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1 supposed to expand.

2 I'm proud to say we had the open house with
3 Needles. I want you to meet the acting field manager
4 for the Needles Field Office over here, believe it or
5 not. He left the Barstow Office, and he went over
6 there, and next thing you know he gets to be acting
7 because the boss left. And he did a great job in
8 having the open house. Mr. Poole went there, and I
9 congratulated him on behalf of the job. He sent me an
10 e-mail. It was good to do that, Daphne Greene. It was
11 a fantastic ceremony and we're really proud. It's
12 right on Highway 95, and we hope to get good things
13 with public outreach in that area. Thank you, Mike.

14 The education programs in the state of
15 California are terrible. We are AWOL. We've got a big
16 fat "F" of what we're doing as a Commission, as we're

17 doing at the Division, as we're doing, period. When
18 are we going to really put that on your agenda to get
19 serious in educating the public on how to responsibly
20 ride your off-road vehicle, what you should do, what
21 you shouldn't do, how you should protect the resources,
22 et cetera, et cetera, et cetera. I've had to pull back
23 from the schools because we don't have enough money.
24 It is deplorable. San Bernardino Forest Association is
25 struggling to get the message out there. There's

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1 children who want to hear that. Half of California
2 City kids ride motorcycles and off-road, yet I can't
3 reach them because we don't have the funds to do this
4 type of thing. We need to get a complete campaign
5 going on educating our kids; otherwise, when are we
6 going to do that? Us old guys, we're has-beens, you
7 know, bury us and we'll be done with it. So don't
8 waste your time on us. But you've got these youngsters
9 coming in, the future of America, and we are not doing
10 anything about it because we are being bombarded with
11 new people, just absolutely bombarded.

12 We had close to -- I counted out just in
13 Ocotillo Wells, Ridgecrest, California City, we had
14 63,000 people there; Dumont Dunes, 25; El Mirage,
15 5,000; Starter Valley, almost a half a million people
16 we had on the Thanksgiving day weekend, just one
17 weekend. Mind boggling, new people, new people. I
18 worked traffic control in Randsburg, and they say, oh,
19 it's the first time I've ever come here. I've never
20 been here before. I love it here. All new people. So
21 we need to reach these folks, and we just are not doing

22 that, and I hope you help us.

23 And the last thing I said, the Division of our
24 funds, we have to be fair. We are not putting those
25 necessary funds for law enforcement and for trail work.

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1 Thank you.

2 CHAIR BRISSENDEN: Thank you.

3 JOHN STEWART: Good morning, Commissioners, John
4 Stewart, California Association of 4-Wheel Drive Clubs
5 and United 4-Wheel Drive Association.

6 Encouraged to hear Chairman Brissenden's opening
7 remarks about looking to come up with a political move
8 to draw attention to budget by the BLM and the Forest
9 Service. This is a critical area. But in conjunction
10 with this, change is needed which will raise the level
11 of awareness and attention by the agencies with respect
12 to recreation management. Right now, recreation
13 management is at the bottom of their management
14 priorities. It needs to come up to something that is
15 at a level of importance, of increased importance.

16 Forest Service demographics indicate that
17 approximately 23.9 percent of the public has driven
18 off-highway, that is, off of a paved or graveled road
19 within the last year. This is 2004 statistics. They
20 are now using the figure 25 percent as driving in that
21 off of a highway. This growth is phenomenal. This
22 growth is continuing, and yet this growth has not been
23 accompanied by on-the-ground management activities. We
24 continue to lose recreation opportunities.

25 Now, the demand for recreation experience

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1 outside of urban confines is rapidly increasing. We
2 need to account for that. We need to be a leader in
3 the nation to account for that. Sadly the opportunity
4 for the public to enjoy these opportunities is
5 decreasing. It's deplorable that this is happening.
6 On behalf of the public, I encourage the Commission and
7 Division to work with the agencies to create a
8 strategic plan that seeks to provide recreational
9 experiences that the public desires.

10 The recent OHV program audit noted that the
11 program has strayed from its legislative mandate. It
12 is time to get back to the legislative intent and
13 provide a recreation program for the public.

14 CHAIR BRISSENDEN: Thank you. Don Amador. Dave
15 Oakleaf. Don Klusman, you're next.

16 DAVE OAKLEAF: Dave Oakleaf, AMA District 37
17 competition. It's been a while since I've been up
18 here. I'm glad to hear what you said, by the
19 Commission. It's been a while. I was glad to see what
20 you said about the federal government getting on board
21 and funding their own programs out here. We keep
22 hearing about the illegal riding. We keep hearing
23 about all of these problems. If our money could be
24 used in the state where it's supposed to be used and
25 not just for conservation, restoration, law

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1 enforcement, for maintaining trails, getting some new
2 areas, maybe we won't have so much illegal riding in
3 the future because there's going to be a lot of it

4 until we open up areas for the kids. They're buying
5 the bikes, they're buying the ATVs and they're going to
6 ride them someplace. Better to make a place for them
7 that's legal. So I agree with what you said, we need
8 to start funding our federal agencies out here. Thank
9 you.

10 CHAIR BRISSENDEN: Don Klusman.

11 DON KLUSMAN: Don Klusman, California 4-Wheel
12 Drive Association. I was in a meeting yesterday and
13 heard the staggering fact that California is growing at
14 500,000 residents a year and projections are that's
15 going to go up, even with all of the people leaving
16 California and trying to make Idaho or somewhere else a
17 population state. That's really scary and, you know,
18 what you heard from previous speakers, where there are
19 more and more demands on our outdoor recreation.

20 I want to give you some good news. Daphne
21 forgot to toot her own drum here for a change. About
22 two-and-a-half years ago, I had a phone call from some
23 local residents in the Oroville area. For most of you
24 Commissioners who don't know, we have an SVRA outside
25 of Oroville. It's not much of one, but it's there.

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1 There's a big pit there. That's where all of the clay
2 came for Oroville Dam. The local residents have been
3 going there and playing for years. There was not a
4 single facility there. You had a fence around this big
5 pit; that was it. And like I said, the local residents
6 contacted me. We worked, we talked among ourselves at
7 a local meeting, we called Division, asked for some

8 staff to come up and have a meeting with us. They did,
9 we went out and looked at the area and so forth. I'm
10 happy to report that right before Thanksgiving, a vault
11 toilet was put in, and some new fencing, a gate has
12 been put on it now to help with the vandalism, and
13 there are plans for shade structures and some picnic
14 tables and possibly a rock crawling place and so forth.
15 So we're improving the little known SVRA. Thank you.

16 CHIEF JENKINS: I should just add that the
17 little known clay pit SVRA is creatively named Clay
18 Pit.

19 CHAIR BRISSENDEN: Emphasis on pit or clay?

20 CHIEF JENKINS: It's actually a great riding
21 area, but, yes, it's just a big hole where they dug the
22 clam.

23 CHAIR BRISSENDEN: Judith.

24 JUDITH SPENCER: Judith Spencer of CORE. Some
25 of the issues I meant to address were addressed by the
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1 Commission, and so I'd just like to deal with my
2 concerns that we not forget that this program is for
3 the people of California, all of us. We all pay into
4 the program. And, for example, the folks that I'm most
5 interested in, the Calaveras County Sheriff and the
6 Stanislaus Forest received something like 20 letters of
7 support, in particular for enforcement but for other
8 things that they were interested in, as well. And yet
9 I can't say to those five organizations and fifteen
10 individuals that they made a difference by writing
11 letters because nothing in this process of evaluation
12 seems to pull that in unless someone like me stands up

13 or brings to the Commissioners those letters. And I'm
14 hoping that that could be addressed so that the
15 public's interest and support or opposition, not just
16 the riding public, the nonriding public, all of us.
17 Thank you very much.

18 CHAIR BRISSENDEN: Thank you. Karen Schambach.

19 COMMISSIONER McMILLIN: Let me make a comment.
20 I believe those letters do make a difference. I
21 believe we did receive copies of all of them, and I'm
22 not going to pretend that I read them all, but I
23 know -- but I did thumb through them, and, you know, it
24 does make a difference.

25 JUDITH SPENCER: Thank you.

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1 CHAIR BRISSENDEN: Karen is passing. Paul
2 McFarland. And, Don, you were out of the room a moment
3 ago, do you want to speak on everything in the world?

4 DON AMADOR: I'll pass today. Thank you.

5 CHAIR BRISSENDEN: You're so kind. You get a
6 special award today. Oh, I'm sorry, Karen, both of you
7 share the award.

8 PAUL MCFARLAND: I'm Paul McFarland with Friends
9 of Inyo over on the eastern Sierra. We work to protect
10 public lands on the east side through a combination of
11 education, advocacy, and hands-on citizen stewardship.

12 One of themes you've heard today is something
13 that I want to second as well. And that's just that
14 there's more and more use out there, and that more and
15 more use is not just strictly motorized. It's
16 everything. There is just more and more people, and

17 more and more people want to go outside.

18 And I second Judith's comments about that this
19 program is paid in by everybody. That's phenomenally
20 true. Whether you're using an OHV as an ends, you're
21 not out there driving for pleasure, you're riding
22 around just to see the great country and get outside or
23 whether you're using your 4-Wheel Drive or your quad to
24 get out to a climbing area, to go somewhere to hunt, to
25 fish, to backpack, to bird watch, whatever, you pay

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1 into this program. The minute you leave a paved road
2 in the state of California, you're in OHV area. So
3 everybody in this room who has ever done anything,
4 that's a definition of an OHVer, and that's something
5 we have to remember and keep this in mind when we move
6 forward with this. This program is for everybody, and
7 we've got to strive for that balance to maintain
8 sustainable outdoor recreation, whether it's
9 maintaining the trails we have or restoring past damage
10 so motorized recreation doesn't get a black eye. Those
11 need to be looked at with equal weight.

12 With more and more of this use, one of the
13 things that John Stewart said is that we need to be a
14 leader to meet the needs of this recreating public.
15 The main way I see that we can do that is something
16 that this Commission and the Division has been a leader
17 in, and that is the Forest Service route designation
18 process. I can think of nothing more important to do
19 for public lands than to designate what is and isn't a
20 route so that we all know where we're going out there,
21 that the agencies can get a handle on what's going on,

22 and so that we can move forward to ensure sustainable
23 outdoor recreation for everybody, basically so we kind
24 of finally have a map to know where we are going.
25 That's going to take care of a lot of the conflicts

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1 that come before this Commission, as well as that come
2 before forest managers.

3 So that's just my pitch that route designation I
4 think is one of the most phenomenal things you guys
5 have done. I hope you continue that legacy and see it
6 through for the state of California and so we truly can
7 be a leader in public lands management and show there
8 is enough room for everybody. So thanks very much.

9 CHAIR BRISSENDEN: Thank you. And no further
10 blue cards, so we'll go back to the yellow. Barbara,
11 on the last item.

12 OHMVR STAFF GREENWOOD: Last conservation, line
13 item number 18, project number OR-1-CD-353, El Centro
14 Field Office. The requested amount is \$51,854. The
15 score is 56. Percent is 50. Funding determination
16 \$25,927.

17 RON GARTLAND: Ron Gartland, BLM, Desert
18 District Offices. The same rationale follows on this.
19 I'm representing the El Centro Resources Division. And
20 we also wanted to make a comment on the WHPP. We'll
21 once again follow Division recommendations on that.
22 But they also felt that they sent in soil standards,
23 issues on soil, supplemental information on soil
24 standards for criterion on 1(a), and they also felt
25 that they addressed in the application criterion 3(b)

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1 where monitoring the years within the budget, the time
2 allotted. And they ask for an additional two points in
3 criterion three and an additional seven points in
4 criterion one.

5 CHAIR BRISSENDEN: Any questions from the
6 Commission at this time? Any public comment?

7 JIM WEIGAND: Commissioner Brissenden, if I
8 might also add, the flat-tailed horned lizard
9 monitoring covered under this grant this year refers to
10 the Yuha ACEC, or Area of Critical Environmental
11 Concern, which is one of three flat-tailed horned
12 lizard conservation areas established under the
13 California Desert Plan. This is a really critical
14 area, and the Commission has also felt that it's a very
15 important area because it has funded four years of
16 restoration efforts. And this year, that is fiscal
17 year 2007, is the final year where the restoration of
18 undesignated trails will be completed. And Ron
19 Gartland and I will be conducting a survey, an
20 evaluation of the project and its results.

21 One of the key elements of this is that we
22 understand, again, you know, the results of our
23 management actions supported by the Commission. And
24 one of the key ways to do that is to look at the
25 flat-tailed horned lizard as an indicator species. The
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1 other important thing about flat-tailed horned lizard
2 is that it has been proposed twice for federal listing.
3 And because of that, BLM takes very seriously the need

4 to protect this species in areas that had been
5 traditional OHV recreation areas. And so we prefer to
6 keep the species unlisted and redouble our conservation
7 efforts so that OHV opportunity will not be restricted.
8 So we wish that you would consider possibly a higher
9 score for this grant. Thank you very much.

10 CHAIR BRISSENDEN: Thank you. Comments,
11 questions, motions?

12 COMMISSIONER SPITLER: Public comment?

13 CHAIR BRISSENDEN: I asked for public comment,
14 nobody seemed to go the dais, the podium. Seeing none.

15 VICE-CHAIR ANDERSON: I will -- this is a matter
16 of robbing Peter to pay Paul, and it's a very troubling
17 issue, which of your children do you want to choose
18 among, and they're all in the desert, the Thorn Forest
19 or the flat-tailed horned lizard or Juniper Flats.

20 COMMISSIONER THOMAS: You can do lots of things
21 if you want to rearrange more than one grant at a time.
22 There's lots of money here, it's just how you want to
23 spend it.

24 VICE-CHAIR ANDERSON: I understand that.

25 CHAIR BRISSENDEN: Do I have a motion?

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1 COMMISSIONER THOMAS: I would preserve all of my
2 children.

3 COMMISSIONER McMILLIN: I make a motion we
4 accept staff's recommendations.

5 COMMISSIONER SPITLER: Second.

6 CHAIR BRISSENDEN: Been moved and seconded for
7 staff recommendations. All those in favor?

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(Commissioners simultaneously voted.)

8

9 CHAIR BRISSENDEN: Opposed?

10

11 VICE-CHAIR ANDERSON: I'm going to oppose. I
didn't register my no vote.

12

CHAIR BRISSENDEN: Anderson opposed.

13

14 DEPUTY DIR. GREENE: Chairman Brissenden, as
Aaron is doing a sorting, which will take just a few
15 minutes, can we take a five-minute break when it's
16 convenient for you so we can get your lunch orders. I
17 apologize that should have been done earlier at the
18 break. When we do take it, just so we take care of
19 your lunch orders, not everybody in the room.

20

COMMISSIONER THOMAS: We have to be concerned
21 with the general public here.

22

CHAIR BRISSENDEN: There's a potluck outside
23 that Don Klusman is hosting.

24

25 COMMISSIONER THOMAS: Mr. Chairman, one
procedural issue. Can we have periodic resorting as we
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1 go? This is an easier list of grants because this is
2 only one page. But as different changes are made, I
3 want to know what the impact of what my and the
4 Commission's votes are.

5 CHAIR BRISSENDEN: I was hoping you wouldn't
6 change anything, then we wouldn't be having this
7 problem.

8 COMMISSIONER THOMAS: It's a democratic process,
9 we're really stuck with it.

10

CHAIR BRISSENDEN: Yes, I know.

11

12 COMMISSIONER WILLARD: If I can offer just an
alternative point of view on that. I think we've got a
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13 very objective set of criteria that each grant has been
14 scored upon, and I'm afraid that once you see the
15 results of your, what is supposed to be, purely
16 objective scoring, then it starts to get colored and
17 has an opportunity to become perhaps more subjective
18 because of the outcome of that scoring. And I think it
19 sort of degrades the purity, the sanctity of an
20 objective system that I know everyone here went to a
21 lot of trouble to get in place. So I just offer that
22 as an alternative point of view. I understand everyone
23 wants to know what their actions mean, but, again, I
24 think I'm trying to live within the system, and I think
25 that if it's objective, it needs to be objective.

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1 CHAIR BRISSENDEN: You've come back around.
2 That's good. With that, we'll take a little break
3 while things are being adjusted for orders and be back
4 at 25 'til, 26, 24 'til or thereabouts.

5 (Break taken in proceedings.)

6 COMMISSIONER PRIZMICH: I move that we give all
7 law enforcement all of the money they need.

8 CHAIR BRISSENDEN: I second that. Okay. Moving
9 on. All those in favor? I heard the applause, I think
10 we can go from there.

11 So the staff member is John Pelonio.

12 CHIEF JENKINS: That would be Kelly.

13 COMMISSIONER PRIZMICH: Point of order.

14 CHAIR BRISSENDEN: Please.

15 COMMISSIONER PRIZMICH: I think the last session
16 we talked about putting things on Consent agenda.

17 Could we possibly do that here, as well? I have
18 several items that either need to be put on or taken
19 offer Consent agenda.

20 CHAIR BRISSENDEN: I think that's where we're
21 going to start. So it's been so long since the last
22 Consent discussion.

23 VICE-CHAIR ANDERSON: I think I was about to
24 give you something in law enforcement when we changed
25 the procedure.

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1 CHAIR BRISSENDEN: Do you have one you want to
2 put on Consent?

3 VICE-CHAIR ANDERSON: On Consent, no; off, I
4 have some additional.

5 CHAIR BRISSENDEN: I'm only taking on for the
6 moment. Hearing none, how about off?

7 COMMISSIONER PRIZMICH: Excuse me, I'm sorry, I
8 wasn't clear on that. There is one item that I have.
9 It's item number eight, OR-774 Calaveras County
10 Sheriff. It's currently not on Consent, and I spoke
11 with them, because I was a little bit taken aback why
12 they wouldn't want a substantial grant on Consent, they
13 said they would like to have it on Consent. Is that
14 correct, Calaveras, for that one? So I would like to
15 have that on Consent.

16 CHAIR BRISSENDEN: Okay. So noted.

17 Off Consent, no other volunteers.

18 COMMISSIONER McMILLIN: Well, we need to ask,
19 are there any double asterisked items that we would
20 like to pull off of Consent.

21 CHAIR BRISSENDEN: No, I was going for the more

22 on.

23 COMMISSIONER McMILLIN: They were already on.

24 COMMISSIONER THOMAS: Item 18, I'd like to take
25 that off of Consent.

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1 CHAIR BRISSENDEN: The lunch line is outside.
2 Can we do a show of hands, just go down them and say
3 we'd like to pull them off.

4 VICE-CHAIR ANDERSON: I have a short list. Can
5 I give you my list? It might shorten the list out
6 there.

7 CHAIR BRISSENDEN: So pay attention as Judith
8 gives her list. OR-2-A-68 Forest Service Angeles
9 National Forest. Do the line number, Judy, and don't
10 worry about the rest.

11 VICE-CHAIR ANDERSON: Hang in, I'm looking for
12 it.

13 CHAIR BRISSENDEN: It's right at the left, very
14 far left.

15 VICE-CHAIR ANDERSON: No, I'm looking for where
16 it is, 36, line 36. Okay. And then BLM Bishop, which
17 is line 16, I think; OR-2-P-103 Los Padres, let me find
18 the line number, 23, thank you. And Palm Springs South
19 Coast BLM 1-CD-346, that's line 17. And I've got one
20 more, OR-2-SE-64 Sequoia National Forest, 47, thank
21 you. These were the ones where there was -- my notes
22 were missing when the Chairman was pulling together
23 this list.

24 CHAIR BRISSENDEN: So with those --

25 COMMISSIONER PRIZMICH: Mr. Chairman, I have

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1 some.

2 CHAIR BRISSENDEN: Commi ssi oner Pri zmi ch.

3 COMMI SSI ONER PRI ZMI CH: I have a couple that I'd
4 like to take off of Consent, as well.

5 Line 22 OR-1-CD-359 and line 45, OR-780, I'd
6 like to.

7 COMMI SSI ONER THOMAS: I'd like to pull off line
8 13 ElDorado, so I can protect it from the rest of you
9 guys. 13 and 18 they are my requests.

10 CHAIR BRISSENDEN: So now going to the public.
11 Did you take note of those, Mr. Klusman?

12 DON KLUSMAN: Don Klusman, Cali forni a 4-Wheel
13 Drive Associati on. I respectfully would like to ask
14 that line 35, OR-1-N0-69 be pulled.

15 VICE-CHAIR ANDERSON: 35.

16 DON KLUSMAN: 34, and line 35, OR-1-N0-66; line
17 42, OR-792; line 43, OR-1-N0-76. Thank you.

18 BRUCE BRAZIL: Bruce Brazi l, Cali forni a Enduro
19 Riders Associati on. I have to apologize, they ran out
20 of the yellow forms, so I don't have line numbers for
21 you. So with that, if I could ask Commi ssi oner Thomas
22 on the two lines that you did which --

23 COMMI SSI ONER THOMAS: 13 and 18, I don't have
24 the lines. Oh, El dorado National Forest law
25 enforcement is 13, and Alpine County Sheri ff is 18.

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1 BRUCE BRAZIL: Thank you. And I would like to
2 add two more to the list. That would be OR-2-SW-38
3 which is for Paci fi c Southwest.

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4 CHAIR BRISSENDEN: 21.
5 VICE-CHAIR ANDERSON: 21, is that line 21, I
6 think.
7 BRUCE BRAZIL: And OR-806, Santa Clara County
8 Parks and Recreation.
9 OHV STAFF FREITAS: 24.
10 CHAIR BRISSENDEN: 24.
11 VICE-CHAIR ANDERSON: Thank you.
12 FRED KRUEGER: Fred Krueger, from the Plumas
13 National Forest, and we would respectfully ask that
14 line 48 be pulled off the Consent.
15 CHAIR BRISSENDEN: What number was that?
16 VICE-CHAIR ANDERSON: 48.
17 CHAIR BRISSENDEN: 48.
18 LT. ANTONY CRUZ: Lieutenant Antony Cruz, San
19 Joaquin County Sheriff's Office requesting line 15,
20 OR-771 be pulled off of the Consent list.
21 CHRIS EVANS: Chris Evans, San Bernardino
22 National Forest requesting that line number 39,
23 OR-2-SB-92 be removed from Consent, please.
24 MARTY HORNICK: Marty Hornick, Inyo National
25 Forest requesting that line number 28, grant

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1 OR-2-I-82 -- line number 20.
2 CHAIR BRISSENDEN: You said 28, it's 20.
3 MARTY HORNICK: I should say 20, I apologize,
4 it's the OHV law enforcement grant. I would like to
5 have that removed from Consent.
6 PAUL McFARLAND: Paul McFarland for Friends of
7 Inyo. I wanted to second line 20 be pulled off.

8 CHAIR BRISSENDEN: Thank you. Oh, you have to
9 put on as many as you take off. Think about it.

10 KATHLEEN MICK: I'd like to respectfully request
11 that OR-SW-38 be pulled off Consent and also have the
12 Division recognize that at the subcommittee meeting,
13 our agency -- sorry, Kathleen Mick for the Forest
14 Service -- our agency requested that we were going to
15 voluntarily reduce our grant request. And so our total
16 grant request at this time for OR-2-SW-38 would be
17 \$361,800. And when we speak about that, I can outline
18 then what's being removed.

19 DEPUTY DIR. GREENE: Ms. Mick, can you indicate
20 that amount one more time? I'm sorry.

21 KATHLEEN MICK: \$361,800, if my math is correct,
22 but I don't have a calculator.

23 ELIZABETH NORTON: Elizabeth Norton, Public
24 Services Officer on the Lassen National Forest. And I
25 ask that line 26, OR-2-LA-94 be off the Consent.

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1 BRENT SCHORADT: Brent Schoradt, California
2 Wilderness Coalition, I would like to second the Lassen
3 National Forest, OR-2-LA-94, it's line 26. Thanks.

4 CHAIR BRISSENDEN: Just for the future, seconds
5 are not necessary. Everybody has got their orders in.
6 Do I have a motion for the balance of the Consent
7 agenda, which probably we should have somebody go
8 through rather thoroughly. Maybe, staff, were you
9 keeping copious notes, Jennifer?

10 OHMVR STAFF ROACH: Kelly.

11 CHAIR BRISSENDEN: Kelly, I'm sorry. Can you
12 state those that are still on Consent that will be then

13 the motion.

14 OHMVR STAFF ROACH: The items I show on Consent
15 are line items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14,
16 18, 19.

17 CHAIR BRISSENDEN: I show 18 as being off.

18 VICE-CHAIR ANDERSON: 18 is off.

19 CHAIR BRISSENDEN: Nineteen is still on.

20 OHMVR STAFF ROACH: I'm skipping to 25 being on
21 Consent. No, excuse me, that's off. 27, 31, 32, and I
22 show 40 on Consent, as well.

23 VICE-CHAIR ANDERSON: Wait a minute.

24 OHMVR STAFF ROACH: And item 50.

25 COMMISSIONER McMILLIN: Very good job.

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1 CHAIR BRISSENDEN: Looks about right. Would
2 anybody like to make the motion of the ones that were
3 just stated?

4 VICE-CHAIR ANDERSON: Excuse me, Mr. Priznich
5 moved.

6 CHAIR BRISSENDEN: Okay.

7 VICE-CHAIR ANDERSON: I'll second.

8 CHAIR BRISSENDEN: It's been moved and seconded.

9 All those in favor of the Consent calendar on law
10 enforcement, please signify by saying aye.

11 (Commissioners simultaneously voted.)

12 CHAIR BRISSENDEN: Opposed. Side conversations
13 in the middle there, Mr. Thomas, are you voting?

14 COMMISSIONER THOMAS: On what?

15 CHAIR BRISSENDEN: The Consent calendar. See,
16 pay attention.

17 COMMISSIONER THOMAS: Well, you've got too many
18 data points you're floating out there.

19 CHAIR BRISSENDEN: We just had a motion and
20 second for the Consent calendar for law enforcement.

21 COMMISSIONER THOMAS: I'll vote aye.

22 COMMISSIONER WILLARD: Aye.

23 CHAIR BRISSENDEN: Okay. Thank you. I think
24 that's -- so that leaves us with.

25 VICE-CHAIR ANDERSON: A lot.

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1 CHAIR BRISSENDEN: Yes. There was a question
2 about wanting to break for lunch, and we probably
3 should get ours in here, and then we could probably
4 break at that point, but it will probably be a very
5 short break.

6 Phil or Daphne, have you anticipated lunch
7 breaks and giving information to the general public as
8 to what's close by.

9 DEPUTY DIR. GREENE: I believe we have that
10 available for the public.

11 CHAIR BRISSENDEN: So we will wait for the
12 signal from Vicki, and then keep going. And we'll just
13 start down the list, so please begin.

14 OHMVR STAFF ROACH: Good morning, Commissioners.
15 My name is Kelly Roach. I'm supervising ranger and
16 grant administrator for the OHMVR Division. There were
17 50 enforcement projects, and the request for a bucket
18 of \$4 million amounted to \$10.1 million.

19 The first project to be heard, OR-1-CD-354, El
20 Centro Field Office Law Enforcement with a request of
21 \$1,767,787. Division score of 82, at 80 percent

22 funding for a recommended funding amount of \$1,414,230.

23 COMMISSIONER THOMAS: Mr. Chairman, I would like
24 to move to continue this until the end of the list so
25 that we can examine some of the other grants, and then

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1 deal with this.

2 CHAIR BRISSENDEN: Your rationale might be?

3 COMMISSIONER THOMAS: Well, considering it is
4 the largest grant, and it would eliminate most of
5 Northern California funding, it would seem to me
6 prudent to understand the balance of the testimony as
7 to the rest of the State of California before we deal
8 with a grant which an early decision upon which will
9 guarantee that Northern California will not be funded.

10 CHAIR BRISSENDEN: Okay. So moving along.
11 Unless somebody has an objection to that.

12 COMMISSIONER McMILLIN: I don't think that's
13 fair.

14 CHAIR BRISSENDEN: Oh, you're from Southern
15 California.

16 COMMISSIONER McMILLIN: Irrelevant to that, if
17 we can put that aside for a moment, I think we need to
18 judge these based on the criteria provided and go
19 through them in order. That would be my
20 recommendation.

21 CHAIR BRISSENDEN: Mr. Willard.

22 COMMISSIONER WILLARD: I'm from Northern
23 California, and while I sympathize with Commissioner
24 Thomas' point of view and would hope that Northern
25 California receives more funding, I think I have to

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1 agree with Commissioner McMillin in that, again, I look
2 at being as objective as I can and making decisions
3 based on facts, and so I'd rather not look at what the
4 end results are and rather focus on the merits of the
5 grants at hand while we have it at hand.

6 CHAIR BRISSENDEN: Commissioner Priznich.

7 COMMISSIONER PRIZNICH: Well, this highlights
8 the dilemma that I'm personally faced with. And while
9 I understand the competitive nature of these grants,
10 the reality is for law enforcement and for indeed the
11 public that utilizes these facilities, without some law
12 enforcement there it's not as fun for a lot.

13 So I think the real crux of the problem in the
14 law enforcement area is that we have not provided
15 enough money for law enforcement to adequately provide
16 the services that are fundamentally needed. And
17 believe me, I know some law enforcement agencies ask
18 for way more than they really need, but there is an
19 adequate funding level, and I don't think we've come
20 close to that. So at some point in the future,
21 wherever that is, we really need to seriously talk
22 about this, but I, too, would like to see more money in
23 Northern California and am concerned that this would be
24 a huge chunk taken away from Northern California, and
25 I'm also compelled to have to go along with this

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1 competitive process in my view. But it does illustrate
2 what I said earlier, that simply voting on the
3 competitiveness of this leaves out completely, you

4 know, the equity that we're now faced with. And it's
5 primarily because we don't have money. So I would have
6 to reluctantly go along with we should move down the
7 list one by one.

8 CHAIR BRISSENDEN: Okay. Any other comments?
9 While I tend to concur with the objectivity side, but I
10 think we need to take into consideration the amount of
11 money that this particular grant has gotten over the
12 years and go forward. But how do we score them down?

13 COMMISSIONER THOMAS: I'm not suggesting to
14 score anything at this stage. All I'm asking is that
15 you continue this particular item to further down the
16 list, and then we'll deal with it. There is no reason
17 that it had to be number six. It could have been
18 number 12. There is no objective reason that the
19 assignment was made. Why doesn't A come before M
20 perhaps or perhaps southern --

21 CHAIR BRISSENDEN: It's based on scoring, Hal.

22 COMMISSIONER THOMAS: I understand, but there is
23 no reason that we have to take them in that order.
24 There is equity criteria, there is all kind of
25 criteria.

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1 CHAIR BRISSENDEN: I think that there is enough
2 savvy up here that we can address this one at this time
3 and go forward and see where the bottom line drops.

4 So with that, please announce, and then if the
5 applicant is here, and any public comment to follow.

6 OHMVR STAFF ROACH: Commissioner, did you want
7 me to announce the El Centro grant again?

8 CHAIR BRISSENDEN: Yes, since we've had no
9 discussion. Where are we?
10 OHMVR STAFF ROACH: We're at line seven,
11 El Centro Field Office Law Enforcement. The request is
12 \$1,767,787; score of 82 at 80 percent funding,
13 \$1,414,230 is the Division determination.

14 CLARK BEENE: Good afternoon, my name is Clark
15 Beene. I'm a special agent for the Bureau of Land
16 Management. For the last nine months I have had the
17 honor of being the acting chief ranger for the
18 El Centro Field Office. My background in the El Centro
19 Field Office goes back 17 years from the maintenance
20 program on into the law enforcement program. I stand
21 before you with -- I'm sending out a facts sheet right
22 now.

23 But the Imperial County at this time in fiscal
24 year 2006 received 8.8 million visitors to our county.
25 It's a huge number for a small county and a small

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1 ranger forest. Our ranger forest is a table
2 organization of 12. Currently we're standing at nine
3 rangers and two special agents. We work in conjunction
4 with the small county sheriff's office that currently
5 fields approximately 20 officers. And we're dealing
6 with crowds of tens of thousands on a normal weekend up
7 into hundreds of thousands on holiday weekends. Please
8 bear with me, I know the Commissioners have always
9 heard the word El Centro, and it's synonymous with sand
10 dunes, but that is not the case. We have several other
11 recreation opportunities in our valley and also in
12 eastern San Diego County under our jurisdiction

13 (Inaudible) Valley. These areas have increased in step
14 with the sand dunes, not as much, but we're noticing
15 with the population, our enforcement actions and just
16 the amount of visitors that come to the Dunes, these
17 other areas are receiving a large increase in numbers,
18 and the problems that come with the numbers. And we're
19 trying to deal with these with our staff. And part of
20 the way El Centro has been very successful in dealing
21 with these issues and intends to be successful with
22 these issues. I think we have a good track record of
23 thinking out of the box, but with this we need help.
24 And this is a tool we have used consistently and
25 responsibly through the years for dealing with our

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1 issues.

2 Some of the areas that we're talking about are
3 the Yuha Desert right on the Mexican border where we
4 have several sensitive species, several cultural
5 issues. We have 11 wilderness areas and several
6 wilderness study areas, and we have a few limited use
7 areas, and we're trying to manage these sensitive
8 resources in an age of increased popularity of this
9 sport. And we're also -- I mean we work hard to
10 educate our public, and we work hard to work with our
11 constituents in managing these problems. Thank you.

12 CHAIR BRISSENDEN: Thank you. Any public
13 comments?

14 JIM BRANHAM: Good morning, Commissioners, my
15 name is Jim Branham, American Sand Association. We're
16 30,000 strong in advocacy for the Imperial Sand Dunes.

17 We recognize that this grant extends far beyond the
18 Imperial Sand Dunes in Imperial County, and the effects
19 that are -- the quality law enforcement that it's had
20 in Imperial Sand Dunes has had an effect of displacing
21 some of the less desirable element from our recreation
22 and displaced it onto other places in Imperial County.
23 And the importance that it is that the Imperial
24 continues to be able to give that message that the BLM
25 law enforcement be able to continue to give the message

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1 that not only is that type of activity inappropriate in
2 the sand dunes, it's inappropriate anywhere on public
3 land. We have seen a great turnaround in the types of
4 visitorship and the problems in El Centro in large part
5 due to your initial funding of the Imperial County
6 Sheriffs. That effort needs to continue and needs to
7 be spread. This is the population, this is the folks
8 that come to recreate. They're there, they need to be
9 managed. They need to be encouraged to do the right
10 thing, and ASA is in complete support of this grant.

11 CHAIR BRISSENDEN: Thank you.

12 BRUCE BRAZIL: Bruce Brazil, California Enduro
13 Riders Association. Besides being able to address the
14 scores, the Commission is also empowered to make
15 adjustments to the cost deliverable sheets if there are
16 inappropriate entries in there. And there are a couple
17 on this grant request that I'd like to address.

18 On one of the deliverable sheets they've got
19 listed under activities, "Funds to be used for search
20 and rescue operations in the Imperial Sand Dunes."
21 They've got a listing for three staff people for a

22 grand total of \$219,354. I've got to ask why would
23 there be a separate request just for the search and
24 rescue? Why aren't all of the rangers supposed to be
25 available for that? So I would ask that that part of 139

1 the deliverables be removed.

2 On the other cost and deliverable sheet under
3 contracts, there's entry for law enforcement assistance
4 for a total of \$400,000. I read through the grant
5 request information, I could find nothing showing where
6 that money is going to be applied. I'd also request
7 that that amount be removed.

8 And if you look at both of the cost deliverable
9 sheets, there are no agency contributions for either
10 one of these grants. It's up to the OHV program to
11 supplement the grants, not totally pay for them. Thank
12 you.

13 JOHN STEWART: John Stewart, California
14 Association of 4-Wheel Drive Clubs and United 4-Wheel
15 Drive Association. Looking at this grant, I have to
16 look at the fact that this is a competitive process.
17 And reviewing it within the competitive process, we
18 find that the grant is scored appropriately. We
19 support the scoring position on it. And we fully
20 understand the far-reaching impacts, but also would
21 like to underscore one thing is that Imperial County is
22 a recreation site, it's a destination recreation site.
23 And as such, it receives a significant visitation each
24 year within the Imperial Sand Dunes, within the other
25 areas ringing around the Salton Sea where the BLM and 140

1 Imperial County Sheriff end up working in conjunction
2 to provide law enforcement actions and address the
3 massive crowds that do show up there. This grant is --
4 you know, supports something that is within the need
5 for recreation within the defined legal.

6 And knowing that it's been mentioned that
7 there's a shortage of funding within the law
8 enforcement category, I want to point out that law
9 enforcement is one of the legislative-mandated issues
10 to address with the OHV fund, along with restoration.
11 And I challenge the Commission to use the discretionary
12 efforts at their disposals to possibly move some
13 funding from other areas into the law enforcement in
14 order to address the legislative-mandated issues of the
15 recreation program. Thank you.

16 CHAIR BRISSENDEN: Thanks, John.

17 BOB HAM: Bob Ham, County of Imperial. First of
18 all, I'd like to thank the Commission for their grant
19 for the county sheriff, but this is a partnership. In
20 order to maintain safety out there, the sheriff can't
21 do it alone, the BLM can't do it alone, and we do
22 need -- as several people have expressed, Imperial
23 County is a destination. It is the destination.
24 Deputy Director Daphne Greene said that on the 20th,
25 the gas tax study will come out. I will guarantee

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1 you -- I haven't seen it yet, but I cannot imagine that
2 Imperial County won't be the number one destination in
3 terms of where the people are going. We're going to

4 have that documented very shortly. The use is going up
5 in almost geometrically. The need for having the funds
6 to keep people safe is important. Our county
7 supervisors believe that the BLM needs this money
8 enough that we have gone to Washington on several
9 occasions. We continue to push the Congress to do the
10 right thing and put this, this particular area as a
11 line item in the budget, rather than the way they do
12 budgeting now by so many rangers per so many million
13 acres. This is a completely unique area. They do
14 warrant -- I understand it's a lot of money, but they
15 do warrant it with the kind of use it takes there.
16 Thank you.

17 CHAIR BRISSENDEN: Thank you.

18 COMMISSIONER THOMAS: I have a question.

19 CHAIR BRISSENDEN: Commissioner Thomas.

20 COMMISSIONER THOMAS: How do we know there is no
21 overlap between the Imperial County proposal and the
22 Sheriff's -- the El Centro Office and the sheriff? How
23 do you distinguish between the two?

24 BOB HAM: Well, the sheriff has expended all of
25 their money in previous grants on this stuff, and in

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1 fact currently we had to go back and work with the BLM
2 so that this very weekend we ran out of money in
3 Imperial County. We also didn't have sheriff's here
4 until the next grant. We are using some BLM funds to
5 keep the sheriff's out there from the prior year's
6 grant. So we work very closely together. We can't
7 have just one agency. The BLM is not able to get all

8 of the resources in there. Imperial County Sheriffs
9 cannot by themselves get in there. We have to have
10 this money, and the sheriff goes to San Diego and
11 neighboring counties and brings in deputies for the big
12 weekends. We're too small a sheriff's department.

13 COMMISSIONER THOMAS: But you cross designate.

14 BOB HAM: We cross designate.

15 COMMISSIONER THOMAS: Right. And yet you're
16 saying that the grants we gave last year were
17 insufficient?

18 BOB HAM: Insufficient.

19 COMMISSIONER THOMAS: How much did we give you
20 last year?

21 BOB HAM: \$375,000.

22 OHMVR STAFF ROACH: If I could interject, the
23 \$375,000 was for Imperial County Sheriff's Department.
24 BLM received \$266,000 last year for law enforcement,
25 and \$404,000 for equipment.

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1 COMMISSIONER THOMAS: Okay. So \$900,000.

2 CHAIR BRISSENDEN: So basically doubling both of
3 those this year.

4 CLARK BEENE: And the use is almost going in
5 that direction, as well. As it's been mentioned, it's
6 not just the sand dunes. Our west desert is getting a
7 tremendous amount of use, and there's issues because
8 Imperial County also happens to lie on the border,
9 there's issues that both the sheriffs and the BLM have
10 to deal with that just happen.

11 COMMISSIONER THOMAS: Yes, but that's not our
12 issue.

13 CLARK BEENE: It's not the OHV --

14 COMMISSIONER THOMAS: We're not the immigration
15 department.

16 CLARK BEENE: It goes on, and it does complicate
17 things because those folks are able to intermingle with
18 our folks, and we have to be able to sort it out.

19 COMMISSIONER THOMAS: But how do you allocate
20 between the two entities? Do you just spend it until
21 it's gone? I mean how do you organize yourselves to
22 allocate between the two entities?

23 CLARK BEENE: Sheriff's department is here, but
24 basically each week there's an assessment of what the
25 needs are going to be, and they work very closely with
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1 the BLM, and they deploy resources in the areas where
2 they believe there is going to be a need. And on the
3 big weekends, you know, there's the BLM brings people
4 in from all over the west. The sheriff brings people
5 in from all over Southern California, meet together in
6 strategy sessions and get out there --

7 COMMISSIONER THOMAS: We understand the big
8 weekends.

9 CLARK BEENE: The big weekends. And there are
10 more and more big weekends. The small weekends right
11 now are where the big weekends used to be a number of
12 years ago. Every single weekend you're going to find
13 50,000 people out there, and you don't see that any
14 place else.

15 COMMISSIONER PRIZMICH: Commissioner Thomas, I
16 think, just as a commentary, I think this last year's

17 round of grants represented a decrease from the years
18 in the past. If you remember, we provided \$500,000 for
19 Imperial, so it has gone down as opposed to going up.

20 CLARK BEENE: That's correct.

21 CHAIR BRISSSENDEN: Can I clarify, Sheriff
22 Prizmich, what I was just hearing from our staff was
23 that that was not the case.

24 OHMVR STAFF ROACH: The \$375,000 was for the
25 Imperial County Sheriff's Department. The Law

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1 enforcement monies that went to BLM last year was
2 \$266,500.

3 CHAIR BRISSSENDEN: So what I mentioned just off
4 the cuff is that we're doubling their allotment this
5 year from last year.

6 COMMISSIONER PRIZMICH: Right. But several
7 years back we awarded them -- the Imperial County
8 Sheriff's Office, if I'm not mistaken, in Southern
9 California awarded them alone 500,000, so it's gone
10 down from there.

11 OHMVR STAFF ROACH: That is correct, the
12 previous grant cycle was \$500,000.

13 COMMISSIONER PRIZMICH: That's my only point.

14 CLARK BEENE: I think these previous grants go
15 back to 2003. The very first grant, I think Sheriff
16 Carter came in and asked for \$250,000. And there was
17 so much stuff going on that this Commission responded
18 by giving them \$500,000. It all got spent and things
19 started getting turned around immediately. And that
20 momentum is still going on, and this is just a really
21 important grant.

22 CHAIR BRISSENDEN: Just to clarify, again, it's
23 about 2.1 million between the two up from what sounded
24 like 500,000.

25 COMMISSIONER THOMAS: It's 50 percent of the 146

1 budget.

2 CHAIR BRISSENDEN: Sixty percent of our budget
3 for one county. Yes, Commissioner Willard.

4 COMMISSIONER WILLARD: Through the Chair, to the
5 speaker I wanted to get a clarification on a statement
6 you made regarding BLM funding for law enforcement.
7 You said that rangers are allocated on a per acre basis
8 nationally, not on a visitor basis; is that correct?

9 CLARK BEENE: That's the way I understand it.
10 Each one of the offices, BLM -- you know, obviously
11 it's not that simple. But basically that's the
12 difference between the way Interior designates money
13 for national parks versus BLM areas. The resource --
14 BLM as resource managers manage the park service. It's
15 people managers, although, you know, obviously with a
16 mission of protecting the resources. And in this
17 instance in Imperial County, in particularly the sand
18 dunes, there's clearly a people management issue. And
19 that's a long range thing that our board of supervisors
20 is getting a little bit of traction with the sand dunes
21 and the Department of Interior in Washington to try to
22 take this one area at least and maybe some of the other
23 sand dune areas and get a special allocation as a line
24 item each year in the budget rather than just some
25 money to the state that gets divvied up between the

1 districts.

2 CHAIR BRISSENDEN: Thank you.

3 BRENT SCHORADT: My name is Brent Schoradt. I'm
4 here representing the California Wilderness Coalition.
5 And I have a letter that I'll hand out for the whole
6 entire Commission signed on by a coalition of
7 environmental groups listing our priorities for grants.
8 And this grant is actually not one of our priorities;
9 however, the Imperial County grant which doubled
10 funding from last year to this year, we are supporting
11 that grant and that did pass on the Consent calendar.
12 I think just the sheer size of this grant points out a
13 lot of inequities because of the fact that this program
14 is funded by recreational users statewide, including
15 non-motorized recreational users who are getting off of
16 pavement to go fishing, backpacking, camping and
17 biking, whether that be in Tahoe, Modoc, Mendocino or
18 the Angeles National Forest. But it doesn't seem fair
19 for this size of grant to be really subsidized by the
20 entire state. And I think it's obvious there is lot of
21 use in that area, and it's an important area to
22 protect. I think the field office down there should
23 really look to become more self sufficient in terms of
24 really holding the users accountable and generating
25 funds, more funds from the users. Because if it's

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1 getting that much use, then they're causing a lot of
2 damage, causing a lot of mayhem, and they should be
3 paying their fair share. So I would urge you to please

4 look at not only the scoring rationale but also the
5 cost deliverables to see -- just to really see what can
6 be cut out. Thank you.

7 CHAIR BRISSENDEN: Thank you.

8 PAUL McFARLAND: Paul McFarland, Friends of
9 Inyo. I want to echo some of what Brent said because
10 over where I live in the eastern Sierra, just the sheer
11 size of this grant really does kind of preclude a lot
12 of need in enforcement in Northern California. And,
13 yes, there never is enough money to go around to meet
14 the need, but one of the things that this field office
15 in particular points out is the exceedingly intensive
16 needs of managing intensive off-road vehicle use,
17 especially in an area as large as the desert that
18 doesn't present a lot of geographic or vegetative
19 barriers to driving all over the place. There's just a
20 lot of ground to cover. You'll never have enough
21 people out there. But when you have confined areas
22 like the sand dunes that see hundreds of thousands of
23 people, and even, you know, on what used to be small
24 weekends, there really has to be some kind of balance
25 where the user community is spending -- is putting into

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1 a fund to help manage that recreation in a safe and
2 sustainable way that costs more than half a tank of gas
3 to get out there from a Southern California urban area.
4 What you have before you is a very difficult issue.
5 One of the things that I see is the large size of this
6 grant precludes some very needed grants and some field
7 offices and Forest Service areas that have done a great

8 job in the past, one I'm particularly concerned about
9 is Inyo National Forest OHV law enforcement, they've
10 done a phenomenal job but there simply isn't enough
11 money left at end of the day. So just to echo Brent,
12 there has to be some kind of reckoning where when we
13 have intensive use, that intensive use in some way has
14 to be -- the management of that use has to be also
15 subsidized by the people who are doing that use. It's
16 an intensive recreation activity, and we need to come
17 to terms with that in some way. So good luck.

18 CHAIR BRISSENDEN: Thank you.

19 KAREN SCHAMBACH: Karen Schambach, Center for
20 Sierra Nevada Conservation and PEER. Without repeating
21 everything they said, I do want to support and
22 reiterate what Brent Schoradt and Paul McFarland have
23 said about this grant. I know they need the money. I
24 think BLM really needs to look at their fee structure
25 out there and try to generate a little more money -- or
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1 a lot more money out of the visitors that are using the
2 place. And, you know, I hate to oppose this grant.
3 I'm not going to oppose it, but it's just really not
4 fair to take over half the kitty and give it to one
5 county. And I would encourage the Commissioners to
6 look at the suggestions made by Mr. Brazil as far as a
7 means of cutting this grant back to a more reasonable
8 size. Thank you.

9 DON KLUSMAN: Don Klusman, California 4-Wheel
10 Drive Association. I wasn't going to speak to this
11 grant, but I changed my mind; us old guys can do that
12 once in a while. The whole issue here is the size of

13 this grant. Because if you go by the scoring, the
14 grant got an 80 percent score, and we wouldn't think
15 out here in the audience or the Commission wouldn't
16 think big about it if the grant wasn't the amount that
17 it is. I think we as a community and with others need
18 to emphasize to BLM that we can't do this anymore. We
19 can't take, you know, 60 percent of the OHV fund for
20 law enforcement and put it in one area, even though I'd
21 love to say that's what we need to do. When it's
22 cutting out all of these other ones, that's where the
23 question is. I don't have an answer for you. You
24 know, I support this grant, and knowing they need law
25 enforcement down there. But for the OHV Trust Fund, to
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1 take 60 percent of the law enforcement money to put
2 into one county, I have a problem with that. Thank
3 you.

4 COMMISSIONER THOMAS: I have a question for
5 Mr. Klusman.

6 CHAIR BRISSENDEN: Mr. Thomas.

7 COMMISSIONER THOMAS: Assuming that I'm going to
8 talk about the criteria here and ask if this is your
9 testimony or you would support this testimony. One of
10 the criteria that we evaluate is that the project
11 demonstrates law enforcement efforts will sustain
12 long-term OHV recreation. If you take half of the
13 state in one place, isn't it logical that you're not
14 going to sustain long-term recreation in the rest of
15 the state because you took the budget for one place.
16 And so instead of giving somebody a 29 out of 35, I

17 would say 19 out of 35, which is approximately half of
18 36, not exactly, but it would show that we are
19 distributing long-term recreational funds equally over
20 the state. Is that the kind of logic that you could
21 use to reduce item one from 29 to 19?

22 DON KLUSMAN: It's the kind of logic that I
23 would agree with in the real world. Problem is that
24 you've got a grant here asking for 1.7. And even
25 though they got an 80 percent, they're not going to get
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1 1.7. But when you take 1.7, any percentage of that you
2 take to get above the cut line to hit 60 percent is
3 still going to be a huge grant. So I mean what I'm
4 saying is, I think your hands are kind of tied because
5 of what the scoring is. You can adjust the score one
6 way or the other a little bit, you're still going to
7 have a huge grant.

8 COMMISSIONER THOMAS: Well, we need your
9 testimony and facts. If your factual testimony is that
10 we should have zero out of 35 for the first criteria
11 because we're going to completely eliminate that, then
12 that's different. You have to tell us. You're the
13 public. We need your evidence now. We used to make
14 the decisions ourselves. Now we need your evidence and
15 could you give us that?

16 DON KLUSMAN: Not on this grant I can't, no.

17 COMMISSIONER THOMAS: Okay. Thank you.

18 JIM KEELER: Jim Keeler, BLM California State
19 Office. I've been struggling with this same issue that
20 you guys have. But I guess the final decision that
21 I've made is that we've played in the political arena

22 for a lot of years and got cut back. So this year we
23 went out and played the game exactly the way the rules
24 were set up to be played. And I guess I would take it
25 kind of personally if we chose to reduce a grant that

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1 was well written, that met all of the criteria. I
2 believe or I agree that we need to somehow address the
3 size of these grants, but I don't know that after you
4 don't like the outcome you can go back and arbitrarily
5 change the process. That being said --

6 COMMISSIONER SPITLER: Excuse me, with all due
7 respect, I think it's disrespectful for you to stand up
8 there and say that any Commissioner here is going to be
9 acting arbitrarily.

10 JIM KEELER: I don't believe I said that. If I
11 did, I misspoke. But what I'm saying is I don't think
12 after the grant has received a score, that it's really
13 appropriate to go back and rescore.

14 COMMISSIONER SPITLER: You know what, it's
15 totally appropriate for Commissioners to rescore a
16 grant based on their view of the criteria and how that
17 grant met those criteria. That's what our job is
18 today.

19 JIM KEELER: I'm expressing my opinions here.
20 But in any case, Neil Hamada does have some facts that
21 he could use to refute what Mr. Brazil said, among
22 others. But he's willing to be called back up if you
23 have specific items that you request. And I appreciate
24 your time.

25 CHAIR BRISSENDEN: And I would appreciate

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1 everyone sort of calming down a little bit, and also
2 none of this is to be taken personally.

3 JIM KEELER: Thank you, sir.

4 STEVE GUITIERREZ: Good afternoon, Steve
5 Guitierrez, Imperial County Sheriff's Office. Just to
6 clear up, there was some question about if we work
7 together. We work in partnership. We have been for
8 the last five years with BLM; however, our funding is
9 specifically for our services and our staffing levels
10 and our equipment, which we work jointly with BLM. The
11 money that you have given us pays for the staffing of
12 our sheriff's deputies, plus San Diego, plus all of the
13 coalition locally, sheriff and local PDs that come and
14 work in partnership with us. We meet monthly, we meet
15 weekly, we meet daily. This isn't something that you
16 do per event on a holiday weekend or even off weekend.
17 We had 93,000 visitors on Halloween weekend. We had
18 three fatalities. We had over 700 citations. We had
19 about 50 arrests. Thanksgiving we had 198,000; last
20 year we had 193,000 just on the Thanksgiving weekend,
21 and we had three fatalities there, as well.

22 So most definitely, the funding that you have
23 allocated for the sheriff's department is sufficient
24 for the services that we provide separate from what
25 you're giving BLM. We depend on those services. We

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1 appreciate the money, the funding that you've given us.
2 And without that funding, we wouldn't be able to do our
3 job. So we appreciate that. I believe you had a

4 question, Mr. Commissioner, if we were -- it's separate
5 and independent from BLM, and it's necessary. Thank
6 you.

7 CHAIR BRISSENDEN: Thank you. So back to the
8 Commission. Commissioner Anderson, and then
9 Commissioner Spitzer.

10 VICE-CHAIR ANDERSON: Several years ago, I think
11 I pointed out this problem saying that the Imperial
12 Sand Dunes and the numbers of visitors there and the
13 associated areas around other parts of Imperial County
14 are a big sinkhole, and I wanted the El Centro BLM area
15 to address how we could possibly continue this
16 long-term. I think the initial crunch in funding came
17 after some really unfortunate series of incidents and
18 the fact that the Dunes were out of control and getting
19 national publicity for the fact that there wasn't
20 really adequate supervision.

21 At that point this Commission decided that the
22 Imperial County Sheriff could offer some services and
23 assistance and get us out of a hole. But I guess what
24 I'm looking at this, project deliverables, and I'm
25 looking at the page that shows who the staff are going

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1 to be and how much for each of the different staff
2 people, about a dozen here, that under agency
3 contribution it says none. Now, that may be incorrect
4 factually. I really don't know, but this tells me that
5 all of this law enforcement staff for the El Centro
6 Field Office is going to be paid for by this
7 Commission, which I really don't think is appropriate.

8 I think that there certainly ought to be other law
9 enforcement dollars that come into this management
10 through the agency. I mean there isn't anything in the
11 column that indicates anything at all.

12 So I guess it's no wonder that it's now at 1.3
13 or whatever million dollars if the agency isn't putting
14 anything in and so that the grant request says, well,
15 OHV Commission, you should pay for it all. So on the
16 basis of the fact that there is nothing listed here for
17 an agency contribution, I think that we're absolutely
18 entitled to do such things as reduce the number of
19 rangers or other staff to something that would
20 represent or require the agency to throw in some of its
21 own money. I don't think that Mr. Thomas' question
22 about -- which I kind of nagged him into asking --
23 about overlap between the county sheriff and the BLM
24 law enforcement systems was really addressed,
25 particularly in the light of other comments that have

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1 been made. Where last year they got between the two of
2 them, the county sheriff and the BLM, thereabouts
3 around \$500,000. And this year it's almost five times
4 that much in terms of their request. We have put the
5 Imperial County Sheriff's request this year, which is
6 more than double what they got last year, hopefully
7 this could be adequate. They said this year they ran
8 out of money. We're presuming that the additional
9 funds that they requested this year will be sufficient.
10 But it doesn't answer the question of if you're playing
11 this grants request game, and you're saying, okay, this
12 is how much we asked for last year and this is what our

13 application was and therefore we got this many dollars,
14 well, we got cut back. We need \$700,000, so let's ask
15 for 1.4 million because we don't know if our grant is
16 going to be any good, and we're only going to get 50
17 percent funding anyway, so. And I can see both
18 agencies doing that. And the question that I really
19 had is -- and this is a point at which I think the
20 staff really when they're looking at these grants,
21 where there is clearly an overlap of jurisdiction and
22 it's sizeable, it's worth the staff looking at is there
23 a duplication of requests. And if there is a
24 duplication of requests, for example, in the area where
25 Bruce Brazil pointed out the law enforcement

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1 assistance, which is contract money that goes out to
2 other sheriffs or park service or other counties in
3 asking for assistance, which applicant is going to be
4 responsible for paying for that or is that -- is there
5 some rational decision about why should it be \$400,000
6 on the BLM and then the Imperial County Sheriff also
7 has an item in there for contracting for San Diego
8 Sheriff assistance. How do we assess the size of the
9 request as compared to the need? And I would like to
10 get some staff feedback on what you do in terms of
11 looking at grants like this where there might possibly
12 be -- the two agencies are working absolutely in
13 coordination, and I understand that. But the people
14 who write their grant application requests, are they
15 getting together and saying, okay, you ask for the
16 money for the outside assistance and we'll ask for the

17 equipment or that kind of thing, so that we don't have
18 needless duplication within these. If we funded both
19 of them and bought all of this equipment and paid for
20 all of this ranger time, we would have unnecessary
21 duplication exceeding the need -- not that that's
22 possible, but exceeding a need as compared to other
23 parts of the state where there is need.

24 OHMVR STAFF ROACH: As far as the commonalities
25 in the grants, Imperial County's grant is going to

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1 patrol, according to their application, assist State
2 Parks at Ocotillo Wells and Heber Dunes. They're going
3 to patrol Superstition Mountains and areas near the
4 Colorado River, Plaster City, and the Dunes area
5 commonly known as ISDRA. BLM's grant focuses on the
6 Imperial Dunes, Superstition Mountain, Plaster City,
7 the Yuha Desert and Lark Canyon and McCain Valley. So
8 those are the commonalities based on their
9 applications.

10 As far as whether or not they're duplicating,
11 John Pelonio is going to talk to you a little bit more,
12 since he's had some site visits down there recently. I
13 don't know that I can necessarily say. It's difficult
14 to count how many people are actually out there in the
15 desert. That's what we expect the applicants to
16 portray to us is their needs. BLM mentions that they
17 had responded to 687 medical calls in fiscal year '05,
18 and Imperial County said that they responded to a
19 thousand public assists, 360 medical assists in the
20 2005/2006 season. I think they're trying to tell us
21 what their need is and what their numbers are.

22 NEIL HAMADA: Commissioner, can I address the
23 issue?

24 CHAIR BRISSENDEN: Only upon commissioner
25 question.

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1 VICE-CHAIR ANDERSON: She had someone else's.

2 OHMVR STAFF ROACH: I'm going to turn it to John
3 for more information.

4 OHMVR STAFF PELONIO: John Pelonio, Supervising
5 Ranger OHMVR Division. I've done three site visits
6 down there. The first two were on holiday weekends,
7 Presidents' Day weekend, and the third was on just a
8 regular winter season weekend, and they have a
9 coalition. The two agencies work together, but they
10 also bring in variety of different other agencies. The
11 federal BLM will bring in other federal agencies. I
12 saw National Park Service out there and other federal
13 agencies down there assisting. And then the Imperial
14 County sheriff, as you noted, brings in San Diego
15 County Sheriff to assist. There was plenty of activity
16 going on to keep the officers busy for the most part.
17 Imperial Dunes has actually made a huge difference. It
18 used to be that you couldn't go there with the family
19 or the family would be victimized by the other people.
20 Now, it has returned to where families are coming out
21 and are able to have a good time. The problem is that
22 people who are causing trouble at the Dunes have been
23 displaced now, and we are seeing them all over Southern
24 California, even in the SVRAs. So as that problem was
25 addressed at the Dunes, it's now spread out. So

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1 there's a huge area to be covered. And the last time I
2 was down there, I was riding with the sheriff's
3 department, and Imperial was pretty much at hand. We
4 moved and looked at some of the other areas over near
5 Ocotillo Wells, and he actually redeployed his
6 personnel as where we were able to find a greater need.
7 There's a huge area to be covered down there, and by
8 displacing the concentrated trouble, you've created a
9 lot of lesser trouble spots around that area that are
10 spread out and need to be addressed.

11 CHAIR BRISSENDEN: Thank you. I have two
12 Commissioners in line here. Commissioner Spittler and
13 then Commissioner Priznich, and then Commissioner
14 Willard.

15 COMMISSIONER SPITLER: I had a question for
16 staff and then I would like to make a motion. I
17 understand that we do have some authority to affect
18 which deliverables -- if the grant receives partial
19 funding, which deliverables are funded. How does that
20 process work?

21 CHIEF JENKINS: The way that's anticipated in
22 the regulations is that once a scoring determination
23 has been made, you work the formulas, see how much
24 money is left, and that ability to then take things out
25 of the project cost deliverables or to assign what

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1 tasks are going to be completed with the final amount
2 of money is something that the Commission can then do.

3 So if there is less than full funding applied at

4 the end of the process, then you can say with this
5 available money in your list of project cost
6 deliverables, these are the things we'd like you to do,
7 and those other things aren't covered by this amount of
8 money.

9 COMMISSIONER SPITLER: So we do that at the end
10 of hearing all of the grants in the particular category
11 then?

12 CHIEF JENKINS: No, once you have a funding
13 amount for this item --

14 COMMISSIONER SPITLER: We won't know the funding
15 amount for this project until we get through all of the
16 other grants in this category because it could change.

17 CHIEF JENKINS: I see what you're saying.
18 You're saying if a grant ended up down by the cut line
19 like in that last conservation we had somebody that
20 only ended up with \$30,000 that had asked -- less than
21 that, whatever it was, far less than what they were
22 eligible to receive according to their score, then,
23 yes, you would have to reconsider those. However, at
24 the end of this vote, assuming that this application is
25 going to remain somewhere above the cut line, once you

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1 vote, you'll know how much money that you're awarding
2 to this applicant, and then based on that information,
3 you will determine which deliverables would not be
4 appropriate.

5 CHAIR BRISSENDEN: So I know, Commissioner
6 Spitler, wanted to make a motion. I have three other
7 Commissioners who want to want to comment or have

8 questions. Why don't we go to those first, and then we
9 can come back to your motion.

10 So Commissioner Priznich.

11 COMMISSIONER PRIZNICH: Yes, I'd like to --
12 again, this highlights the difficulty with what we're
13 faced with here, and I hope the attendees here
14 appreciate that and particularly law enforcements that
15 I represent. But we need more money in law
16 enforcement, and I don't think -- I know I've talked to
17 Sheriff Carter, haven't talked to the new sheriff, but
18 none of the individual sheriffs up and down the state
19 that handle law enforcement grants are really thrilled
20 about handling these kinds of problems in their county.
21 But the fact remains, if BLM or U.S. Forest Service get
22 overrun or can't handle a particular area, which we saw
23 in Imperial Sand Dunes, somebody has got to jump in and
24 help out. And inevitably it's always been the sheriff.
25 I, too, would like to see BLM in this case step up to

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1 the plate a little bit more aggressively than they have
2 in the past. And the problem I see with that is by not
3 funding them in this particular case, you throw all of
4 the problems onto the sheriff. And their funding has
5 come up because they convinced at least the staff that
6 they have greater needs. So I'm a little bit concerned
7 that by not funding BLM assuming, and I think to some
8 degree correctly so, that they can help out a little
9 bit more in terms of their financing, goodness knows,
10 everybody is trying to do the best they can down there.
11 But in term of their financing, perhaps BLM, the U.S.
12 government can help out a bit. But if you don't fund

13 them, somebody is going to have to go in and deal with
14 the fallout from this. And, inevitably because I'm a
15 county sheriff, I know what happens, they call me at
16 the house, and they want to know why we aren't doing
17 whatever we're not doing. So that's my concern here.
18 We need more money in law enforcement. I don't
19 believe -- in fact I know that the law enforcement up
20 and down the state are not thrilled about taking over
21 these kinds of venues. They've got other things to do.
22 But the fact remains that in an overwhelming situation,
23 such as Imperial Sand Dunes, somebody has to deal with
24 it. And in not dealing with it, it's just going to
25 only get worse. So I would not like to see this grant

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1 be defunded to the point where it's going to impact the
2 sheriff. So that's my discussion on it. Thanks.

3 CHAIR BRISSENDEN: Thank you. You do have the
4 ability to disconnect your phone now.

5 COMMISSIONER PRIZMICH: Yes, I do, but I
6 probably won't.

7 CHAIR BRISSENDEN: Commissioner Willard, and
8 then Commissioner Anderson unless you want to wait for
9 Paul's motion and make comments after that.

10 COMMISSIONER WILLARD: Well, I just want to echo
11 Commissioner Prizmi ch's comment on how difficult this
12 is from our perspective. This is all very important
13 stuff, and I hear you on the need. And at the same
14 time, you know, I'm also a staunch advocate on being
15 objective and looking at the scores and scoring the
16 grants based upon the objective criteria. However,

17 this is the first year that we have this system in
18 place -- second. Well, it's still a system that's a
19 work in progress, and I think we've uncovered one of
20 the flaws, and that is -- correct me if I'm wrong --
21 but there is not really a mechanism that addresses the
22 amount of money requested or if that's even appropriate
23 for the applicant to be making a grant of that level.
24 And so anyone I think can request just about any amount
25 of money. And if they do an excellent job in writing a

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1 grant -- and I have to commend the applicant, I looked
2 at the grant and it's very well done. Other
3 applicants, you should look at this grant, it's a good
4 model because obviously they scored well. But I'm
5 really wrestling with the fact that it does take so
6 much money from the rest of the state because, again,
7 there's for every dollar that we give to you, that's a
8 dollar that's not going to go somewhere else, and
9 that's really the problem that I'm wrestling with. And
10 I'm trying to do what's equitable, I guess is the best
11 way of putting it. And is it really equitable to give
12 all of this money to this particular applicant. I
13 think in a perfect world I'd have some sort of report
14 that told me all of the users throughout the system or
15 wherever we are funding, so I can look and at least
16 make an objective evaluation of the need based on the
17 number of visitors to any particular area. But
18 unfortunately we don't have benefit of that, so it's
19 very difficult for me as a commissioner to look at this
20 application relative to the other needs throughout the
21 state, especially when this applicant has such a big

22 impact on the rest of the applicants that are scored
23 below. So I guess that's more commentary than anything
24 else. I just would hope that we would somehow address
25 what I see as an issue in the future. And, Phil, if

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1 you've got any comments at this point, I'd like to hear
2 them.

3 CHIEF JENKINS: Just very briefly to address
4 that, we recognize that there was a danger of people
5 gaming the system, if you will, and asking for more
6 than they really need hoping that with the percentages
7 they'll get what they actually need. The way we tried
8 to address that is in criteria three, the efficient use
9 of funds. After reading through this grant, we went
10 through all of the ways they're going to use those
11 monies, we came to this was an efficient use of funds,
12 and we don't believe they're gaming the system. We
13 thought it was an amount of funding that matched what
14 they were going to do based on their needs. That's the
15 conclusion we arrived at. Certainly, there is the
16 possibility in future cycles of looking at caps and
17 various mechanisms to try to keep this under control.
18 In other categories there are other applicants that
19 also have quite large --

20 (Malfunction with lighting in the room.)

21 CHIEF JENKINS: So we're certainly looking in
22 the future to find a way to get a handle on that. But,
23 yes, we'll see this same phenomenon in other categories
24 with other applications.

25 CHAIR BRISSENDEN: Thank you. Commissioner

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1 Anderson, and then we'll go to Paul's motion, and I
2 have some comments.

3 VICE-CHAIR ANDERSON: This is a question for
4 staff. Can you tell me about how many applications you
5 got who also showed zero agency contribution?

6 CHIEF JENKINS: It would take a moment to go
7 through. We can certainly tabulate that. It will take
8 a few moments.

9 VICE-CHAIR ANDERSON: Does this occur
10 frequently?

11 CHIEF JENKINS: The difference is that right now
12 we don't require federal agencies to put any match or
13 agency contribution in. We do require that --

14 VICE-CHAIR ANDERSON: I understand that it's not
15 required, but normally if you were going to describe
16 your full program, there would be some component that
17 would indicate what it was that the agency was funding.

18 CLARK BEENE: Would the Commission like me to
19 address that?

20 CHAIR BRISSENDEN: Does anybody have a question
21 for the applicant? I'm seeing none.

22 VICE-CHAIR ANDERSON: So can you think of other
23 instances of where it occurred?

24 OHMVR STAFF ROACH: I can tell you that there
25 are other examples. An exact number, it would take a
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1 little bit of time to get that.

2 VICE-CHAIR ANDERSON: A dozen out of two
3 hundred, 20 percent?

4 DEPUTY DIR. GREENE: I think it's higher,
5 Commissioner Anderson, and I think it is one of those
6 issues that although there isn't the requirement, it is
7 something that we certainly are looking at in terms of
8 the counties have a match of 25 percent, the federal
9 agencies don't. Historically the belief has been that
10 the federal agencies provide the land. I think that
11 that, over in recent years, has been somewhat of a
12 discussion item. But it is certainly something that we
13 have seen in a number of the applications that came in
14 this year was no contribution that was put in.

15 However, in this particular case, I think it's
16 important to recognize that BLM actually does I believe
17 provide a significant amount of funding to the county,
18 somewhere around \$1.5 million I think for law
19 enforcement within the county. So it gets a little bit
20 problematic when it comes to these two particular
21 agencies.

22 CHAIR BRISSENDEN: Okay. Paul.

23 COMMISSIONER SPITLER: I think this is a -- I
24 appreciate all of the discussion and agree with many of
25 the comments that have been made by the Commission. I

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1 think this grant is a really important grant and
2 support its funding. I don't think that it warrants
3 the score that the staff funded the grant at, so I'm
4 going to make a motion to modify that score slightly.

5 In the first category, the staff recommended a
6 score of 29 out of 35. That category is the project
7 demonstrates law enforcement to sustain long-term OHV

8 recreation by, and lists some sub-items. I think that
9 score should be lowered slightly to 25 out of 35. It's
10 a reduction of four points. I think the application
11 doesn't adequately address several of the items
12 including intrusion into wilderness and reduction in
13 conflict between various recreation interests. It
14 certainly makes some conclusory statements, but it
15 doesn't provide adequate detail in my opinion to
16 justify such a high score in that area.

17 I also am concerned about the score under the
18 third item, which is, the applicant demonstrates
19 efficient use of OHV Trust Fund. Here the staff gave
20 the applicant a score of 17 out of 20. I'm going to
21 propose a score of 10 out of 20 for a reduction of
22 seven points. I haven't heard much here to demonstrate
23 efficient use of OHV Trust Fund. The subcategories
24 here that need to be addressed are partnership to
25 reduce reliance on OHV Trust Fund, the applicant lists

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1 a number of partnerships, such as Imperial County and
2 San Diego Sheriff's Department and even our own
3 department, the Department of Parks and Recreation.
4 The Department of Parks and Recreation is actually
5 providing the funding for this applicant, and the other
6 agencies mentioned, several of them are also being
7 funded by this department. So I don't see how that
8 shows that it will reduce reliance on OHV Trust Fund.

9 The second category is use of other funds such
10 as in lieu funds, sponsorship grants and fees. Again,
11 there's no agency contribution listed. There is no
12 evidence whatsoever that the agency is going to reduce

13 reliance on OHV Trust Funds in the future. Similarly,
14 reducing future costs, there is no information in the
15 application about reducing future costs. There is only
16 conclusory statements about using patrol to prevent law
17 enforcement issues from growing. I don't think that's
18 a strategy to reduce future costs, certainly not a
19 strategy to reduce the costs from the State of
20 California in this area. So I have a hard time
21 justifying such a high score for this grant. My motion
22 would be to score the grant at a score of 69 and I
23 would so move.

24 COMMISSIONER THOMAS: I'll second that.

25 CHAIR BRISSENDEN: We have a motion and a

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1 second.

2 NEIL HAMADA: Can I address the issues that you
3 brought up?

4 CHAIR BRISSENDEN: We only ask the applicant to
5 address the issue if a commissioner wishes to. Under
6 comments and discussion.

7 COMMISSIONER THOMAS: Let me explain some of my
8 thinking. The reduction at criteria one, law
9 enforcement efforts will sustain long-term recreation,
10 my belief is that if you effectively dedicate half of
11 the state's law enforcement funding, you will not
12 sustain long-term OHV funding in the balance of the
13 state. It will be a significant detriment. I would
14 actually decrease the score from even greater, but I'll
15 support the motion as written.

16 Secondly, and this point was made, we don't

17 reduce reliance on trust funds by relying on people
18 you're funding. We are funding Imperial County
19 Sheriff, we're the Department of Parks and Recreation,
20 it's not a reduction, and so again I would support that
21 view.

22 I also did a comparison independently on the
23 public safety issue and read carefully the Alpine
24 County public safety statement, which got a 26 out of
25 30, and compared it with the application that was put
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1 forward in page 251 I believe, and it seems to me that
2 the Alpine County, which was scored three points less,
3 is identical. They start out by saying we respond to
4 emergencies, we're medically trained, and we have a lot
5 of wilderness area on your borders, and we are the sole
6 rescue area for these particular OHV areas. And having
7 experienced that rescue this summer, I know that to be
8 true. So I would also suggest that we could and would
9 reduce the 29 out of 30 -- that's a pretty high
10 rating -- to 26 out of 30, which would be identical to
11 the Alpine County number. I would support the 69
12 ultimately, but perhaps for different reasons.

13 CHAIR BRISSENDEN: Would the maker of the motion
14 agree to that particular adjustment?

15 COMMISSIONER SPITLER: No, no, I think it should
16 remain at 69.

17 CHAIR BRISSENDEN: I would ask Commissioners not
18 to compare scores from other applications because we'll
19 be here all day and the end of next week.

20 COMMISSIONER THOMAS: I know, but in trying to
21 evaluate the higher score, one only has other scores to

22 use.

23 CHAIR BRISSENDEN: I realize.

24 COMMISSIONER THOMAS: I'm attempting to do the
25 objective analysis that you seek, Mr. Chairman.

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1 CHAIR BRISSENDEN: Thank you. Commissioner
2 Prizmich.

3 COMMISSIONER PRIZMICH: Here we find ourselves
4 trying to rescore something so that we can come out
5 with the right kind of money, and I would take issue
6 with some of the comments Commissioner Spittler said
7 relative to patrol because high levels of patrol does
8 exactly that, it does exactly reduce crime. So
9 reducing the numbers because you want high levels of
10 patrol is inappropriate. And in fact, if they're
11 committing to high levels of patrol, that would reduce
12 crime, so I would think the numbers should be increased
13 versus decreasing.

14 The other area -- and I don't know this
15 particularly -- but my thought is in this particular
16 area, there is a lot of volunteer use both through --
17 in all of the agencies that participate, not only BLM
18 but the Imperial County Sheriff's Office, and the local
19 PDs, as well as San Diego, and they utilize a great
20 deal of volunteer service through their reserves. That
21 would not be there if those agencies weren't
22 participating. So I think we need to keep that in mind
23 when we're -- I think this is probably a done deal, but
24 I think we need to keep this in mind when we're moving
25 these scores up and down.

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1 CHAIR BRISSENDEN: Commissioner Willard.

2 COMMISSIONER WILLARD: Well, I'm sympathetic to
3 the motion, and I have heard factual testimony for a
4 reduction in three. But I'm not hearing anything that
5 I can really use as an objective basis to reduce the
6 score further, but I'm open to additional input if
7 Commissioners want to help me here. I just haven't
8 heard anything that, again, is not -- it's factual and
9 objective and not conclusory or just vague
10 statements. But, again, I do agree with what I heard
11 and would support a reduction to 10 on item three, but
12 that's about as far as I could go with it. But I'm
13 open to more discussion.

14 CHAIR BRISSENDEN: Commissioner McMillin.

15 COMMISSIONER McMILLIN: I'd like to give this
16 gentleman just a couple of minutes to respond to Paul's
17 comments.

18 NEIL HAMADA: My name is Neil Hamada. I'm the
19 Dunes Manager. I work closely with the law enforcement
20 branch. We tried to address Commissioner Anderson's
21 concerns with the application not having the agency
22 contribution. It wasn't required. We didn't put it
23 in, but we provided a handout today that shows some of
24 the dollar figures. The Bureau of Land Management
25 collects fees in the Imperial Sand Dunes, and this year

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1 we collected \$3.5 million. Those dollars went right
2 back out to the field. Of that \$3.5 million, over
3 \$600,000 went into law enforcement, \$600,000 went into

4 EMS. So the agency contributes quite a bit of money.

5 In addition to that on there, is \$1.8 million
6 that went to the county. We also partner up with the
7 Forest Service and other agencies that you mentioned.
8 Those dollars go above and beyond what the Forest
9 Service is getting from you. Those are detailed staff
10 out to our recreation area, out to the west side, out
11 to the Imperial Sand Dunes, and east side. So we
12 wanted to address that.

13 As far as the \$219,000 that was separate from
14 the law enforcement application but included into it on
15 a different PCD, it's because we responded to 687
16 medical calls last year. Averaging each year between
17 500 to 800 calls, law enforcement can't handle all of
18 those calls, our non-law enforcement park rangers are
19 restricted to emergency rescue services and respond to
20 all of those.

21 The \$400,000 that was mentioned earlier goes
22 toward law enforcement assistance, and it is described
23 in our application who our partners are, the Forest
24 Service, the law enforcement coalition, as Commissioner
25 Prizmich mentioned, which includes many, many law

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1 enforcement agencies. I won't go down the list.

2 And, again, the question of overlapping, we do
3 not overlap with Imperial County Sheriff's Office. We
4 work together. We're partners. When we have big
5 incidents, when we have small holiday weekends, we get
6 together, talk about what areas we're going to patrol,
7 we're going to talk about the time of our patrols.

8 Imperial County Sheriff's Office might patrol in the
9 morning, so we'll patrol in the afternoon. Imperial
10 County Sheriff's Office might patrol on the west side,
11 so we'll patrol in Imperial Sand Dunes. So those are
12 some things that I wanted to bring up that it might be
13 misconceived that we're double dipping. We're not
14 doing that. And the agency is putting a lot of money
15 into this, in addition to the grant program.

16 CHAIR BRISSENDEN: Thank you. Any other
17 comments? I would like to make just two. I want to
18 thank Bruce Brazil for trying to point out spots where
19 we might find money, but we can't address it in that
20 way unfortunately.

21 I do suggest for criteria evaluation for next
22 year that we certainly look at contributions from
23 federal agencies above and beyond the land in a variety
24 of areas where there's in-kind of actual contributions
25 of real dollars or equipment so we can evaluate these

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1 more effectively.

2 And, lastly, I think we need to have the year
3 before budget consideration when we're looking at this,
4 in Judith's words, being five times what they received
5 last year. We need that as a basis of evaluation when
6 doing criteria and scoring. And I don't know how you
7 would effectively put that in there, but I think we
8 need to have that discussion.

9 With that I call -- I will ask for all of your
10 favor in this long discussion. I think it's been an
11 important one and overdue. So all those in favor of
12 the motion.

13 COMMISSIONER THOMAS: Before we get there.

14 VICE-CHAIR ANDERSON: Better decide on what the
15 motion is.

16 COMMISSIONER THOMAS: Would the maker of the
17 motion restate the motion and restate your math because
18 perhaps I didn't hear it. I heard reductions of
19 seven --

20 COMMISSIONER SPITLER: Motion is for the first
21 criteria score of 25, second use the Division score of
22 29, the third criteria, amended score of 10, and final
23 criteria use the Division score of seven for a total
24 score of 69.

25 COMMISSIONER THOMAS: That's not 69. That's 71,
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1 you're two off, which is why I was suggesting the law
2 enforcement issue.

3 COMMISSIONER PRIZMICH: So you have addressed
4 number two?

5 COMMISSIONER THOMAS: Seven and four is eleven,
6 you need two more. If you said 69 was your conclusion,
7 you need to find two more.

8 DEPUTY DIR. GREENE: Commissioner Spittler, item
9 number two was where there was just a variation a
10 minute ago from what you had originally motioned.

11 COMMISSIONER SPITLER: Could you say it again?
12 I couldn't hear you.

13 DEPUTY DIR. GREENE: Joanna, you just changed
14 item number two. It was because --

15 OHMVR STAFF FREITAS: That was Hal's suggestion.

16 COMMISSIONER SPITLER: I will adopt that

17 suggestion for item two, a score of 27.

18 COMMISSIONER THOMAS: That would give you 69.

19 COMMISSIONER SPITLER: The final score is 69.

20 CHAIR BRISSENDEN: So the maker has adjusted his
21 scoring.

22 COMMISSIONER THOMAS: And the second has
23 accepted it.

24 CHAIR BRISSENDEN: So all those in favor?

25 (Commissioners simultaneously voted.)

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1 CHAIR BRISSENDEN: Those opposed?

2 COMMISSIONER WILLARD: Opposed.

3 COMMISSIONER PRIZMICH: Opposed.

4 COMMISSIONER McMILLIN: Do we need roll call on
5 that?

6 COMMISSIONER THOMAS: I'm an aye.

7 CHAIR BRISSENDEN: You're an aye, so it's five,
8 two. So on that, given the lengthiness of that one, we
9 will adjourn for lunch session. And there's
10 appropriate information for those hungry in the area.
11 Daphne, you said --

12 DEPUTY DIR. GREENE: There should be a list out
13 on the table of local restaurants that you can go to.

14 CHAIR BRISSENDEN: I would like to bring
15 everybody back here by no later than two o'clock, so
16 about 50-minute lunch break.

17 (Lunch break taken in proceedings.)

18 CHAIR BRISSENDEN: The reporter asks that the
19 incidents of conversations in the audience be cut to a
20 minimum or go out in the hallway to carry on.

21 Shall we begin?

22 OHMVR STAFF ROACH: Commissioners, before we
23 start, I'd like to just clarify one of the topics that
24 was discussed regarding agency contribution. We do
25 take agency contribution into consideration. If you 181

1 look at the law enforcement criteria, question number
2 three, "Applicant demonstrates efficient use of OHV
3 Trust Funds," letter B, "Use of other funds such as in
4 lieu funds, sponsorships, grants and use fees in excess
5 of required matching funds."

6 That request that Judith had regarding the
7 agency contributions, there were 50 law enforcement
8 projects, 27 were federal law enforcement. Out of
9 those 27, 24 had specific contribution amounts either
10 in their project costs deliverables or in their
11 narratives. Three out of those mentioned that they had
12 contributions but didn't give us any specific dollar
13 figures, but that was already taken into consideration
14 when the team scored, as well as with the locals we
15 took into consideration whether or not they had
16 additional funds in excess of their required match. An
17 example that would be San Diego County, who has
18 approximately 129 percent match, when 25 percent is
19 required.

20 VICE-CHAIR ANDERSON: Thank you.

21 COMMISSIONER THOMAS: Mr. Chairman, this
22 material that is now new on our plate here, are these
23 letters that we received before or are these new
24 letters?

25 OHMVR STAFF ROACH: They're new.

1 COMMISSIONER THOMAS: New as of this morning?

2 DEPUTY DIR. GREENE: Commissioner Thomas, in the
3 ten-day period, yes, in your binder you find you have
4 the new letters subsequent to that ten-day period that
5 we received information either on the web or directly.

6 COMMISSIONER THOMAS: The letters that we got
7 overnight mail last night are not these letters?

8 DEPUTY DIR. GREENE: No.

9 COMMISSIONER THOMAS: Okay. So I need to try to
10 read them.

11 DEPUTY DIR. GREENE: The letters just keep
12 coming.

13 COMMISSIONER THOMAS: I should have skipped
14 lunch, I can see that. These weren't here. Thank you.

15 CHAIR BRISSENDEN: Mark has reviewed them all
16 for us.

17 COMMISSIONER THOMAS: That's right, you've
18 reviewed them all.

19 COMMISSIONER WILLARD: I'm prepared to vote on
20 them. Just ask me and I'll tell you how to vote.

21 CHAIR BRISSENDEN: While we're on the subject,
22 with the help of Deputy Director Greene, her assistant,
23 Vicki Perez, we have defined a very small response
24 letter from the Commission that we will be sending out
25 to all letters that come to the Commission. And I

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1 thank the staff advance for that effort.

2 So we will begin with number 13.

3 OHMVR STAFF ROACH: El dorado National Forest,
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4 with a request amount of \$407,743 Division score of 75
5 at 70 percent funding for a Division determination of
6 \$285,420.

7 LESTER LUBETKIN: Good afternoon, Commissioners,
8 Lester Lubetkin, Recreation Officer on the Eldorado
9 National Forest. We have provided, and I have
10 additional copies here if you need them, description of
11 two different criteria that we felt the scoring should
12 have been higher. In particular, they were focused
13 around the efforts we've been making at route
14 designation on the Eldorado Forest. You may be aware
15 we're very much leading the region in our efforts.
16 We're nearing release of the draft environmental impact
17 statement and hope to have a decision on route
18 designation sometime in the spring.

19 COMMISSIONER THOMAS: Do you have the handout
20 you said so that we can look at it while you're
21 talking?

22 LESTER LUBETKIN: Can I take them up?

23 COMMISSIONER THOMAS: I can look at it at least.
24 I know I'm interested. I think the commissioners on my
25 left might be interested, as well.

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1 OHMVR STAFF PEREZ: It's in your binder.

2 DEPUTY DIR. GREENE: It's in the large binder,
3 Commissioner Thomas, the additional information that
4 was sent since the subcommittee meetings.

5 COMMISSIONER THOMAS: All right. Thank you.
6 And what number is it?

7 DEPUTY DIR. GREENE: Five.

8 COMMISSIONER THOMAS: Five. Thank you. Okay.

9 LESTER LUBETKIN: As I was saying, one of the
10 elements that's in our application in particular is an
11 individual position for helping to really make sure of
12 the implementation of the designated route system. Our
13 experience so far, particularly as we move through the
14 environmental impact statement and the analysis, is how
15 much is required for good implementation of the
16 decision of working with the public, all of the
17 education needs, the map needs, signing, volunteer,
18 opportunities; some of the decisions revolve around the
19 need for maintenance and sustainability of the system,
20 and that very much there is a big role for coordinating
21 and assisting volunteers. So within the application,
22 there was a specific position to help with that
23 implementation coordination and felt that it very much
24 was a factor in criteria one and criteria three dealing
25 with sustaining the long-term OHV recreation

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1 opportunity and also the efficient use of the funds.
2 That by having a coordinator to really help facilitate,
3 again, the volunteers, the public education and
4 information, signing, the need for the maps, et cetera.
5 So we recommended a score of 35 for criteria one, a
6 score of 20 in criteria three for a total of 88. Thank
7 you.

8 CHAIR BRISSENDEN: Thank you. You have
9 questions of the applicant?

10 COMMISSIONER THOMAS: I have a question for the
11 speaker. Can you tell us what specific facts would
12 justify increasing your Division score in application

13 criteria number one from 26 to 35?

14 LESTER LUBETKIN: Again, specifically it would
15 be having the implementation coordinator developing the
16 required maps, signing, public information, and
17 coordinating volunteer patrols would be -- and that's
18 described on page 11 of the application, and it's also
19 within the -- and, again, that application page number
20 would be the application that we actually submitted.
21 I'm not sure in the binder what the page number is, and
22 it also shows up in the project cost deliverable
23 worksheets, and is described in the introductory
24 section for the law enforcement.

25 And then in the same, in the efficient use of 186

1 OHV Trust funds is the efficiency of having that
2 coordination through an individual rather than having
3 multiple individuals trying to do the same work and not
4 really being able to get the benefit of scale and also
5 efficiencies.

6 COMMISSIONER THOMAS: Is the essence of the
7 proposal this coordinator position?

8 LESTER LUBETKIN: That's a part of the total law
9 enforcement. Obviously, the basic law enforcement
10 needs and patrol, signing, and some of the barriers,
11 but there's also -- as we move into, shift to the
12 designated route, which is why at this point the timing
13 is so important, we will have finished the route
14 designation decision and be ready to move towards
15 implementation that's going to be coming in this summer
16 and following.

17 COMMISSIONER THOMAS: Would it be fair to say
18 what's different about the Eldorado is that you're
19 ahead of the curve on route designation and thereby
20 this is an appropriate expenditure in the sequence that
21 would be followed under the MOU?

22 LESTER LUBETKIN: Correct, and as I said, it's
23 in the application that we expect to have the decision
24 hopefully by spring and -- spring of 2007 so it's very
25 much within this cycle.

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1 COMMISSIONER THOMAS: No other questions at the
2 moment. Thank you.

3 DON KLUSMAN: Commissioners, Don Klusman,
4 4-Wheel Drive Association. While I've worked with the
5 Eldorado Forest and still working with them on this
6 route designation, I have to disagree with
7 Mr. Lubetkin. First thing is the draft EIS is not out
8 yet. As of the conference call that we had this last
9 Tuesday, the draft EIS is not going to be out until the
10 end of January, first of February. That means another
11 45-day comment period before they can even think about
12 taking out a final EIS, and then a record of decision.
13 So I don't see this happening this spring. That's not
14 what they've been told by the forest. They say the end
15 of the year or the first of 2008, one of the two. This
16 is what we were told on the conference call last
17 Tuesday.

18 Second thing is I think you're going a slippery
19 slope. We have 18 forests in this state. All 18 of
20 them are going through route designation. If we make a
21 position for all 18 of them, you don't have any money

22 for anything. I just don't see that -- we've been
23 giving them \$2 million per year to help with the route
24 designation. Now, we're going to have to also supply
25 personnel to support the route designation, when this

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1 is now a federally-mandated issue. When it started
2 out, California was going to be in the lead, which they
3 still are. But are we going to be in the lead saying
4 we're going to fund these positions, too? I don't
5 agree with that.

6 I agree with the staff scoring that was
7 originally done, and I could not see that the Eldorado
8 needs more money for the law enforcement at this point.
9 Thank you.

10 COMMISSIONER THOMAS: Mr. Chairman, question for
11 Mr. Lubetkin in response to the comments.

12 CHAIR BRISSENDEN: You may ask Mr. Lubetkin.

13 COMMISSIONER THOMAS: Mr. Lubetkin, can you tell
14 us how the benefits of this proposal spread evenly
15 across the ranger districts within the forest or are
16 they focused?

17 LESTER LUBETKIN: Lester Lubetkin, recreation
18 officer on the Eldorado Forest. The time for that
19 individual shows up on each of the four ranger
20 districts when you look at the project cost deliverable
21 worksheets at an equal amount of time for each of the
22 four ranger districts. And actually part of the
23 position would also show up in one of our other
24 applications for restoration, again because that's
25 still part of the implementation of the route

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1 designati on deci si on.

2 COMMI SSIONER THOMAS: If you end up with a score
3 that the staff has provided, is that sufficient to do
4 the job?

5 LESTER LUBETKIN: Well, we would have to work
6 wi thi n that and try and identi fy ei ther other fundi ng
7 sources, other ways to get things done, or shi ft other
8 work that would be done related to patrols, barriers
9 and whatnot. And probably we'd still move towards
10 getting like the maps, having the maps avail able. May
11 not be able to print quite as many, some elements
12 similar to that.

13 COMMI SSIONER THOMAS: Okay. Thank you.

14 CHAIR BRISSENDEN: Any other public comments?

15 KAREN SCHAMBACH: Karen Schambach, Center for
16 Sierra Nevada Conservation. Yes, I'm sorry I missed
17 the discussion on this grant earlier, but I do support
18 it, and I'm not sure what score Mr. Lubetkin came up
19 with. But this is a forest that really is trying. I
20 was out on Sunday and saw some illegal use, and there
21 was an FPO like the cavalry right after them. I am
22 impressed with the effort that they're making, and I
23 would like to see them get as close to full funding as
24 possi bl e.

25 COMMI SSIONER THOMAS: Ms. Schambach, the

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1 applicati on was \$400,000. The staff recommendati on is
2 \$285,000. It ranked 75 on the list. My initial
3 inclinatio n was to try to increase this by five points

4 because of the law enforcement problems that you and
5 others -- you forest users have suffered. Do you have
6 any evidence that would support an increase of the
7 staff rating or can you provide us with some input as
8 to the staff rating that did occur?

9 KAREN SCHAMBACH: Not offhand. I don't know
10 what score they got for, you know, providing a
11 sustainable --

12 COMMISSIONER THOMAS: I can read to you,
13 sustainable collectively was 26 out of 35 was sustain
14 long-term OHV recreation, and then, of course, the
15 three sub factors. And then the proposal demonstrates
16 how law enforcement addresses public safety, 23 out of
17 30, and finally efficient use of OHV fund, 16 out of
18 30.

19 KAREN SCHAMBACH: I would say in criterion one
20 that, because they're going to be the first forest to
21 implement route designation, and it's going to point to
22 the ability of the Forest Service to, one, complete
23 route designation and, two, implement it. And I think
24 the sustainability of OHV on all of the national
25 forests is, you know, they're going to be looking at

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1 this as the first one to go around. And like I say,
2 what I'm seeing is that they are making a real effort,
3 and I would like to, you know, maybe next year I'll
4 sing a whole different tune, but right now I would
5 like to see them be given the chance. I don't think we
6 can encourage route designation, and have them do it,
7 and then not give them funding to at least get a start

8 on implementing it.

9 COMMISSIONER THOMAS: Thank you.

10 CHAIR BRISSENDEN: Any other comments?

11 COMMISSIONER THOMAS: I'm prepared to do a
12 motion when you're ready.

13 BRENT SCHORADT: Brent Schoradt with the
14 California Wilderness Coalition. I would just like to
15 second Karen's comments and support the higher level
16 score that the forest put forth, thanks.

17 JOHN STEWART: John Stewart, California
18 Association of 4-Wheel Drive Clubs and United 4-Wheel
19 Drive Association. While I support law enforcement
20 efforts and the entire law enforcement program, I am
21 having a little bit of a problem on this particular
22 grant in trying to increase it or trying to really
23 provide support to it that is above the staff or the
24 grant scoring. The grants themselves are supposed to
25 provide an augmentation. This particular one looks

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1 like it is trying to actually fund a unique position or
2 an individual position which is more than just an
3 augmentation; it is a supplementation. This is
4 ignoring a potential agency matching, which we heard
5 earlier is a criteria for agency matching. This is
6 looking at creating position funding. A position, yes,
7 something that is necessary for route designation, but
8 let's look at route designation as what it is. It's
9 route designation, and this is a law enforcement grant
10 process. I don't see where this really comes under the
11 law enforcement capacity, nor does it really extend the
12 ability to use law enforcement across the state. Thank

13 you.

14 CHAIR BRISSENDEN: Thank you, pleasure of the
15 Commission?

16 COMMISSIONER THOMAS: I would move approval with
17 a change to the scoring by adding three points in
18 criteria one and three points in criteria two. Let me
19 explain my rationale. First, criteria two, law
20 enforcement efforts will address OHV public safety
21 issues. I'm the Forest Service coordinator for the
22 Northern Sierra Cabin Owners Association. That's 600
23 cabins on the Eldorado National Forest. And I get a
24 lot of information about what kind of law enforcement
25 problems are out there, both pro and con with OHV use

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1 and with general Forest Service issues. The law
2 enforcement efforts that are currently being made are
3 inadequate to address either OHV safety issues or any
4 other safety issue. Some of the forest tracks have
5 never seen a law enforcement officer in the last five
6 years because -- in fact, I believe there is only one
7 or two LEOs in the entire forest. The additional
8 proposed 120 days of FPOs and 60 days of LEOs, for
9 instance, for the Placerville Ranger District would
10 increase and demonstrates that there would be an
11 increase in public safety, so I would put three points
12 there. And the demonstration of long-term OHV
13 recreation, I would echo the words of Ms. Schambach,
14 who is a landowner adjacent to the national forest, and
15 is well aware of the problems of long-term OHV
16 sustainable use in that there have been conflicts. And

17 that having an additional LEO or an FPO in the ranger
18 districts, which the report -- the application
19 indicates are in the Georgetown District and the Amador
20 District, 204 days of FPO and 60 days of LEO in the
21 Georgetown District, will go toward the sustainability
22 of long-term OHV recreation. So that is the basis of
23 my motion for six additional points for a grand total
24 of 81 points. Thank you.

25 CHAIR BRISSENDEN: It's been moved.

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1 COMMISSIONER SPITLER: Second.

2 CHAIR BRISSENDEN: It's been moved and seconded.
3 Under discussion, Ms. Anderson, do you wish to share
4 your side comments or no.

5 VICE-CHAIR ANDERSON: No, I was looking at the
6 sheet down there and looking for updates. I'm sorry,
7 Mr. Thomas, I don't agree. If you can make a
8 persuasive argument that this person is needed to
9 implement route designation, I would like to see some
10 kind of information for this coordinator on how long
11 does one expect such a position to remain in effect, ad
12 infinitum or just initially during a startup phase when
13 you're preparing materials and trying to get the
14 general word out. That sounds to me more like an
15 educational effort rather than a law enforcement
16 project. So I'm not convinced that that particular
17 element of the deliverables belongs within law
18 enforcement, so I would --

19 COMMISSIONER THOMAS: Let me respond --

20 VICE-CHAIR ANDERSON: My response would be to
21 remove that item from their request.

22 COMMISSIONER THOMAS: I'm actually discounting
23 the information I heard about the coordinator and
24 focusing on the actual proposal in the report. The
25 proposal in the report speaks of 120 days of FP0, 60
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1 days of LE0, for instance, for the Placerville
2 District, it talks of 204 days of FP0 and 60 days of
3 LE0 for the Georgetown District, which is where Karen
4 Schambach's conflicts have been so great. This is a
5 specific ranger district, which is Elkins Flat, which
6 is a very actively used area; 220 days of summertime
7 FP0, 40 days of LE0. I'm not focusing on the
8 coordinator. I'm focusing on the need for these
9 additional hours because the Eldorado does not have
10 those services currently, and I'm distributing the
11 points over two categories. I could put them all over
12 category two, but the argument is that public safety --
13 additional hours of public safety time is public
14 safety. And additional hours of public safety time
15 will reduce user conflict and thereby sustain long-term
16 recreation and reduce resource damages, which is the
17 factor 1(a). So my rationale had nothing to do with
18 the good comments of the Forest. I was focusing
19 exclusively on the proposal.

20 VICE-CHAIR ANDERSON: Let me respond. Excuse
21 me, I'm not -- does that comment indicate that you
22 don't think that the coordinator is a worthy element of
23 this proposal?

24 COMMISSIONER THOMAS: No, it indicates that I
25 was disagreeing with staff recommendations in two very
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1 narrow areas and asking for an additional recognition
2 that the Eldorado National Forest has severe law
3 enforcement deficits, as it is the largest national
4 forest proximate to Lake Tahoe and Sacramento, and
5 South Lake Tahoe being the gambling capital that it is
6 and recreation, this is a very important national
7 forest, and you will not hear me make this request
8 again for a national forest.

9 CHAIR BRISSENDEN: So we won't have this lengthy
10 discussion.

11 COMMISSIONER THOMAS: That's what I'm promising,
12 not another discussion.

13 VICE-CHAIR ANDERSON: I do know that I have a
14 question for the applicant, which is how long do you
15 expect this coordinator position to be in existence,
16 how long might you envision funding it, or requesting
17 us for funds for it or both?

18 LESTER LUBETKIN: Initially, again, because this
19 is the initial implementation, probably a few -- I
20 would think anyways, a few years. I don't think much
21 beyond that. There will be learning initially, also
22 how we deal with or involve volunteers for some of the
23 public contacts and patrol efforts, as well as just
24 coordinating, getting the maps out that are usable and
25 readable to the public that meet their public needs.

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1 There may be some revisions to some of the elements as
2 we progress. I do not see it as a permanent long-term
3 position, again, because the funding is single year.

4 At this point we were just focusing on the needs for
5 one year.

6 COMMISSIONER ANDERSON: It's amazing how easily
7 things become entrenched; not your fault.

8 CHAIR BRISSENDEN: Any other questions from --
9 Commissioner Priznich, please.

10 COMMISSIONER PRIZNICH: If I can get a
11 clarification from Commissioner Thomas, if you were
12 to -- and I don't want to hold you to this, but I'm
13 trying to figure out what it is you're trying to do
14 with this grant. It's a law enforcement grant, and I
15 don't have an argument with regard to providing more
16 law enforcement for whatever the perceived needs are
17 out there. I'm not sure the coordinator position goes
18 to that that issue.

19 Could I get in terms of the applicant, and we
20 all can hear, what percentage of law enforcement you
21 would like to see devoted to this, and do you want the
22 coordinator left out completely? I'm trying to get in
23 my mind just how important the law enforcement part is.

24 COMMISSIONER THOMAS: The problem I have is that
25 I'm not penetrating the substance of the staff

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1 analysis. In other words, the staff analysis and
2 rating is the objective analysis that we're being
3 driven by. I'm indicating that the criteria that they
4 evaluated were insufficient in the two narrow areas,
5 that there weren't enough -- we need more law
6 enforcement out there, and so increasing the ratings is
7 appropriate, and we need -- well, we need more law

8 enforcement out there.

9 COMMISSIONER PRIZMICH: And I wouldn't disagree
10 with that necessarily, but I see there's other
11 components here that don't relate to law enforcement in
12 my view.

13 COMMISSIONER THOMAS: We can't, as a Commission,
14 take apart those grants.

15 VICE-CHAIR ANDERSON: Yes, we can.

16 COMMISSIONER PRIZMICH: Yes, we can.

17 COMMISSIONER THOMAS: I thought we were told
18 earlier that we couldn't take apart the grants, that I
19 thought we had to handle this as units. As I remember
20 the conversation, it's only if it fell on the cusp were
21 we able to disperse individual activities. That's how
22 we started.

23 VICE-CHAIR ANDERSON: Help.

24 CHIEF JENKINS: Clarify what I had said earlier.
25 So once you allocate funds to this grant, whatever

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1 fewer funds than they originally requested, whatever
2 that difference amounts to, then you could then say
3 since you're not 20,000 short of what your original
4 request was, we're saying with the money that we're
5 actually giving you, we want you to perform these tasks
6 and not perform those tasks.

7 DEPUTY DIR. GREENE: So, Commissioner Thomas, if
8 you wanted to delineate, as Commissioner Priznich
9 indicated, that this would be focused more towards
10 specific law enforcement on the ground rather than the
11 route coordinator position, that would be something
12 that you could specify. And perhaps you could specify

13 it either in specific dollar amounts or you could
14 specify it for staff when they execute the project
15 agreement to make sure that that is the priority that's
16 executed.

17 CHAIR BRISSENDEN: So if I'm understanding this
18 right, we can bring these back at the time of contract
19 and say, no, we want it specifically for these line
20 items, as long as it's within the contract amount?

21 DEPUTY DIR. GREENE: As long as you provide us
22 that direction that we can go ahead and do that now or
23 you can provide specificity now. We wouldn't want to
24 bring them back again. That gets a little confusing.

25 CHAIR BRISSENDEN: So would the maker of the 200

1 motion like to be more specific in terms of line item
2 issues. And I don't know that I want to do this on
3 every one of these.

4 COMMISSIONER THOMAS: I don't think we need to
5 do this on every one. If you want me to begin to parse
6 it, I think I have to sit down, spend five minutes
7 looking at it.

8 CHAIR BRISSENDEN: I'd rather you not at this
9 point. So we have a motion and a second, I believe.
10 The motioner was Commissioner Thomas, and the second
11 was Commissioner Spitzer. And I have a question of
12 Commission Willard.

13 COMMISSIONER WILLARD: It's more a comment
14 again. I have a problem without having objective
15 facts, and I know Commissioner Thomas has been trying
16 to do that, but I haven't heard anything that would

17 cause me to want to overturn the scoring that we
18 already have. And then also one of the comments I
19 heard that rung true with me was the fact that I don't
20 want to set a precedent with spending our monies on
21 this next phase of route designation without knowing
22 what the whole price tag is going to be statewide. If
23 we start with this one, then, you know, we've got 19
24 forests, they'll all be in here asking for the same
25 dollars and pretty soon we now have another huge mouth
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1 to feed at the very limited trough that we have. So
2 I'm very concerned about that aspect of it as well.

3 CHAIR BRISSENDEN: Any other comments? I have
4 one question of staff. What was last year's level of
5 funding? Les, do you know that off the top of your
6 head?

7 LESTER LUBETKIN: It's either \$128,000 or
8 \$184,000.

9 OHMVR STAFF ROACH: For law enforcement, I show
10 an amount of \$170,250.

11 CHAIR BRISSENDEN: \$170,250?

12 OHMVR STAFF ROACH: Correct.

13 COMMISSIONER THOMAS: The coordinator is
14 \$18,000.

15 OHMVR STAFF ROACH: Did you want to know all of
16 their grants for the law enforcement grants?

17 CHAIR BRISSENDEN: Just this particular one.

18 COMMISSIONER THOMAS: A question for staff.

19 CHAIR BRISSENDEN: Go forward with your
20 question, and then I'm going to call the question.
21 Mr. Thomas.

22 COMMISSIONER THOMAS: Can we ask: What is the
23 resource coordinator cost in your grant? It looks like
24 it's broken down over five districts, some districts
25 have money, some don't.

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1 LESTER LUBETKIN: It's in four separate
2 districts. I don't have it separated completely. I
3 can provide that for you. It's probably on the order
4 of -- with the materials, again, because it deals with
5 developing maps, signs, there's a whole series of
6 responsibilities that are all direct for law
7 enforcement, a hundred thousand or so.

8 COMMISSIONER THOMAS: Then it's not worth
9 proceeding. Okay. We'll go with staff.

10 CHAIR BRISSENDEN: So what was the outcome of
11 that?

12 COMMISSIONER THOMAS: I'll amend my motion to
13 staff recommendation. They're better off with staff.

14 CHAIR BRISSENDEN: Okay. Do we have the
15 seconder of the motion will amend it?

16 COMMISSIONER SPITLER: I think I can go along
17 with that.

18 CHAIR BRISSENDEN: There was a question aye, so
19 all of those in favor of the amended motion, which is
20 staff recommendation, all in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR BRISSENDEN: All opposed? It carries.

23 LESTER LUBETKIN: Thank you very much.

24 VICE-CHAIR ANDERSON: And I think that the staff
25 has direction from the Commission about our concern for

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1 the coordinator position and put the emphasis on law
2 enforcement.

3 COUNSEL LaFRANCHI: Mr. Chair, if I might, I
4 think you need a motion for that.

5 VICE-CHAIR ANDERSON: Okay.

6 CHAIR BRISSENDEN: Do you want to give direction
7 to the staff at this time on this particular one? I
8 want to advise the Commission that we will be here
9 until something freezes over if we keep this up. So
10 we're going to have to keep our comments short and
11 concise and to the point.

12 VICE-CHAIR ANDERSON: I'm not prepared to make a
13 motion. Pass.

14 CHAIR BRISSENDEN: Okay, good. Moving right
15 along, number 15.

16 OHMVR STAFF ROACH: Next project would be line
17 15, San Joaquin County Sheriff Law Enforcement.
18 Original amount request was \$165,848. Division score
19 of 75. At 70 percent level, funding would be \$116,094.

20 CHAIR BRISSENDEN: The applicant may speak to
21 this. If you want to change it at all, I would suggest
22 it at this point.

23 ANTONIO CRUZ: I'd like to clarify something. I
24 generally would not pull anything off the Consent
25 Calendar when I have money coming towards me; however,

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1 that did not help me last year. And I would just like
2 to bring up a couple of issues which is that during the
3 subcommittee meetings, everyone had -- at least my

4 assumption, had turned in all of their paperwork as was
5 requested, which my department did. During that period
6 of time, during the subcommittee meetings, other
7 agencies were allowed to, under the regulations, submit
8 other material in order to be considered for further
9 points. At that point I did not address the
10 subcommittee at that point and I wanted to address the
11 full committee at this point.

12 What I'd like to point out is that the
13 San Joaquin County Sheriff's Office has been involved
14 with the OHV program for over four years. And as
15 anyone would know, that when you have your complete
16 funding cut off, it devastates a program and does a
17 disservice to the people that we serve. However, what
18 I felt and when the subcommittee was able to get more
19 information, I felt that it put the San Joaquin County
20 Sheriff's Office in a disadvantage over the process.
21 So what I'd like to do at this point is go ahead and
22 point out a couple of areas that I feel should be
23 considered at this point, and if you go to --

24 OHMVR STAFF: Excuse me. Can you state your
25 name for the record?

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1 ANTONIO CRUZ: Lieutenant Antonio Cruz, and I'm
2 the program manager.

3 If you go to area two, the project demonstrates
4 how law enforcement efforts will address OHV public
5 safety issues. I feel that we have answered this
6 completely, and the only area that I thought may be,
7 might be -- that's skeptical would have been the

8 education outreach, where we did not place a public
9 event; however, you go to Subsection E, we had placed
10 that into that area.

11 The other area that I had concerns with is area
12 three, where the applicant demonstrates sufficient use
13 of OHV Trust Funds, project must include one or more of
14 the following, and I feel that we did address one, as
15 well as two extra. We apparently neglected two of the
16 five. But that was some of the issues that were
17 brought up in the subcommittee meeting. So, therefore,
18 I'm requesting that the Commission possibly look at
19 increasing our score in the number two area to the full
20 amount of 30 and 15 -- I'm sorry, section three an
21 additional five would increase us another ten points on
22 our score. And I respectfully request that, and I
23 would look forward to reuniting our relationship with
24 the OHV grant program.

25 CHAIR BRISSENDEN: Thank you. Any public

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1 comments? Commissioners.

2 COMMISSIONER McMILLIN: I'll make a motion that
3 we accept staff's recommendation.

4 CHAIR BRISSENDEN: It's been moved.

5 COMMISSIONER PRIZMICH: Second.

6 CHAIR BRISSENDEN: And second by Commissioner
7 Priznich. It's been moved and seconded. All those in
8 favor?

9 (Commissioners simultaneously voted.)

10 CHAIR BRISSENDEN: Opposed? Carries.

11 OHMVR STAFF ROACH: Next project, line 16,
12 Bishop Field Office Law Enforcement, request amount

13 \$81,855. Division score of 73 at 70 percent funding
14 for an amount determination of \$57,299.

15 RICHARD WILLIAMS: Hello, Richard Williams,
16 Bishop Field Office, Bureau of Land Management. This
17 is a tough one. I watched you guys at the last couple
18 of grants here. I would like to go with the Division's
19 recommendation on this. However, like was mentioned
20 earlier, I'm a little fearful I'm going to -- that
21 there might possibly be some grants that get put above
22 mine, something I kind of have to struggle with.

23 Just for some history, last year we received
24 about \$56,000, if am I correct. This year we're
25 scheduled to receive about \$57,000. When I initially
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1 did the grant, I only added ten percent just to cover
2 the costs, tried to be fair. I believe that I scored a
3 little -- should have received a little higher score.
4 Looking at the scoring criteria, I found a couple of
5 errors. I can point that out; however, for the sake of
6 this hearing here and to expedite things, I'm going to
7 go with the Division recommendation. If there is any
8 questions, more than happy to answer them for you.

9 CHAIR BRISSENDEN: You get points for
10 acquiescing.

11 COMMISSIONER WILLARD: Chair, just a
12 clarification, you found some errors or just actual
13 errors in the scoring, or just you think you should
14 have been scored differently?

15 RICHARD WILLIAMS: Well, when you look at the
16 Division rationale, I kind of wonder why some items

17 were left out -- you know, how the rationale, they
18 quote the rationale, and I didn't see anything in there
19 of how we have a strong volunteer effort, over 700
20 hours of volunteers for rules and regulations. I
21 didn't see how we prepare OHV damage areas quickly to
22 halt further damage, kind of like the broken window
23 theory, try and get it fixed. We do have a strong
24 patrol presence. In addition to our rangers that go
25 out, our rec planners and our park rangers are out

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1 every weekend, patrolling, letting everybody know, and
2 we have volunteers that go out.

3 There was the reducing intrusion into wilderness
4 or private property. We do have large private property
5 owners which is the Los Angeles City Department of
6 Water and Power. I don't want to criticize them, but
7 they're a little weak on their enforcement. We also
8 encourage proper use in those areas. Things such as
9 that.

10 COMMISSIONER WILLARD: Thank you.

11 CHAIR BRISSENDEN: A suggestion in that regard,
12 they have an incredible relationship with all of the
13 rangers that cover their 320,000 acres, and they seem
14 to be the eyes and ears for LAPD --

15 You might touch in on that basis because I think
16 it's probably better patrolled than you think.

17 RICHARD WILLIAMS: Okay.

18 COMMISSIONER ANDERSON: I have a comment,
19 question.

20 CHAIR BRISSENDEN: Yes.

21 VICE-CHAIR ANDERSON: This particular -- I

22 mentioned it earlier, but I want to repeat it here.
23 Because when I was reading through this one, I was
24 looking for where are the negatives. There are some --
25 in criteria one, there's extensive quotes which gives 209

1 you a real sense of what was in the application. In
2 criteria two, it's very brief, and there are basically
3 no negatives. And so I'm -- that's the point at which
4 in the future I hope staff will be able to give us some
5 guidance on really what needs to be in this or some
6 master match, you know, what are you really expected to
7 include, how many different kinds of items. Enforcing
8 regulations and laws, at a minimum I don't know of
9 anybody who said that they weren't going to enforce the
10 regulations and all of the laws. I didn't see anybody
11 who didn't. So maybe there's some other description
12 that would help us differentiate one applicant from
13 another, a little bit more.

14 OHMVR STAFF ROACH: I think this is another case
15 where in the interest of time we tried to summarize a
16 lot of their specifics in a general statement, and the
17 applicants felt like maybe we didn't hit all of the
18 specifics. But, you know, going through this whole
19 process to get ready for the meeting, we went back and,
20 yes, we hit those specifics. We just summarized them,
21 and that's being addressed for next year.

22 VICE-CHAIR ANDERSON: Okay. Thank you. I did
23 read your stuff about inconsistent scoring.

24 CHAIR BRISSENDEN: Thank you. Any questions?
25 Do I have a motion?

1 COMMISSIONER SPITLER: Move staff
2 recommendati on.

3 COMMISSIONER McMILLIN: Second.

4 CHAIR BRISSENDEN: Moved and second. All those
5 in favor?

6 (Commissioners simultaneously voted.)

7 CHAIR BRISSENDEN: Opposed? Carries. Next.

8 OHMVR STAFF ROACH: Next project would be line
9 17, Palm Springs South Coast Field Office, request
10 amount of \$206,992. Division score of 73 at 70 percent
11 would be a funding determination of \$144,894.

12 MONA DANIELS: Hello my name is Mona Daniels.
13 I'm an outdoor recreation planner for the Palm Springs
14 Office. The information you're receiving is the same
15 as you'll find in your books under section seven. But
16 because Mrs. Anderson always catches me on maps, I made
17 sure that there was a map on the back of this one so
18 that you can follow along with the train of my thoughts
19 here.

20 We feel in the Palm Springs South Coast Field
21 Office that we needed to be reviewed for higher points.
22 Our field office territory starts at the Mexican
23 California border, goes up to Orange County and then
24 straight out to the Colorado River. It encompasses
25 2.3 million acres of land. In that area, we have four
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1 major locations that we'd like to address. Go ahead
2 and yank it off the back of that.

3 The four areas that we have are San Diego
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4 County; Western Riverside County; the Coachella Valley,
5 which is the map you are looking at; and Eastern
6 Riverside County. Most of the funding that we have
7 received in the past years has always been focused at
8 two primary targets, the Coachella Valley and Eastern
9 Riverside County.

10 The Coachella Valley is where we see the largest
11 amount of our illegal impact. Eastern Riverside County
12 is where we focus legalized riding. We contact many of
13 our users groups that are riding in the Coachella
14 Valley. They do not get cited originally. The second
15 and third offenses is when we usually come down hardest
16 on them. But when we do make our contacts, we try to
17 refocus the type of riding that they do into the
18 Eastern Riverside County area where we have designated
19 routes of travel that they can legally ride on or up
20 into the San Bernardino or Imperial areas where they
21 can do legalized open riding.

22 The Palm Springs Field Office law enforcement
23 works highly with cooperating agencies. Within the
24 Coachella Valley, we are PDs and sheriffs that
25 represent every single city unit there. They cooperate

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1 together. About a quarter of them have off-highway
2 vehicles at their availability for use. Those that
3 don't depend greatly on the BLM law enforcement
4 officers. They do have state authority to address
5 other laws besides just their federal laws. It is this
6 ability for them to be able to get around on OHV that
7 helps us maintain somewhat of a resource balance in the

8 valley. The Palm Springs PD, Cathedral City PD,
9 sheriff's department have large expanses of land in
10 which to work on. Without the BLM law enforcement,
11 also coming in with four-by-four vehicles, ATV
12 vehicles, a lot of the actions that they addressed
13 could never be handled, and we would have a problem
14 that was well out of hand.

15 The main concern that we have is that if you
16 look at the funding that we've -- that other offices,
17 other areas within our field office unit, the national
18 forest, the sheriff's departments, Yucca Valley PD, if
19 you look at any of them, they've all rated lower on the
20 scores for their grants than we have. Right now we are
21 the lead scorer of any of the grants within our area.
22 And if we fall short, it's going to have a devastating
23 impact on the cooperations with the other units in our
24 valley.

25 CHAIR BRISSENDEN: Can you make your remarks --
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1 is that sufficient?

2 MONA DANIELS: That's it.

3 CHAIR BRISSENDEN: Okay. Thank you. Any other
4 public comment on this particular grant?

5 JOHN STEWART: Good afternoon, Commissioners,
6 John Stewart, California Association 4-Wheel Drive
7 Clubs and the United 4-Wheel Drive. I concur with the
8 request for increased scoring, especially on item
9 number one. This particular grant and this request and
10 this effort does cross several jurisdiction boundaries,
11 and to that extent it is an extremely efficient use of
12 the funds requested. It's something that shows a good

13 cooperation to enhance public safety. And move it
14 along, you know, in cooperating agreements and in
15 cooperation with the other agencies within the overall
16 jurisdiction. There is a wide geographical dispersion
17 of lands to cover and multiple municipalities and legal
18 jurisdictions. And to that extent, you know, I do
19 believe that this grant should be scored higher than
20 that. Thank you.

21 CHAIR BRISSENDEN: Thank you. Any others?

22 ED WALDHEIM: Ed Waldheim, CORVA. This grant
23 should be scored at 86. Item number one, 28 points;
24 number two, 30 points; number three, 17 points, number
25 four, 11 points. Why, because every single community²¹⁴

1 in that desert has passed bans on OHV. They spend a
2 lot of money to try to keep people from having fun, and
3 guess who's saddled with it, the BLM. This is the part
4 where we are getting so sick and tired of the cities
5 and counties not taking on the responsibility in
6 providing an off-highway vehicle area to ride. They're
7 good at putting in bans. They're good at putting
8 police to go after us. But Riverside County is the
9 worst offender of all of the counties that we have in
10 the State of California, and it's totally unfair that
11 the BLM has to be stuck with having to do -- they're
12 just being overrun down there. And so in order to
13 preserve the peace, we need to give the law enforcement
14 the tools that they need to make sure we keep the peace
15 in there so we don't totally lose it. But the cities
16 and counties up there, they're not helping us at all.

17 They're the cause of all of this increase that we have.

18 CHAIR BRISSENDEN: Thank you. Commissioners.

19 COMMISSIONER SPITLER: Move staff

20 recommendation.

21 COMMISSIONER PRIZMICH: Second.

22 CHAIR BRISSENDEN: Commissioner Priznich second.

23 All those in favor?

24 VICE-CHAIR ANDERSON: Wait a minute. I guess I

25 have a question.

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1 COMMISSIONER McMILLIN: I have a question for
2 Ed. If these guys have shut down OHV use, then why do
3 we want to give them money to enforce something we're
4 really not in favor of.

5 ED WALDHEIM: We're not giving money to
6 Riverside County. We're not giving money to Riverside
7 County. BLM is the one who has the land, but because
8 there is zero opportunity, they are forcing everybody
9 onto the BLM. And when you look at that map, look at
10 that map, do you want to get in your car --

11 COMMISSIONER McMILLIN: I did, there are very
12 few red lights.

13 ED WALDHEIM: Thank you, I rest my case. That's
14 why we're in trouble.

15 MONA DANIELS: We do contact and aim them to the
16 correct and proper areas for use. It's an idea that we
17 just definitely just need to stay on top of the illegal
18 users. Everything from riding on railroad tracks to
19 through the preserves. That is the main target is to
20 get them using the correct areas.

21 CHAIR BRISSENDEN: Thank you. Judith, you had a

22 question?

23 VICE-CHAIR ANDERSON: It's pretty clear that one
24 of the longer routes available is the one through Big
25 Morongo ACEC.

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1 MONA DANIELS: Yes.

2 COMMISSIONER ANDERSON: And there is a little
3 gap in the middle. What happens?

4 MONA DANIELS: Private lands. There is actually
5 a utility corridor through there that's available.
6 Now, that's not a route that we recommend, and we will
7 be losing that route, as a matter of fact, probably
8 quite shortly. There is a large residential zone
9 that's being built at the base of that.

10 VICE-CHAIR ANDERSON: At the bottom? I thought
11 there were some there already. Well, there is.

12 MONA DANIELS: Much more.

13 VICE-CHAIR ANDERSON: Okay. I've been down that
14 canyon, and I think I know the place you're talking
15 about, but. So you believe that when that housing
16 development goes in, that there will not be even an
17 opportunity for a staging area?

18 MONA DANIELS: No, we won't see any use probably
19 occurring at all. The other part of that is you do see
20 that it is going through an ACEC. We have private
21 property owners both at the northern end and the
22 southern end that will probably be shutting down
23 control of that. We presently also have a restoration
24 crew in at Blind Canyon, which is just to the east.
25 And that parcel is also being shut down very soon.

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1 VICE-CHAIR ANDERSON: The other thing that
2 occurs to me that's going to happen when you shut down
3 this canyon and some of the others is that the one east
4 of Desert Hot Springs is going to turn into a giant
5 headache for the National Park Service on Joshua Tree
6 if people start trying to go up that canyon instead.

7 MONA DANIELS: Already are.

8 VICE-CHAIR ANDERSON: So this is like squeezing
9 the toothpaste without the cap off.

10 MONA DANIELS: With the CVAG's OHV team, the
11 Coachella Valley Association of Government, the team
12 has been working all the way through the valley and
13 right now what we're seeing, and this is why the fear
14 for the loss of the grants, is that it's just a
15 movement, a circular motion that's going around in
16 circles.

17 VICE-CHAIR ANDERSON: Are you getting any kind
18 of law enforcement support from out of the national
19 monument designation?

20 MONA DANIELS: We have it from the upper side so
21 that they will address the canyons, any movement that
22 comes out of canyons from above. We have very minimal
23 assistance on the bottom site.

24 VICE-CHAIR ANDERSON: Okay. I know there aren't
25 any open routes down there. I just was wondering.

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1 Although, I thought there were some routes that went
2 through -- are those just bicycle routes that go
3 through the monument?

4 MONA DANIELS: The route for Duke Canyon, which
5 is to the east end of that map, goes through the
6 canyon, but you have to be a 4-wheel drive vehicle
7 truck style. No ATV movements allowed into the
8 national park.

9 VICE-CHAIR ANDERSON: No, not the park, the
10 monument.

11 MONA DANIELS: Oh, on the monument side?

12 VICE-CHAIR ANDERSON: On the monument.

13 MONA DANIELS: Dunn Road used to be the road
14 that was open that a lot of people have driven for
15 years, but it was closed about three years ago.

16 VICE-CHAIR ANDERSON: That's the one I was
17 talking about that's still open to bicycles?

18 THE WITNESS: Parts of it, yes.

19 CHAIR BRISSENDEN: Commissioner Anderson, are
20 you doing this to build a case for increased points?
21 I'm lost here.

22 VICE-CHAIR ANDERSON: Yes, I was.

23 CHAIR BRISSENDEN: Will you build a new bank
24 vault because we've already overrun our budget.

25 VICE-CHAIR ANDERSON: All right, all right.

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1 I'll stop. Okay.

2 CHAIR BRISSENDEN: I think we had a motion and a
3 second.

4 VICE-CHAIR ANDERSON: You had a motion and a
5 second. Yes, you do.

6 CHAIR BRISSENDEN: Thank you, for staff
7 recommendation. Is that correct? All those in favor?

2006-12-08 OHV 1 2006 Grants
(Commissioners simultaneously voted.)

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CHAIR BRISSENDEN: Opposed?

VICE-CHAIR ANDERSON: I'm going to abstain.

CHAIR BRISSENDEN: One abstention. It carries.

My previous statement goes, we're now falling off the chart here, if my simple math is working. But I guess we still have to go through all of the ones that have been pulled off of Consent.

COMMISSIONER SPITLER: Mr. Chair, if I could just do a reality check on our timing here. We've gotten through five law enforcement grants, and have 27 more to complete, and then another over a hundred non-CESA and restoration grants. I think at this pace, there is no way we are going to get through all of these grants in the next two days, which I assume that everyone on the Commission and in the public here would like to see us do. So I would just in the spirit of being fair to everyone encourage everyone on the

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1 Commission and the public to keep our comments concise
2 and to the point, and see if we can hopefully move
3 through this process as quickly and efficiently but as
4 fairly as possible.

5 CHAIR BRISSENDEN: Thank you. You're the new
6 sergeants at arms, please.

7 OHMVR STAFF ROACH: Next project will be line
8 18, Alpine County Sheriff. Request amount of \$47,771.
9 Division score of 72 at 70 percent would be \$33,440.

10 CHAIR BRISSENDEN: Since that's my home county,
11 I do believe they felt they fell off the chart, and
12 there was no hope. So I think that's why they're not

13 here at this point.

14 COMMISSIONER THOMAS: I'll go ahead and make the
15 motion and justification.

16 COMMISSIONER PRIZMICH: Second.

17 COMMISSIONER THOMAS: So we would increase the
18 Alpine County grant by four at criteria number two,
19 which is safety issues. We would increase the grant
20 ten at the long-term OHV recreation, and we would
21 increase the grant of -- that's 12, hang on a second
22 here -- seven at the OHV Trust Fund efficient use, and
23 here is my logic.

24 OHV STAFF FREITAS: Lower it or raise it?

25 VICE-CHAIR ANDERSON: It's already at 15, how
221

1 are you going to raise it seven?

2 COMMISSIONER THOMAS: I'm sorry, I'm in the
3 wrong category. No, it's the matching funds, so it's
4 five there.

5 CHAIR BRISSENDEN: Bear in mind what the
6 sergeant at arms mentioned just a moment ago.

7 COMMISSIONER THOMAS: That's what I had on my
8 notes: The rationale is for the five starting with
9 the --

10 VICE-CHAIR ANDERSON: Where are you?

11 COMMISSIONER THOMAS: Criteria 3(b).

12 VICE-CHAIR ANDERSON: 3(b).

13 COMMISSIONER THOMAS: I'm sorry, 3(a),
14 partnerships. The staff rating is five points below
15 what it should be because if you read the application,
16 they actively work with local four-wheel drive clubs,

17 and they have a standing OHV outreach committee and
18 work cooperatively. Let's see --

19 CHAIR BRISSENDEN: Can I interrupt your
20 torturous attempt to increase the score? I think if we
21 did staff recommendation, we might be better off.

22 COMMISSIONER THOMAS: Well, I'd like to try.
23 You're certainly welcome to vote no seeing it's your
24 county.

25 Do you want to do it one at a time?

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1 VICE-CHAIR ANDERSON: Go ahead.

2 COMMISSIONER THOMAS: Let's start with five at
3 criteria one.

4 COMMISSIONER PRIZMICH: Hal, can I just add, on
5 your cooperation, if you recall last year there was
6 rather a dramatic offer on the part of Alpine County
7 Sheriff's Office to give Calaveras County its money,
8 and I think that should be rewarded at least under that
9 cooperation. So very easily, I would increase that.

10 COMMISSIONER THOMAS: Jump in.

11 COMMISSIONER PRIZMICH: I just did.

12 COMMISSIONER THOMAS: And what number are you
13 proposing?

14 COMMISSIONER PRIZMICH: I think five is more
15 than adequate in that area, five more.

16 COMMISSIONER THOMAS: So this is five at what
17 criteria?

18 COMMISSIONER PRIZMICH: That was number three I
19 think you were talking about?

20 COMMISSIONER THOMAS: Right. Five maxes at 20,
21 okay, 3(a). Do you want to take a straw vote on 3(a),

22 do one at a time?

23 COMMISSIONER SPITLER: We should do it all
24 together.

25 COMMISSIONER THOMAS: The public safety OHV

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1 issues, I think that emergency response, this is an
2 extraordinarily effective county. They're entitled to
3 30 out of 30, increase it to four. Having been
4 involved in an emergency response myself this summer,
5 and seeing the emergency response actions of this
6 county at play and at work, I can tell you, when
7 El Dorado County was called, they were told it's not
8 our county. And when Alpine was called, they said we
9 will be there. And that's certainly an extraordinary
10 response. Okay. So that would be number two would be
11 four, that would give us nine. And then an
12 additional -- let me see.

13 CHAIR BRISSENDEN: Can I -- I notice that we
14 have a last-minute public comment person.

15 COMMISSIONER THOMAS: Let me finish.

16 CHAIR BRISSENDEN: Do you want to finish?

17 Mind you, I have the utmost respect for our
18 local law enforcement agency. It has nothing to do
19 with -- trying to push this along.

20 COMMISSIONER THOMAS: And I have two more at
21 criteria number 1(a) -- I'm sorry, 1(b) having walked
22 the wilderness boundary of the Mokelumne Wilderness
23 through this forest nine miles one afternoon, I can
24 tell you that the patrol is critical along this area.
25 And the fact that there even is a patrol is remarkable,

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1 and I would suggest that we could give an additional
2 two points and be less than honest about the quality of
3 their work.

4 CHAIR BRISSENDEN: All right. For a final total
5 you have -- well, it's a final total would be.

6 VICE-CHAIR ANDERSON: 83.

7 COMMISSIONER THOMAS: 83 from 72, raised it 11.

8 CHAIR BRISSENDEN: There is a question to break
9 that down again.

10 VICE-CHAIR ANDERSON: One was 27, criteria one
11 would go to 27.

12 COMMISSIONER THOMAS: Criteria one increased to
13 27. Criteria two would increase to 30. Criteria three
14 would increase to 20.

15 COMMISSIONER PRIZMICH: I already made a second
16 on it.

17 CHAIR BRISSENDEN: Are you through with your
18 comments? I want to recognize Mr. Klusman.

19 COMMISSIONER THOMAS: The commissioner has
20 seconded it. Thank you. Normally we go to public
21 comment before the motion and second, but we're getting
22 a little slippery with Roberts today.

23 DON KLUSMAN: Don Klusman, 4-Wheel Drive
24 Association and its concerned public out here. This
25 grant, I take it, was pulled by the Commission, and I

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1 understand that. But when the grant applicant isn't
2 here to answer any questions, that bothers me. The
3 other thing that bothers me is are we going to go

4 through all these and raise the scores to make sure --
5 right now, it's on the bubble it's funded. But now
6 we're trying to get the scores up into the 80s so they
7 won't bounce off. We have applicants out here that the
8 grants have been pulled that they're hoping to get
9 close to the bubble, and they didn't say, well, I have
10 no chance getting funding so I didn't show up. That
11 really bothers me when we've got people out here that
12 sit here all day to hear their grants when they're back
13 here on 45, 46, you know. I just don't understand why
14 we're discussing this grant when the applicant didn't
15 think enough to be here. Thank you.

16 MICHAEL WALKER: Michael Walker, Undersheriff
17 Calaveras County. I just wanted to reiterate the
18 partnership that we have with Alpine County Sheriff's
19 Office. Our two OHV programs work hand in hand
20 together in the snow park area of Highway Four. In
21 addition to that, our search and rescue groups, which
22 make up a huge volunteer force for both of our
23 agencies, work together in the OHV programs and in the
24 general searches that are taking place in the national
25 forest. Thank you.

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1 CHAIR BRISSENDEN: Thank you.

2 JOHN STEWART: John Stewart, California
3 Association of 4-Wheel Drive Clubs and United 4-Wheel
4 Drive Association. I'm going to have to add on to
5 something that Mr. Klusman indicated, and point out
6 that in the lack of new additional information being
7 provided, I fail to see where anything other than the

8 staff or the Division scoring against the criteria as
9 evaluated with the information that was given, how any
10 other conclusion can be arrived at. A lot of personal
11 knowledge appears to be injected here, which is kind of
12 irrelevant to this. It is not part of the competitive
13 grant system. Thank you.

14 CHAIR BRISSENDEN: There was a question over
15 here. Yes.

16 OHMVR STAFF ROACH: I just had some concerns
17 before raising the score, just that the application was
18 not presented very well and it didn't follow the
19 format. And with regard to the wilderness comment from
20 Commissioner Thomas, I was just curious where that was
21 in the application because it was unclear to me where
22 the extra points were drawn from in the application.

23 COMMISSIONER THOMAS: In your comments page 47
24 of 484 (B), the applicant patrols 205 miles of
25 wilderness boundary. Let's move along.

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1 OHMVR STAFF ROACH: Okay. Is there additional
2 information than our statements to award more points?
3 I'm just trying to clarify.

4 COMMISSIONER THOMAS: The record will show that
5 I reiterated a number of paragraphs from the analysis
6 of page 12 of 312, focusing on each of the three
7 criteria. And you're welcome to go back and check the
8 record if you want a summary.

9 OHMVR STAFF ROACH: Maybe I misunderstood, I
10 thought you said that it had to do with you walking in
11 the forest, and I didn't see that that was in the
12 application.

13 COMMISSIONER THOMAS: No, I read actually from
14 page 12 and page 13 of 312, the analysis of project
15 needs and benefits for Alpine County.

16 COMMISSIONER WILLARD: I have a question.

17 CHAIR BRISSENDEN: Another question.

18 COMMISSIONER WILLARD: Is it fair for us to
19 interject our own personal knowledge to a grant or an
20 area?

21 COUNSEL LaFRANCHI: I believe it is.
22 Individuals on the Commission can bring their own
23 personal experiences to the table and introduce them as
24 evidence. Of course, you know, the question you have
25 to decide is if you're going to cast your vote is

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1 whether that's factual or just mere conclusion.

2 COMMISSIONER WILLARD: Okay. I happen to have
3 lots of personal experience with this particular
4 applicant. I have a home in Alpine County. I have a
5 snowmobile club up there. I ride snowmobiles with the
6 sheriff. Most of my friends up there are on search and
7 rescue. Many times we will have some of them over for
8 dinner, and just sitting down for dinner -- it's
9 happened more than once -- their radios go off and they
10 just drop everything, drop the fork and they run out
11 the door. It's very, very impressive the response that
12 this small, small community does to people that are
13 just visiting. And that's probably why there isn't one
14 of them here. It's has a population of 1400 people,
15 and there's only, you know, a few deputies here and
16 there. One of the deputy sheriffs was at the

17 subcommittee meeting, and I know they would have wanted
18 to be here if they could, but there probably was
19 something that they had to attend to. So based on my
20 personal experience, I think that this grant is very
21 much worthwhile, and I think I'm going to follow with
22 Commissioner Thomas' recommendations on improving the
23 score.

24 CHAIR BRISSENDEN: Any other comments? So the
25 motioner was Mr. Thomas, second was Priznich.

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1 COMMISSIONER PRIZNICH: By the way, there was a
2 deputy sheriff from Alpine County here this morning,
3 spent most of the morning here and apparently had to
4 leave.

5 CHAIR BRISSENDEN: Thanks for the clarification.
6 All those in favor?

7 (Commissioners simultaneously voted.)

8 CHAIR BRISSENDEN: Those opposed? Motion
9 carries.

10 OHMVR STAFF ROACH: Next project would be Line
11 20, Inyo National Forest OSV law enforcement with a
12 request amount of \$60,692. Division score of 71 at 70
13 percent would be \$42,484.

14 MARTY HORNICK: Good afternoon, I'm Marty
15 Hornick from the Inyo National Forest. We understand
16 that it's a difficult job to catch everything in these
17 grants, so it's always weird to have to ask -- or to
18 point out there may have been something missed. We do
19 feel that there are a couple of things with this -- our
20 OSV, I'll start out by saying it's extremely important
21 to us. Those of us or anybody here in this room who

22 has ridden on our over-the-snow trails understands why
23 it's such a popular program with 40,000 people
24 visiting.

25 CHAIR BRISSENDEN: Can you state your name, 230

1 please?

2 (Audience speaking, Reporter interrupted.)

3 MARTY HORNICK: So it's a stellar OHV program to
4 start with, and it's so important to us that we
5 actually -- we're matching this part of our program,
6 the law enforcement part of the OSV with \$93,000 of our
7 own law enforcement funds. With four law enforcement
8 officers on the forest, it covers two for half the
9 year, and that's in addition to what -- you know, we're
10 only asking 60,000 at this point.

11 But the main things where we saw a couple of
12 things we'd like to add in the equation, during the
13 Southern California thing, I handed out 13 maps. I
14 don't know if it's in your dolly full of stuff back
15 there, but when you hear map, you just assume that it's
16 a map that shows some boundaries of things. But we
17 have some -- we put a whole bunch of time in that with
18 a bunch additional funding for Mammoth Mountain and a
19 whole bunch of local community funding to have a very
20 educational map. It's helped us with our wilderness
21 incursion reduction. We use a whole bunch of
22 volunteers. The main place that we see that making a
23 difference is in criteria number one with -- right now
24 we're 23 points. We'd like to see that rescored to 30
25 out of 35. And I'd also like to point out that one

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1 thing that we had in our grant that may have gotten
2 missed is that we're actually trying to do more with
3 wilderness incursion in the White Mountains, which is
4 an area -- do you need to shut me down here?

5 CHAIR BRISSENDEN: There is no timing device
6 going on, so.

7 MARTY HORNICK: Oh, great, so I can start with
8 three minutes now. I'll wrap this up pretty quick.

9 We'd like to so an additional seven points on
10 that one. Part of it is with how much we put into our
11 wilderness incursion, both in the Mammoth area, which
12 is our main OSV focus, and in the White Mountains,
13 which is developing especially as we've gotten these
14 big snow years lately.

15 We're asking in item number two, we've asked for
16 a new snowmobile under this grant, and part of the
17 reason for that is our response to search and rescue
18 and to emergency response. And let's see, so in that
19 one, we'd like to ask for 25 out of 30.

20 Number three, I don't know what more we can do
21 in terms of partnerships and grants -- I mean
22 partnerships and volunteers and such. We responded to
23 four out of the five possible criteria for this OSV
24 grant, and the list is long. I won't run through it
25 all, but we really feel like we are deserving of the

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1 full 20 in that. And then in the history of the
2 successful implementation, item number four, which we
3 were only granted nine points out of 15. We believe

4 that if you look at the other documentation that was in
5 our grant, not just under that paragraph four, but
6 our -- we do have 20 years of history with you folks,
7 or close to it. And I think we've been very successful
8 and very responsive. And if you look at our PAR, which
9 was also submitted at the same time, it's amazing how
10 much we've been able to accomplish with these funds.
11 So we're asking for 12 points out of 15 on that.

12 CHAIR BRISSENDEN: Thank you. Any questions for
13 the applicant? Any public comment?

14 PAUL McFARLAND: I think that the Inyo -- oh,
15 pardon me, Paul McFarland, Friends of the Inyo. I
16 apologize. This definitely is a high value program,
17 especially for the dollars that the Commission puts
18 into it. Inyo has spearheaded some very innovative and
19 very effective overflight programs for wilderness in
20 the winter that have seen a pretty drastic reduction in
21 wilderness trespass by snowmobiles in and around the
22 Eastern Sierra as well as over on the Stanislaus and on
23 other forests on the west side. So they really take
24 more than just the Inyo with the limited amount of
25 money that they do get.

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1 So for category one, how law enforcement is
2 helping the sustainability of the recreation, I'd
3 really like to see them get at least five more points
4 for a total of 28.

5 For category two, law enforcement for safety,
6 the Inyo really has reached out, along with the town
7 and a lot of other people, to get together and put a

8 really good map together that includes information both
9 for motorized, as well as non-motorized users. They
10 work out with SAR. One of the things in this grant
11 that they're also looking for is an additional
12 snowmobile to help decrease response time. We're
13 getting a lot more use, both motorized and
14 non-motorized, in the winter up there. We just need
15 more ability to get folks on the ground. And the
16 reason I got up and even spoke on this grant is because
17 I was so concerned that the Inyo grant fell below that
18 red line, that cut-off point, so would really like to
19 see them come up.

20 So with four more points in category two as well
21 as five more points in category one that would put them
22 at 80. I think that would be really good. Also, one
23 of the things that Marty started to say, which is
24 becoming more and more important, is in years of large
25 snow we're seeing increasing use in existing closed

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1 areas in the White Mountains, most namely in the
2 Ancient Bristlecone Pine Forest. That area under the
3 forest plan is closed to snowmobiling. It hasn't been
4 much of an issue because there really hasn't been
5 sufficient snow pack. In the last two years, we've had
6 sufficient snow pack. We've seen growing use up there.
7 The only way to ensure this doesn't become a problem is
8 is to enforce the regs that are there, and this grant
9 will help that happen. So thank you very much.

10 BRENT SCHORADT: Brent Schoradt, California
11 Wilderness Coalition. I'd like to just echo the
12 comments that Paul made and show our support for this

13 grant and also the higher scores that both Paul and the
14 forest laid out. Thanks.

15 CHAIR BRISSENDEN: Thank you. Commissioners,
16 any motion on the table?

17 COMMISSIONER PRIZMICH: I'll move staff
18 recommendation.

19 VICE-CHAIR ANDERSON: I'll second.

20 CHAIR BRISSENDEN: It's been moved and second
21 for staff recommendation. All of those in favor?

22 (Commissioners simultaneously voted.)

23 CHAIR BRISSENDEN: Opposed? Motion carries.

24 VICE-CHAIR ANDERSON: I think it's still going
25 to get you some money.

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1 CHAIR BRISSENDEN: I believe Commissioner
2 Prizmich motioned and Judith Anderson seconded.

3 VICE-CHAIR ANDERSON: Yes.

4 OHMVR STAFF ROACH: Next project, line 21,
5 Pacific Southwest Region for the BLM Forest Service.
6 Original request amount was \$723,600. Division score
7 of 69. At 60 percent, Division determination would be
8 \$434,160.

9 CHAIR BRISSENDEN: You've reduced that request
10 to 361?

11 KATHLEEN MICK: Yes, that's correct. Good
12 afternoon, Kathleen Mick, U.S. Forest Service. To
13 start, our original request should be \$361,800. The
14 reason for that is that based on changes in staffing
15 and abilities, we didn't feel that it was the right
16 thing to do to apply for something that we may not be

17 able to pull off, given the fact that there's not very
18 many funds on the table. So what we've done is if you
19 look at our PCD, we've moved the law enforcement NEPA,
20 the equipment, and couple of other things. And so what
21 that leaves us with is a request for funding for an OHV
22 LEO criminal agent and their travel, overflight ground
23 forces, funding for aerial overflights for wilderness
24 intrusion, and then some winter signing for the
25 wilderness boundaries that we continue to have issue

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1 with. Mardi is handing out a piece of paper, and
2 you'll find on page six I combined all of my comments
3 into one package. So if you focus on page six, within
4 the criteria we're asking for an agency revised score
5 of 85, ignoring criteria one where we did score full
6 points. Looking at criteria two, and basing on the
7 information that's in the application found within the
8 project description and the criteria, I just pointed to
9 the places where we felt that we addressed the
10 criteria. I think that this application is a little
11 bit more difficult to score because it's programmatic,
12 law enforcement approach in some cases, and so we're
13 dealing with all 18 national forests, so I'm not sure
14 that some of that stuff came out as well as it probably
15 could have. So within the criteria tried to point out
16 where we did address each of the factors.

17 So for criteria two, we're looking to have a
18 revision and change that score to 25. Criteria three,
19 15; criteria four, 10; for a total again of 85. And
20 I'd be happy to answer any questions.

21 CHAIR BRISSSENDEN: So, Kathy, you did not revise
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22 your total request to 361. What you revised was what
23 you thought you would get out of this scoring?

24 KATHLEEN MICK: No, we cut back the total
25 request.

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1 CHAIR BRISSENDEN: To 361?

2 KATHLEEN MICK: That's correct. We dropped the
3 law enforcement NEPA. We dropped -- and we dropped the
4 equipment.

5 COUNSEL LaFRANCHI: Chair Brissenden, when you
6 get a moment, I need to comment.

7 CHAIR BRISSENDEN: Well, this is a good moment.

8 COUNSEL LaFRANCHI: Yes, I'd be unable to advise
9 that this is an acceptable process under the current
10 regulations for a number of reasons. First of all, the
11 regulations do not provide a mechanism for adjusting
12 the definition of a project after it's been submitted
13 at this late date. That means a number of things.
14 First of all, this project that she is now discussing
15 has not received the benefit of the public review
16 process that's required by the regulations. The
17 project that did receive public review was a different
18 project.

19 Secondly, this would give this applicant an
20 advantage over all of the other applicants because now
21 they have completely revised the definition of their
22 project. The application was evaluated based on the
23 project as submitted. Now, you would be completely
24 reevaluating a different project which would give this
25 applicant an advantage over the other applicants. They

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1 may end up getting more points for a different project
2 than was submitted. The other applicants would not
3 have had that same opportunity, so I cannot advise that
4 this is an acceptable process.

5 CHAIR BRISSENDEN: So counsel gives you zero
6 points at this point.

7 KATHLEEN MICK: In light of counsel's comments
8 then, we would not strike our amount, but what we do is
9 still request, as we have, a revision of the score.
10 And then based on that score, we will work with the
11 Division to revise our deliverables within that to
12 complete the work that we have outlined here in the
13 application.

14 COMMISSIONER THOMAS: So moved.

15 CHAIR BRISSENDEN: Any other public comments?

16 KATHLEEN MICK: And in addition it that, we
17 would be happy to take direction from the Commission
18 based on the final allocation for particulars that you
19 would like to see should we be granted an additional
20 score, where you would like to see funds emphasized.

21 CHAIR BRISSENDEN: Thank you. Additional public
22 comment?

23 BRUCE BRAZIL: Bruce Brazil, California Enduro
24 Riders Association. First, I'd like to suggest or
25 recommend that the Commission does not hold off making
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1 any adjustments to the deliverables. You've got a full
2 staff here of commissioners. They could be done today
3 while the information is fresh in your minds. It will

4 also expedite the work for the Division when they start
5 tabulating everything.

6 Now with that in mind, on the cost deliverable
7 sheet under staff, under OHV LEO criminal agent, this
8 position was funded last year also. I couldn't -- I
9 didn't read anything in their grant application showing
10 any sort of progress that they made with last year's
11 grant. The section that she wanted to strike, the
12 \$350,000 for law enforcement NEPA, I couldn't find any
13 reference to that in their grant either as to what that
14 money is going to be spent for.

15 Contracts, 20 aerial flights for \$4500 per
16 flight, that's some pretty expensive flight time. I
17 mean I know I can get on the airlines and go quite a
18 ways. And I read nothing in there that said that they
19 were producing any results from this. I believe most
20 of these flights are supposed to be for winter use over
21 snow intrusions, and their law enforcement contact
22 sheet has zero entries for the over snow OHV of any
23 type. And just as a reference for the flight costs,
24 the BLM Ridgecrest law enforcement grant shows that
25 they are able to find aircraft enforcement support for
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1 \$300 an hour. Eldorado National Forest law enforcement
2 grant shows \$1200 for each overflight. So I think some
3 expenses could be trimmed here. Thank you.

4 CHAIR BRISSENDEN: Thank you. Next.

5 ED WALDHEIM: Ed Waldheim for CORVA, and
6 Mr. Brazil has done an excellent job going through, so
7 I'm not going to reiterate. All I want to tell you

8 that I always thought we would give six million to the
9 Forest Service and six million to the BLM and be done
10 with it, and they'll take care of it. I had to change
11 my mind. I found out that when you give money to the
12 regional office headquarters it doesn't get trickled
13 down to the bottom. And I see consistently this amount
14 of money going to region five or going to the
15 Sacramento headquarters of the Bureau of Land
16 Management, and we out in the field -- and I got to put
17 myself in their shoes, because I'm helping them all the
18 time -- we don't get the money down there. It just
19 doesn't get there. So I don't understand why they're
20 doing the delivery. As Mr. Brazil said, it doesn't
21 trickle down there. Trust me, it doesn't trickle down
22 there. So I would just cut it like you did the other
23 one. Thank you.

24 CHAIR BRISSENDEN: Additional questions of the
25 applicant from the Commission? Do we have any

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1 direction from the Commission?

2 KATHLEEN MICK: If I may, Chair Brissenden, I
3 would like to point out that in the general project
4 description of our project in the very last paragraph,
5 that is where it addresses the need for the law
6 enforcement NEPA, why we would be doing it, and what
7 type of project we were going to take on.

8 CHAIR BRISSENDEN: Thanks for clarifying, even
9 though we didn't ask.

10 KATHLEEN MICK: You're welcome.

11 CHAIR BRISSENDEN: Commissioner Willard, ready.

12 COMMISSIONER WILLARD: Move to accept staff's

13 scoring recommendation.

14 CHAIR BRISSENDEN: Do we have a second?

15 COMMISSIONER McMILLIN: Second.

16 CHAIR BRISSENDEN: It's been moved and seconded
17 that we accept staff recommendation. All those in
18 favor?

19 COMMISSIONER THOMAS: Just a second, just a
20 second. Discuss and then comments, remember it's those
21 two things.

22 The grant as it's currently set is 60 percent
23 and with a total funding of 434,000, is that what the
24 staff recommendation is? That's the motion that's
25 before us?

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1 CHAIR BRISSENDEN: Correct.

2 COMMISSIONER THOMAS: It seems to me that we
3 need -- we have an application that would warrant two
4 more points certainly in the law enforcement efforts.
5 I have my -- I have my facts correct.

6 CHAIR BRISSENDEN: Are you going to adjust other
7 points elsewhere, Mr. Thomas?

8 COMMISSIONER THOMAS: I'm going to propose two
9 points, additional ones.

10 CHAIR BRISSENDEN: We already have, as was
11 whispered in my ear, we were below the bubble.

12 COMMISSIONER THOMAS: That's right. I
13 understand that. But we may not be below the bubble at
14 the end of this process. We might not totally be below
15 the bubble, or we might be partially below the bubble
16 because we don't know what the bubble is because it

17 changes.

18 CHAIR BRISSENDEN: Well, I'm running out of air,
19 whatever it is.

20 COMMISSIONER THOMAS: Very good. 2(A), I would
21 suggest that enforcing laws and regulations is
22 certainly what this grant is about. To only give it a
23 15 out of a 30, when, in fact, you're proposing to put
24 LE0 and FP0 and overflights, how could one evaluate a
25 proposal for the entire California National Forest and
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1 give them half a rating, when they're proposing to do
2 what everybody in this group has acknowledged is a
3 shortfall for years that I've sat up here. It's
4 amazing to me that the justification for 15 out of 30
5 would be accepted. I was adding two because of the
6 direction of the Commission at the moment and not more,
7 although I think the facts would warrant increases of
8 10 or 15 without a blink because, in fact, there has
9 been testimony, repeated testimony for years, and
10 anybody that's been on the national forest that's ever
11 seen a LE0 would be shocked, meaning there are none
12 because we're not paying for any and they aren't
13 either. And without the law enforcement, we're going
14 to have the same problems that have been brought to us
15 by the public in reams of letters.

16 CHAIR BRISSENDEN: Any other discussion?

17 COMMISSIONER THOMAS: I'm sorry, was that an
18 attempt to --

19 CHAIR BRISSENDEN: Amendment to the motion?

20 COMMISSIONER THOMAS: Motion to amend and add
21 two points.

22 COMMISSIONER WILLARD: There is a motion and a
23 second. And I call the question.

24 COMMISSIONER SPITLER: No, you don't call the
25 question. You do the amendment first.

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1 COMMISSIONER THOMAS: Move the amendment.

2 COMMISSIONER SPITLER: Is there a second to the
3 amendment? Sorry.

4 COMMISSIONER THOMAS: There we go.

5 COMMISSIONER SPITLER: I'll second the
6 amendment.

7 COMMISSIONER THOMAS: Let's get everybody on
8 record voting against law enforcement and see where
9 that goes later.

10 CHAIR BRISSENDEN: Okay. There has been a
11 motion and a second for the amendment of two points
12 under criteria two.

13 COMMISSIONER THOMAS: 2(a).

14 CHAIR BRISSENDEN: Raising that to 17 points.
15 Any discussion?

16 COMMISSIONER WILLARD: Well, again, I haven't
17 heard any objective factual information to change the
18 scores.

19 COMMISSIONER THOMAS: Do roll call.

20 CHAIR BRISSENDEN: The question has been called,
21 and we want a roll call.

22 MS. ELDER: Anderson.

23 VICE-CHAIR ANDERSON: No.

24 MS. ELDER: Brissenden.

25 CHAIR BRISSENDEN: No.

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1 MS. ELDER: McMillin.
2 COMMISSIONER McMILLIN: No.
3 MS. ELDER: Priznich.
4 COMMISSIONER PRIZNICH: No.
5 MS. ELDER: Spittler.
6 COMMISSIONER SPITLER: Aye.
7 MS. ELDER: Thomas.
8 COMMISSIONER THOMAS: Aye.
9 MS. ELDER: Willard.
10 COMMISSIONER WILLARD: No.
11 MS. ELDER: Falls.
12 CHAIR BRISSENDEN: The original motion is on the
13 floor supporting the original recommendation of the
14 staff. In terms of specifying what within the grant,
15 when does that discussion come forward? Because we've
16 not done that before.
17 DEPUTY DIR. GREENE: That would occur right now.
18 Once you've gone ahead and had this initial vote, then
19 you would have to vote again on those specific
20 deliverables.
21 CHAIR BRISSENDEN: But we're saddled with the
22 amount that was recommended, correct, even though
23 they're requesting less?
24 DEPUTY DIR. GREENE: So if, in fact, that was --
25 at this point in time, I believe, Commissioner

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1 Brissenden, that we could work with the forest for that
2 amount of \$361,000. So if that was the direction that
3 you provided, we could work with the forest on that.

4 COUNSEL LaFRANCHI: If the forest wants to give
5 back money, any of the applicants at any time during
6 the year can say we cannot achieve everything we
7 thought we were going to achieve, and we're not going
8 to spend all of our money, and we'll give it back.

9 CHAIR BRISSENDEN: Has that happened?

10 COUNSEL LaFRANCHI: Well, I think a few years
11 ago there were a number of grants that were outstanding
12 with quite a bit of unexpended balances that were
13 brought back in and rescoped. And I think part of the
14 two million for route designation came from that
15 activity at one point. So that has in the past
16 happened, yes.

17 CHAIR BRISSENDEN: Okay. So all of those in
18 favor of the motion? Do you understand the motion?

19 VICE-CHAIR ANDERSON: Yes, we understand the
20 motion.

21 CHAIR BRISSENDEN: So all those in favor say
22 aye.

23 (Commissioners simultaneously voted.)

24 CHAIR BRISSENDEN: Those opposed? Motion
25 carries.

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1 Now, do we want to get into the business of
2 directing staff with regard to deliverables?

3 KATHLEEN MICK: Chair Brisenden, I would
4 because I wouldn't feel quite right about us going, you
5 know, should we not fall off the bubble going home with
6 whatever it is, 400 some odd thousand dollars and then
7 turning around saying three months later we can't do

8 it. I would rather work with the Division and
9 Commission to revise the deliverables to where they
10 make sense. And if there seems to be double dipping in
11 regard to other forests that are proposing to do winter
12 enforcement, then I'm more than happy to look at that
13 and pare it down to where it also makes sense so that
14 there is no double dipping occurring because that's not
15 the intent.

16 CHAIR BRISSENDEN: Commissioner Spittler.

17 COMMISSIONER SPITLER: I'm pretty comfortable to
18 leaving staff to work this out with the applicant. It
19 seems like everyone is on the same page. I don't hear
20 any disagreement. I don't think we need to spend your
21 time doing a motion to direct someone to do what
22 they're planning to do anyway.

23 CHAIR BRISSENDEN: The only issue is if we
24 can -- you're saying we can't reduce the amounts at
25 this point.

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1 COUNSEL LaFRANCHI: I think the issue with the
2 deliverables at this point is if the Commission doesn't
3 act specifically on the deliverables, the assumption is
4 that the entity will carry out substantially the work
5 as proposed in their original application, maybe not to
6 the same level but in somehow the same priorities, the
7 same ratio. If law enforcement is 25 percent, I think
8 the presumption is they're going to be carrying out all
9 of those activities. I think that's the problem with
10 staff has no way to evaluate and adjust.

11 COMMISSIONER SPITLER: I don't think that is the
12 presumption, so I think it's fine to have staff work it

13 out.

14 CHAIR BRISSENDEN: All have heard us.

15 At this point we would adjourn to executive
16 session and come back, I would hope, within about 20
17 minutes to carry on. I would like to poll the
18 Commissioners as to how late you think we might be
19 going once we get back. I know that two of us have to
20 be out of here by three o'clock tomorrow afternoon.

21 DEPUTY DIR. GREENE: Through the kindness of the
22 Forest Service I believe that Tom Tidwell has told us
23 that we can stay as late as we want.

24 CHAIR BRISSENDEN: Anybody brought their 'jams?
25 We're ready, right? So unless the commissioners have a
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1 problem with that and the general public has a problem,
2 we're going to continue on until we fall apart.

3 You don't have to go anywhere. We've got a room
4 out back so we'll be able to go to executive session.
5 We should be back in about 20 minutes.

6 (Break taken in proceedings.)

7 CHAIR BRISSENDEN: We met in executive session
8 and gave direction to counsel.

9 And there was some adjustment of the agenda
10 earlier to involve discussion of the riparian policy.
11 Do you want to give us a brief update, Judy, and when I
12 say brief, that's like 30 seconds maybe. I know you've
13 had a couple of meetings. That's probably all we need
14 to hear.

15 VICE-CHAIR ANDERSON: What?

16 CHAIR BRISSENDEN: Desert riparian, just a brief

17 update.

18 VICE-CHAIR ANDERSON: A brief update. Are we
19 starting on the agenda item? Is this the intro to the
20 agenda item on riparian? No? It is. All right. I'm
21 sorry, I got distracted by the break.

22 CHAIR BRISSENDEN: If you recall, Mr. Thomas,
23 you asked that that be deferred until after the
24 executive session. If anyone was paying attention, I
25 just came back and said we were in executive session

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1 and gave our legal counsel direction, and now we're on
2 to the discussion I hope that will be brief.

3 VICE-CHAIR ANDERSON: I want to thank the staff
4 consultants, Division staff Rick and Mr. Weigand, for
5 their diligence in working on this effort. And if you
6 read that report, like I did, on the update of where we
7 are right now, I learned a lot in this process. It's
8 been a very educational. For somebody without a
9 biology background, this is a good foundation. I think
10 that we're moving forward in a very positive and
11 deliberative manner trying to figure out what needs to
12 be -- what we can do in 2007, what needs to wait until
13 2008, and so forth in terms of implementing this. So I
14 think Rick gets to pick up from this point.

15 CHAIR BRISSENDEN: Rick, do you have a brief
16 report on the progress to date?

17 RICK LeFLORE: Yes, I do. Rick LeFlore,
18 Environmental Planning Superintendent, Off-Highway
19 Vehicle Headquarters. And I recognize that the word
20 brief keeps coming up and I will keep it brief to honor
21 that. And thank you, Judith, for that lead in.

22 This in fact has been a challenging policy from
23 a Division standpoint in trying to come back to you, a
24 Commission, with some kind of recommended course of
25 action. I think the packet that we put together that

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1 you folks have pretty well sums up our state of
2 knowledge and understanding of implications of the
3 desert riparian policy as it was recorded from last
4 December. Yes, our intention was, after meeting with
5 Judith, knowing what's on your agenda for tonight and
6 tomorrow, our intention was simply just to keep this as
7 an informational topic not intending to come up with
8 answers.

9 The back of the packet has some ten key points
10 that really need a lot of discussion by the Commission.
11 And so the intention, again, was just to introduce this
12 for today, and I won't even pretend to go through it
13 right now, but have it in front of you in hopes that
14 all of you individual commissioners have a chance to go
15 through it. And the intention would be to come back at
16 the earliest opportune Commission hearing during the
17 coming year, January, whenever that's going to be, and
18 actually have some good time set aside so we can come
19 to some more firm ground on this.

20 CHAIR BRISSENDEN: Speaking of ground, if I may,
21 Dr. Weigand invited us to review some of the operations
22 in the desert, and he would like to have a field trip
23 next year. So perhaps we can have that in the open
24 field on the ground as a discussion of this item
25 perhaps in March. Would that work? Dr. Weigand, are

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1 you still here? You can nod. That's okay.

2 JIM WEIGAND: All right.

3 CHAIR BRISSENDEN: So I'll look to my vice-chair
4 to coordinate that field trip and discussion at that
5 time.

6 VICE-CHAIR ANDERSON: When you pick the date, do
7 you want suggestions on location?

8 CHAIR BRISSENDEN: I was deferring to
9 Dr. Weigand.

10 VICE-CHAIR ANDERSON: Whether we meet in Ontario
11 or El Centro?

12 CHAIR BRISSENDEN: I think it was closer to
13 El Centro.

14 VICE-CHAIR ANDERSON: Palm Springs or.

15 CHAIR BRISSENDEN: I know some people here would
16 like to be in Palm Springs. I think El Centro would be
17 the proper place.

18 COMMISSIONER WILLARD: Las Vegas.

19 CHAIR BRISSENDEN: There is not a bi-state.

20 VICE-CHAIR ANDERSON: It gets really tricky when
21 you cross state lines using public funds.

22 CHAIR BRISSENDEN: So if there is nothing more,
23 I appreciate your efforts to date and we will get on
24 the ground and have some conversations.

25 OHMVR STAFF LeFLORE: Thank you very much.

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1 CHAIR BRISSENDEN: Thank you. And then, Phil,
2 are you here? There he is. He's lollygagging in the
3 back here. Phil, I think we have a brief discussion,

4 unless there is input into the our rather belated --
5 all my fault, belated audit response as part of the
6 agenda. Are there any additions, deletions. I will
7 just sit down with you shortly, and we'll make that a
8 response. Do you have anything to add to that?

9 CHIEF JENKINS: Just that the response we have
10 in there we feel like we made a real attempt to have
11 that response be inclusive of the points of view that
12 we share on those particular questions between the
13 Commission and Division, so that was certainly our
14 efforts. If there was any problem with what we wrote,
15 we would sure like to hear it, but we felt like it was
16 a pretty clear message that we were together on those
17 things.

18 DEPUTY DIR. GREENE: And, Chair Brissenden, if I
19 may, we just have been in contact with the auditors who
20 have sent us back numerous questions. And one of them
21 was, I had mentioned to them that this would be an item
22 for consideration at the meeting. He said that he
23 would give me an extension until December 11th -- would
24 be Monday, I'm sorry, the 12th, which is just a point
25 of reference. Perhaps we can touch base on Monday to

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1 make sure that we get this clarified. Thank you.

2 CHAIR BRISSENDEN: Okay.

3 DEPUTY DIR. GREENE: Thank you.

4 CHAIR BRISSENDEN: Thank you. I think that's
5 the agenda items that we had deferred. Anybody have
6 any comments or questions on the audit response?

7 So moving along, hopefully we can make our

8 points rather concise. The transcriber is wishing that
9 we might break for dinner by midnight.

10 OHMVR STAFF ROACH: Next project, Barstow Field
11 Office. Request amount of -- that's for the BLM.
12 Request amount of \$671,460. Division score 68, at 60
13 percent would be an amount of \$402,876.

14 MIKE EHRENS: Good afternoon, Mike Ehrens,
15 Barstow BLM. We did provide some information. It
16 should be in your packets. I want to -- for sake of
17 brevity, do you want to limit our comments to two items
18 that we believe were in the grant and weren't given the
19 same amount of emphasis as we would like to have them
20 have. The first being under question one, item A, the
21 Division did note that we will be using some of these
22 funds to patrol in our desert wildlife management
23 areas. That's all well and good, maybe what we should
24 have emphasized better or the Division might have
25 picked up on, that's a million acres, fully a third of
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1 our jurisdiction, and it's the most -- area with the
2 most sensitive resources on a designated route network.
3 This is where it needs to work, where implementation of
4 that route network and enforcement that needs to happen
5 and needs to be successful. And so enforcement in that
6 area is going to be very important.

7 The other thing that I wanted to bring up, and
8 it's maybe even a flaw in the process, a process flaw,
9 is we, as a part of our grant application, are
10 requested to submit information for the PAR report, and
11 this information is meant to describe our program and
12 our accomplishments. But there seems to not be a way

13 or a place where that information is then linked into
14 the evaluation. And so I provided that for you, for
15 Barstow anyway, just a few stats from that. If you
16 look at the Barstow program and this evaluation, based
17 on the information provided in the PARs, we have the
18 fifth highest number of actually open areas of land
19 designated for off-highway vehicle use, fifth in the
20 state. We have the second highest number of volunteers
21 in the state, the third highest number of volunteer
22 hours contributed to the program. And it goes through,
23 and I won't go on forever. I won't tie up a lot of
24 time on this, but to say that we have a very complex,
25 very -- a lot of depth and breadth in this program.

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1 And so enforcement is a key element to that. I think
2 under item three, the efficient use of funds, we would
3 have liked to have seen some additional scores there,
4 as well.

5 CHAIR BRISSENDEN: Thank you. Any public
6 comment?

7 ED WALDHEIM: Sorry, I didn't realize you would
8 be that quick.

9 CHAIR BRISSENDEN: You need to be quicker.

10 ED WALDHEIM: I was relegated to the back of the
11 room by Mardi. She said go back there and don't sit in
12 the front.

13 CHAIR BRISSENDEN: Thank you, Mardi.

14 ED WALDHEIM: Anyway, Ed Waldheim, CORVA, Ed
15 Waldheim for the president of Friends of El Mirage.
16 Barstow Field Office is almost like my second home.

17 It's next to the field office in Ridgecrest. And being
18 involved with the Friends of El Mirage, we have a
19 25,000 acre area that is like an SVRA, but run by the
20 BLM. That's the way -- we made a choice to do that.
21 As a partner, the Commission of the Off-Highway Vehicle
22 program is a partner of El Mirage, so is Los Angeles
23 County, so is San Bernardino County, and the BLM. As
24 such, law enforcement is one of the critical things
25 that we have. We've got that 25,000 acres to deal

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1 with. We have Dumont Dunes that we have to deal with;
2 never mind Johnson Valley and Starter Valley.
3 Mr. Ehrens has told you the amount of people going out
4 in that area. You have gotten some letters from folks
5 complaining about folks going off in the Big Rock area
6 doing things that they shouldn't be doing. We have to
7 get the law enforcement there to keep a handle on these
8 things. If we don't have it, it just goes wild because
9 Barstow is one of those areas that you come and you
10 thoroughly, thoroughly enjoy it. And we have to police
11 it. Like any city, you have a certain amount of law
12 enforcement people. And this is a grant that we really
13 need to do.

14 What we need to do in item number one, it needs
15 to go to 29 points. Number three, we leave -- three,
16 the total score we need to end up with 77 is what the
17 total score needs to come up to. And I forgot if I
18 have the other screen. We need 29, and I don't have
19 the other one. Is that the only one we changed? I
20 think so, so we need to get the score to 77. That's
21 the only one we changed.

22 MIKE EHRENS: Number one was the only one we
23 added there, but really the PAR comparison, if you
24 start thinking about that, would fall under item three
25 for another point or two, three would be.

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1 ED WALDHEIM: That's the other thing that
2 Mr. Ehrens pointed out. For some reason we are not
3 even given any thought to what the PAR is. We're not
4 given credit for the opportunity. We are not given
5 credit for the amount of visitors that are out there.
6 Somehow that just doesn't mean anything. That just
7 boggles my mind. When I clean Home Depots, I get three
8 people that have millions and millions of work. I get
9 a Home Depot that only has say a few million dollars, I
10 only get a part-time janitor to work there cleaning
11 their place. So there is a direct relationship between
12 the visitors and the amount of work that the agency has
13 to do. It is totally -- there is a direct correlation.
14 If you've gotten only 10,000 visitors, heck, a
15 part-time guy can take care of it. But when you got a
16 million people, you better fund that. And El Mirage,
17 we committed to this. We have an obligation to do
18 that. You can't say BLM should pay that. No, we made
19 the decision to be part of it and we agreed that we're
20 going to fund that area when we did that back in
21 the '80s, so thank you.

22 CHAIR BRISSENDEN: Thank you. Any other public
23 comments. Commissioners?

24 COMMISSIONER SPITLER: Move the staff
25 recommendation.

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1 CHAIR BRISSENDEN: Motion.

2 VICE-CHAIR ANDERSON: I'll seconded that.

3 CHAIR BRISSENDEN: It's been moved and second.

4 Discussion? All those in favor?

5 (Commissioners simultaneously voted.)

6 CHAIR BRISSENDEN: Opposed? Motion carries.

7 OHMVR STAFF ROACH: Next project, Los Padres

8 National Forest with a request amount of \$508,736.

9 Division score of 66 at 60 percent would be \$305,242.

10 KAREN MCKINLEY: Good afternoon, can you hear
11 me? Do you have copies of my rescore sheet in front of
12 you?

13 CHAIR BRISSENDEN: Please state your name.

14 KAREN MCKINLEY: My name is Karen McKinley,
15 Los Padres National Forest, Recreational Officer.

16 CHAIR BRISSENDEN: Thank you.

17 KAREN MCKINLEY: You're welcome. We spent a lot
18 of time, you know, putting those sheets together, and
19 they pretty much have the points that I'm making right
20 now verbally. But the points are there for you to add,
21 hopefully.

22 Item one, we'd like an additional six points for
23 a total score of 30 points out of 35. We have
24 extensive -- within the application itemized, you know,
25 reducing intrusion into wilderness. Specifically we
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1 have about \$20,000 requested for that particular work,
2 primarily during the hunting season when we know we
3 have that type of intrusion. We have reducing conflict

4 between various recreation interests. Again, I think
5 this is part of the process, and I believe the Division
6 mentioned about in the future perhaps putting what is
7 missing so that it would make it easier to score.
8 However, everything I am telling you is directly from
9 those pages in the application, no new information.
10 But all it says is that we will use law enforcement
11 presence to reduce the conflicts. Well, that actually
12 is more than that. It's the presence, it's barriers,
13 it's fences, it's going out and doing sound monitoring
14 enforcement, working with user groups. We have pretty
15 good volunteers across the forest. We have
16 approximately 527 miles of OHV opportunity. As
17 Mr. Waldheim mentioned earlier, we have had the impacts
18 from the Dade Fire, and you should have in your packet
19 of information an additional letter submitted from the
20 forest supervisor regarding the impacts of that fire,
21 potential impacts, and that our law enforcement request
22 is even more urgent especially on the fact that last
23 year we did not receive any law enforcement funding due
24 to a pagination error basically. But so all of our
25 stats that are on our PAR, we've been producing with

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1 our own funding. We show a match of 30 percent in our
2 grant application, 70 percent requested from the grant
3 funds. So six extra points under section one.

4 Enforcement of laws, safety issues, we're
5 looking for an additional three points in that section.
6 We addressed every single A, B, C, D, E under section
7 two, along with innovative ways under E of perhaps a

8 memorandum of understanding with the El Centro
9 California Motorcycle Association.

10 Section three, we're looking for just an
11 additional two points. We have search and rescue
12 operations contributed value. We don't have to pay law
13 enforcement next door to come over and help us. We all
14 have interagencies memorandums of agreement. So that
15 is done without costs to our coffers.

16 Item four, we'd like an additional five points.
17 Any questions?

18 CHAIR BRISSENDEN: What's the total?

19 KAREN MCKINLEY: The total would change from 66
20 to 82. Point of consideration, last year, even without
21 law enforcement funding from the state, we still were
22 able to do 30,000 contacts with an approximate
23 visitation of 172,000.

24 CHAIR BRISSENDEN: Thank you. Any other public
25 comment?

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1 ED WALDHEIM: Ed Waldheim for CORVA, California
2 Trails Users Coalition and National Forest Association,
3 Los Padres. This is a partner -- or a forest that is
4 right next to the Hungry Valley SVRA. The Hungry
5 Valley SVRA is kind of the bedroom community and people
6 who are more in tune to riding single trails, a little
7 bit harder type of trails, single track trails, they go
8 into Los Padres National Forest. Again, I would like
9 to see us increase this here because not having the
10 funding last year, however, they said they got it done,
11 it was an easy year. But this year is not an easy year
12 because of the absolute displacement of so many folks

13 that keep going in there. Supposedly, Hungry Valley
14 had over 400,000 people, more than that. So the people
15 are coming. They're coming in droves. The Los Padres
16 National Forest is one of the forests now with the
17 fire, where we have some closures in there, we have to
18 really be on top of it. We cannot let the people go
19 off trail. We just have to have a presence in there.
20 And this will help them do that.

21 And so the 82 points, you add 30 points in item
22 number one, you add 24 points in item number two, 16
23 points in item number 3, and 12 points in item number
24 four, bringing it to 82.

25 CHAIR BRISSENDEN: Thank you. Any others?

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1 Commissioners?

2 COMMISSIONER SPITLER: Move the staff
3 recommendation.

4 COMMISSIONER McMILLIN: Second.

5 CHAIR BRISSENDEN: It's been moved and seconded
6 for staff recommendation. All those in favor?

7 (Commissioners simultaneously voted.)

8 CHAIR BRISSENDEN: Those opposed.

9 VICE-CHAIR ANDERSON: I oppose.

10 CHAIR BRISSENDEN: A little quicker next time.

11 VICE-CHAIR ANDERSON: I'm sorry. Okay.

12 CHAIR BRISSENDEN: The motion carries.

13 COMMISSIONER THOMAS: She's actually thinking
14 about her vote.

15 VICE-CHAIR ANDERSON: Yes, troubling. Afraid it
16 means no money.

17 OHMVR STAFF ROACH: Next project, Santa Clara
18 County Parks and Recreation. Original request amount
19 \$170,527. Division score of 66 at 60 percent would be
20 a funding determination of \$102,316.

21 LISA KILLOUGH: Hello my name is Lisa Killough,
22 and I'm the Director of Santa Clara County Parks,
23 Metcalf Motorcycle Park. I'm going to get right to a
24 scoring request change for category one. One of the
25 things that distinguishes Santa Clara County Parks is

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1 that we have a unique check-in system. Every single
2 rider who comes into the park has to check in with the
3 park office and be educated in certain areas including
4 equipment and protective gear usage, safety. We go
5 over the rules of the trails, trail etiquette. We have
6 a one-way trail system to encourage safe use of trails.
7 We talk about what happens when something goes wrong
8 and you need emergency response. We spend a lot of
9 time talking about environmental etiquette because we
10 are in an area that has sensitive habitat and listed
11 species so we make sure that people know where to ride,
12 where they can't ride. We spend a lot of time doing
13 the right thing here, doing the things that
14 Mr. Waldheim has encouraged others to do. And for
15 those reasons, we believe that we are due an extra
16 seven points or 29 points in this category.

17 Category two, we have also a very unique
18 educational program. Our junior ranger education
19 program is very unique. We focus on OHV recreation in
20 this program. We have junior ranger programs system
21 wide, but this particular one focuses directly on OHV

22 recreation. We talk about safe riding and trail rules.
23 We talk about sustainable OHV recreation including
24 environmental etiquette. We train your junior rangers
25 on an appreciation for habitat restoration, soil and 265

1 water preservation. This program gets it to specific
2 areas in law enforcement. One, we are educating our
3 younger generation for responsible use and, two, we are
4 mentoring our next generation of law enforcement folks
5 in the OHV area. This is something that I think a lot
6 of other agencies would like to do. We're doing it,
7 and we think we ought to get credit for it. We think
8 we ought to get three points or a ranking of 25.

9 When it comes to criteria or category three,
10 efficient use of funds, right now we are already
11 providing well over -- the last time we got funding for
12 this program for law enforcement, we got less than a 50
13 percent support from the OHV program, well under
14 actually.

15 CHAIR BRISSENDEN: Can you wrap up because we
16 don't have a lot of time.

17 LISA KILLOUGH: I'm sorry. Anyway, we believe
18 because of the significant funding that the county puts
19 into this program, that we should get some recognition
20 for that. We would like to see a couple of extra
21 points there. I could go on, but I won't. Our track
22 record on accountability is impeccable.

23 In category four, we've done a number of
24 projects, trail closures, water systems, shade
25 structures, vegetative restoration, all on time within 266

1 budget. Since 1972 when we went into operation, we've
2 never had any trouble with our audits. We'd like to
3 see two points there, for a total recalculation of 80
4 points. And we'd really appreciate the Commission's
5 consideration here. We're the only OHV local, state,
6 federal -- we're the only OHV facility in the entire
7 Bay Area, which is an underserved area. We'd like to
8 see some credit be due there. Thank you.

9 CHAIR BRISSENDEN: Thank you. Any other public
10 comment?

11 BRUCE BRAZIL: Bruce Brazil, California Enduro
12 Riders Association. And that is kind of in my neck of
13 the woods. If you drive down around the southern part
14 of the Bay Area, and you look out in the hills where
15 they haven't developed there, you don't see a bunch
16 motorcycle trails. You don't see a lot of off-road
17 use. That's because they have provided an area for
18 people to go and recreate in a responsible manner.

19 When you bring the new riders in, which this
20 park is pretty much geared towards, you're able to
21 teach them the proper rules, regulations, resource
22 appreciation. Get them and train them now before they
23 get out into the BLM lands and into the U.S. forestry
24 lands to where they may start doing other damage. This
25 is preventive maintenance by funding this park. Thank

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1 you, and I support their funding recommendations.

2 ED WALDHEIM: Ed Waldheim for CORVA. Brazil
3 does a great job on this. This an example of what a

4 county can do. It should send a message to those other
5 counties that all they do is try to get monies to
6 police and keep us from doing what they don't want us
7 to do. Here, hey, what are you doing here, go over
8 there. Every county should have this. They're an
9 example. If 2004/'05 we gave them \$150,000. Last
10 year, I don't know why we didn't give them any money.
11 We got to get these guys some money. It doesn't make
12 any sense to penalize people for doing a good job.
13 We're spending money and rewarding those people who
14 don't give us anything, and we're penalizing those
15 people who give us an opportunity. We're upside-down.
16 We're totally upside-down. So please use their
17 recommendation and give them something, at least
18 something.

19 DAVE PICKETT: Dave Pickett, AMA District 36. I
20 concur with Mr. Brazil and what Ed had just said. But
21 this small facility is unique, as the speaker presented
22 to you. Their law enforcement education process, sound
23 testing, spark arresters, et cetera, it's awesome. The
24 riders like this area. It's a metropolitan located
25 riding facility. It takes the overload off the

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1 Hollister Hills SVRA. I do support the requested
2 levels per the changes they submitted. Thank you.

3 CHAIR BRISSENDEN: Thank you. Commis sioners?
4 Commi ssi oner Willard.

5 COMMISSIONER WILLARD: Again, this is one of
6 those areas where I've had benefit of personal
7 knowledge. I had the opportunity to visit Metcal f a

8 couple of months ago, and I was very favorably
9 impressed with the operation. I agree with the last
10 two speakers. It really should be a poster child for
11 how counties can provide OHV recreation. So I would
12 like to amend the scores based on what I saw when I was
13 there. So I am trying to be objective, and I think
14 that the applicant perhaps could have done a little bit
15 better job in articulating some of the very interesting
16 different techniques that they have. For instance, I
17 was standing there, and everyone that came in has to go
18 inside into the ranger's office, check in. They have
19 lots of programs for youth, even a biology area where
20 they had lots of displays of the different species, and
21 they have various classes that they make the youth go
22 through to learn about species and riding and safety
23 and everything. There are no conflicts in the area.
24 It's sort of tucked away. You don't even see it unless
25 you drive up to it. So I just think it's an excellent

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1 example of a very, very well run facility. So should I
2 move into some scoring suggestions as to move it along?

3 On item one, I would increase from 22 to 26
4 points. On two, I would increase from 22 to 26, and on
5 three from 12 to a maximum of 15, and on four from 10
6 to 13, increasing the score by 14 points, bringing it
7 to 80. That's my motion.

8 COMMISSIONER PRIZMICH: Second.

9 CHAIR BRISSENDEN: It's been moved and seconded.
10 Any discussion?

11 VICE-CHAIR ANDERSON: This was one where I'm not
12 familiar with the facility, haven't been there. It's

13 an attractive concept, and I wish it could be
14 duplicated elsewhere. I'm supportive of these changes,
15 although I cringe at what the effect is going to be on
16 other projects.

17 CHAIR BRISSENDEN: Commissioner Spittler.

18 COMMISSIONER SPITLER: I think this is a real
19 important area, but I haven't heard any objective
20 factual information that would, based on the
21 application itself, as applied from the personal
22 opinion on another commissioner's visit to the site, I
23 haven't actually visited it, because I don't have any
24 objective factual information, I can't support the
25 motion.

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1 COMMISSIONER THOMAS: And given the standard
2 that's been applied all day, there is no additional
3 factual information other than subjective views that
4 are limited to the speaker, the maker of the motion.

5 That all being said, does anybody know who's
6 going to get pushed off the table when you make this
7 change, which is not relevant, I suppose.

8 COMMISSIONER WILLARD: I would suggest that's
9 not relevant. I think --

10 COMMISSIONER THOMAS: Let me finish.

11 COMMISSIONER WILLARD: Okay.

12 COMMISSIONER THOMAS: And given the size of the
13 grant application, 20 percent increase is going to be
14 about what 25 to \$30,000 something. I'm not going to
15 support it, but I appreciate the information.

16 CHAIR BRISSENDEN: Probably bring the

2006-12-08 OHV 1 2006 Grants
17 application to 136.

18 COMMISSIONER McMILLIN: I have two questions.
19 Bruce, did you speak against this at the north grants
20 meeting?

21 BRUCE BRAZIL: No.

22 COMMISSIONER McMILLIN: And you guys had an
23 educational program. There was a young man who spoke.
24 Your educational program was very -- like 10 or 12
25 people were at the meeting, weren't they?

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1 MIKE RUITSTORFEN: Mike Ruitstorfen, Park Ranger
2 assigned to Metcalf Motorcycle Park. Yes, just like
3 what you said, we had ten junior rangers. It's a
4 six-week program.

5 COMMISSIONER McMILLIN: They all came to the --

6 MIKE RUITSTORFEN: They didn't all come, no, but
7 there were some of the dads that did come and speak in
8 favor of it. Just like you said, that is one of the
9 very few -- the only OHV programs that actually
10 educates the young.

11 COMMISSIONER McMILLIN: I wanted to make sure I
12 had the right one.

13 CHAIR BRISSENDEN: Any other comments? Further
14 discussion? All those in favor?

15 (Commissioners simultaneously voted.)

16 CHAIR BRISSENDEN: Opposed?

17 COMMISSIONER THOMAS: No.

18 VICE-CHAIR ANDERSON: No.

19 COMMISSIONER SPITLER: No.

20 COMMISSIONER THOMAS: Roll call, please.

21 MS. ELDER: Anderson.

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22 VICE-CHAIR ANDERSON: No.
23 MS. ELDER: Bri ssenden.
24 CHAIR BRI SSENDEN: Aye.
25 MS. ELDER: McMi llin.

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1 COMMI SSI ONER McMI LLI N: Aye.
2 MS. ELDER: Pri zmi ch.
3 COMMI SSI ONER PRI ZMI CH: Aye.
4 MS. ELDER: Spi tler.
5 COMMI SSI ONER SPI TLER: No.
6 MS. ELDER: Thomas.
7 COMMI SSI ONER THOMAS: No.
8 MS. ELDER: Wi llard.
9 COMMI SSI ONER WI LLARD: Aye.
10 MS. ELDER: Four to three.
11 CHAIR BRI SSENDEN: Moti on passes. Next.
12 OHMVR STAFF ROACH: Cal averas County Sheri ff,
13 Interface, request amount of \$17,475. Di visi on score
14 of 65 at 60 percent wou ld be \$10,483.
15 MI CHAEL WALKER: Mi chael Wal ker, Cal averas
16 County Sheri ff' s Department Undersheri ff. We di d
17 submi t a request for adjustment of score as per
18 requested. I' d l i ke to j u s t go t h r o u g h t h a t v e r y
19 q u i c k l y.
20 I t e m n u m b e r 1 (a) , w e t a l k e d a b o u t t h e
21 f l e x i b i l i t y o f t h e h o u r s o f t h e p a r t - t i m e d e p u t y t h a t
22 w o r k s t h i s p o s i t i o n , a n d h o w w e u s e c o m p u t e r - a i d e d
23 d i s p a t c h t o t a r g e t t h o s e a r e a s w h e r e w e ' r e h a v i n g
24 p r o b l e m s i n t h e I n t e r f a c e .
25 I n i t e m B , w e t a l k e d a b o u t t h e S i e r r a P a c i f i c

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1 Industries is the largest private landowner in
2 Calaveras County. We have with Sierra Pacific
3 Industries an MOU as discussed on page four of the
4 grant. On page three, we also stated that the
5 Interface area borders six subdivisions, three large
6 ranches, and a plot of land owned by Sierra Pacific
7 Industries. Over 1,000 homeowners have private
8 property rights near the Arnold Interface.

9 In item number two, specifically as it relates
10 to A, B, C, D, and E, there's numerous places within
11 the grant that talks about the emergency response and
12 the use of our search and rescue volunteers in this
13 program. Specifically item C, we respond to accidents,
14 medical emergencies, search and rescue operations with
15 designated OHV patrol vehicles and search and rescue
16 volunteers. We have search and rescue volunteers that
17 have dedicated over 250 hours to this program at a cost
18 savings of \$4,000.

19 In item number three, use of partnerships to
20 reduce reliance on OHV funds, we have worked slowly
21 with the U.S. Forest Service, the Stanislaus Forest,
22 two other county sheriff's departments, Alpine and
23 Tuolumne County, Fish and Game, State Parks, and
24 private property owners to help us in patrolling these
25 areas. In addition to that, the Calaveras County

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1 Sheriff's Department and the County of Calaveras last
2 year contributed over \$18,000 to this program, which is
3 more than the actual program request is from last year

4 and this year. We bought all of the equipment so that
5 we could put this deputy out into the field. That
6 includes quad runners, four-wheel drive vehicle,
7 trailers, personal safety equipment. Again, the use of
8 volunteers in item C of that number, reducing future
9 costs, the sheriff's department is dedicated to this
10 program and providing the necessary funding to offset
11 the costs. But we do need this funding to fund that
12 deputy position, that part-time deputy position. We
13 use timber tax funds for this. We use search and
14 rescue funding for this to try to offset all of our
15 costs, but we do need that basic dollar amount to fund
16 the deputy.

17 CHAIR BRISSENDEN: Any other public comments?

18 Thank you.

19 JUDITH SPENCER: Judith Spencer, CORE. And I
20 know that we're working toward objectivity and making
21 great progress, but this is an instance where that
22 doesn't seem to have happened. I'm not exactly sure
23 why the full-time position and the part-time position
24 were separated out. The part-time position is
25 specifically for the Interface. And the Interface, as
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1 the Commission, most of you know, is a success, and in
2 large part because of the work the Commission and the
3 Division have done with them. It's working, and it's
4 working because we got good enforcement. But
5 interestingly enough, the full-time position and the
6 part-time position were scored quite differently by
7 about 20 points, and basically they're the same grant.

8 So I'm suggesting that the part-time funding for this
9 really important position, and the undersheriff made
10 that really clear, it's sitting right in the middle of
11 four little towns, this Interface. So there's all
12 sorts of private property that will be impacted.

13 Anyway, whereas the full-time position got 30 of
14 35 points for criterion one, part-time got 25, they
15 should have their other five points.

16 For criteria two, they deserve five more points
17 because it's the same information, it's the same
18 organization that's asking for this money.

19 Number three, I think was the same.

20 But number four, though it isn't articulated
21 quite as well about their fiscal responsibility and
22 time frame keeping, this is -- I believe will be their
23 fifth year of meeting the deadlines, of spending the
24 money well, and it's in the same document, but they
25 didn't get scored. That should be another six points.

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1 And that would move them up, I believe, to a score of
2 81, and I hope you'll consider that. Thank you.

3 CHAIR BRISSENDEN: Thank you. Any comments?

4 OHMVR STAFF ROACH: I would just like to address
5 some of her comments regarding the application being --

6 CHAIR BRISSENDEN: We'll ask -- we'll bring it
7 in right after the public comments. Thank you.

8 SUE WARREN: Sue Warren, Stanislaus National
9 Forest. I would like to support Judith Spencer's
10 wonderful calculations. She always does an outstanding
11 job. And also to support Calaveras County, we have
12 made a turnaround in the Interface for enforcement, and

13 the program is working really well in that area and
14 serves as, I think, a really good model. Thank you for
15 your time.

16 CHAIR BRISSENDEN: Thank you. Any other
17 comments from the public? Staff, did you want to
18 mention?

19 OHMVR STAFF ROACH: I just wanted to comment.
20 They were actually two separate projects with two
21 separate deliverables, and the information was
22 different for each project. So that's why they scored
23 differently. May be some confusion along those lines.

24 CHAIR BRISSENDEN: Commissioners?

25 COMMISSIONER SPITLER: I'd like to make a couple
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1 of comments, and then make a motion. This is an area
2 that I have a lot of experience in, and members who
3 have been on this Commission for a while, for better or
4 worse, have a lot of experience in, as well. I think
5 that the program that the agency has put into place in
6 the Interface is working. This Commission has helped
7 to make it work, and the fact that Sue Warren and
8 Judith Spencer are here saying the same thing is good
9 evidence of the fact that the program is working.

10 I'm a little dismayed by the score of the staff
11 on this one because to me it's a really high-quality
12 application that warrants a higher score. I would make
13 one comment to the applicant. I would personally
14 recommend that you in future years submit a single
15 application, as opposed to two separate applications.
16 You're a pretty small county, and I think it makes your

17 life more difficult to have two separate applications.
18 Certainly makes our life tough, as well.

19 That being said, my recommendation for the score
20 under the first category a score of 35 out of 35. I
21 think the applicant has demonstrated adequately that
22 its law enforcement efforts will sustain long-term OHV
23 recreation. Enforcement of this area is part of a
24 compromise that will sustain permanent OHV recreation
25 in other parts of the forest, and this enforcement here
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1 is, as the applicant describes on page 80 and 81, is
2 essential.

3 Regarding OHV second criteria, I would recommend
4 a score of 30. The project demonstrates how law
5 enforcement efforts will address OHV-related public
6 safety issues. Again, on page 80 and 81, applicant
7 describes enforcing all laws, including Penal Code,
8 Vehicle Code, Fish and Game Code, et cetera, responding
9 to accidents and emergencies, search and rescue,
10 et cetera.

11 Finally, regarding efficiency, third criteria, I
12 would also recommend -- I would recommend a score of
13 20. Applicant certainly has demonstrated its
14 partnership with the U.S. Forest Service, with two
15 other County Sheriff's Office, with the Department of
16 Fish and Game, with private property owners in the
17 area. Applicant has demonstrated certainly his use of
18 his matching funds, and there's ample evidence in the
19 record for the volunteer labor provided by local
20 residents. So I think that the score -- the grant
21 warrants a much higher score based on my reading of the
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22 record. I would move the score as described. The
23 score totals 90 out of a hundred.

24 COMMISSIONER PRIZMICH: I'd like to second that,
25 and also compliment the efforts on the part of the

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1 agencies involved to turn around a very problematic
2 area.

3 CHAIR BRISSENDEN: Thank you. Moved and
4 seconded. All those in favor?

5 COMMISSIONER SPITLER: You discuss it first.

6 CHAIR BRISSENDEN: You discussed it thoroughly.
7 I didn't see anyone looking for their microphone, so.
8 Did anybody want to discuss that?

9 VICE-CHAIR ANDERSON: It's a small amount of
10 money.

11 CHAIR BRISSENDEN: So it's been moved and
12 seconded. All those in favor?

13 (Commissioners simultaneously voted.)

14 CHAIR BRISSENDEN: Opposed? Motion carries.

15 OHMVR STAFF ROACH: Lassen National Forest where
16 the request amount of -- that's line 26, with a request
17 amount of \$53,834. Division score of 65 at 60 percent
18 would be \$32,300.

19 ELIZABETH NORTON: Good afternoon,
20 Commissioners, Elizabeth Norton, Public Services
21 Officer with the Lassen National Forest. And we also
22 submitted revised scores, and I do have copies of that
23 for handout if Mardi is here.

24 We based our proposed revisions on hopefully
25 factual information that was in our application that

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1 may have been overlooked by the evaluation panel as
2 they were rating and assigning our scores.

3 Under criteria number one, we indicated a
4 proposed score of 24, and that's based on forest
5 rationale that items A and B were fully addressed and
6 should be given that full score of 12 points. And in
7 addition there is information in our PAR reports that
8 indicate that we have a very proactive law enforcement
9 program. We had over 6,000 visitor contacts, and the
10 result of that was the issuance of 249 warnings. We
11 had 46 citations and 47 cold reports as are reported in
12 our fiscal year of 2005. And these contacts are really
13 instrumental in addressing that criteria as far as
14 reducing resource impacts and also promoting more
15 visitor education. We do not have any user conflicts
16 on our forest, at least at this time, that we're aware
17 of.

18 Under criteria number two, we assigned a score
19 of 30. Items A through E were addressed, and we felt
20 should be given a full score of six points for each of
21 those sub-items under that criteria. The application
22 really describes that we have a well-trained
23 experienced law enforcement work force, and there is
24 quite a bit of coordination that we have with the local
25 county sheriff, as well as law enforcement from BLM and
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1 Volcanic Legacy National Park there.

2 Criteria number three, we proposed a score of
3 20. Again, the Forest has a very successful volunteer
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4 program. At least half of our trail grooming is done
5 with volunteer groomers. We have a sign and safety
6 coordinator, maintenance mechanics, and most of our
7 trail maintenance and brushing out signing is done by
8 volunteers. Without their assistance, we would not be
9 able to offer the level of services and have the
10 program that we have today.

11 And under criteria number four, we proposed a
12 score of 11. We state that the last two law
13 enforcement agreements that we have had with the
14 Division, they were completed on time and the funds
15 were fully expended leaving a balance of zero. So we
16 are accomplishing the work that you have asked us to do
17 out on the ground.

18 The total score for this particular project
19 would be 85 based on those proposed revisions. Any
20 questions?

21 CHAIR BRISSENDEN: Any questions from the
22 Commissioners? Public comments.

23 VICE-CHAIR ANDERSON: Not on this grant, but
24 other questions.

25 CHAIR BRISSENDEN: Okay. After the motion.

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1 BRENT SCHORADT: I'm Brent Schoradt with the
2 California Wilderness Coalition, and we agree with the
3 rescore of 85 for the Lassen National Forest. It's a
4 beautiful area, deserves to be protected, and they're
5 doing a great job on the ground. So hopefully we can
6 have your support. Thanks.

7 CHAIR BRISSENDEN: Thank you. Commissioners,

8 wish to weigh in, comments, questions?
9 OHMVR STAFF BELLUCCI: Chair Brissenden, I just
10 want to make a quick comment regarding -- Larry
11 Bellucci, grant staff. I want to make a quick comment
12 that related not only to this application but a number
13 of them. Ms. Norton stated that for criterion two, she
14 would like a full six points for each one of the
15 sub-elements A through E. They were not assigned six
16 points each. The entire criterion was assigned a total
17 possible score of 30. It was intentionally done so
18 knowing that in some cases an applicant may not be able
19 to address all of those and so as not to keep anybody
20 from getting the full number of points if they did not
21 address all five of those elements. This was evident
22 in a number of their resubmissions by a bunch of
23 applicants. They over and over suggested a certain
24 number of points for each one of the sub-elements.
25 That's not how they were scored. It's not how they

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1 were meant to be scored.

2 CHAIR BRISSENDEN: So it's an overall score,
3 you're not saying it's points assigned to each of the
4 sub?

5 OHMVR STAFF BELLUCCI: Correct.

6 CHAIR BRISSENDEN: Thank you for the
7 clarification. Any questions? Do I have a motion?

8 COMMISSIONER McMILLIN: I'll make a motion we
9 accept staff's recommendation.

10 COMMISSIONER WILLARD: I'll second.

11 CHAIR BRISSENDEN: It's been moved and seconded
12 for staff recommendation. All those in favor?

13 (Commissioners simultaneously voted.)

14 CHAIR BRISSENDEN: Opposed? Motion carries.

15 And there is a generic comment from Commissioner
16 Anderson?

17 VICE-CHAIR ANDERSON: Yes, can I get a recap?

18 What was the score now that we currently have on

19 El Centro?

20 CHAIR BRISSENDEN: That's a specific question,
21 not a generic question.

22 VICE-CHAIR ANDERSON: Well, I'm going to get to

23 the generic question based on that information, so

24 what's the El Centro score right now?

25 OHMVR STAFF ROACH: 69.

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1 VICE-CHAIR ANDERSON: 69, okay. El Centro has a
2 score of 69 and this applicant is now at 69 based on
3 our vote. Can staff elaborate on who comes first?

4 COMMISSIONER SPITLER: Staff recommendation was
5 for a score of 65.

6 VICE-CHAIR ANDERSON: Well, no, I'm -- oh,
7 excuse me. Well, I'll ask the question.

8 COMMISSIONER THOMAS: It's an important
9 question.

10 VICE-CHAIR ANDERSON: If you have two applicants
11 with both who have scores of 69, and you're sitting at
12 the bubble, how do you decide who comes first?

13 CHIEF JENKINS: That situation was anticipated
14 and discussed in the regulations. So if you have two
15 or more, could be any number of applications that have
16 identical scores, and the cut off of available funds

17 falls somewhere into that list of two or more projects,
18 then there's a random draw that is done. And then once
19 the random draw is done, they'll be placed in that
20 order on the spreadsheet, and the money will be
21 allocated until it's exhausted.

22 COMMISSIONER THOMAS: Oh, that's fair.

23 VICE-CHAIR ANDERSON: Wow. Okay. So even if
24 one is for a million dollars and the other one is for
25 \$40,000, it's still a random draw?

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1 CHIEF JENKINS: That's correct.

2 CHAIR BRISSENDEN: And that's not a random act
3 of kindness either. So moving along.

4 OHMVR STAFF ROACH: Next project, Riverside
5 County Sheriff. Request amount is \$138,739. Division
6 score of 63 at 60 percent determination for \$83,243.

7 CHAIR BRISSENDEN: Do we have a presenter for
8 the applicant? Do we have any public comments? No.
9 Do I have comments from the Commission?

10 COMMISSIONER McMILLIN: I'll make a motion we
11 accept staff's recommendation.

12 COMMISSIONER SPITLER: Second.

13 CHAIR BRISSENDEN: All those in favor?

14 (Commissioners simultaneously voted.)

15 CHAIR BRISSENDEN: Opposed? Next.

16 OHMVR STAFF ROACH: Next project, San Bernardino
17 County Sheriff, Barstow with the request amount of
18 \$82,420. Division score of 63 at 60 percent would be
19 \$49,452.

20 DOUGLAS HUBBARD: Thank you, members of the
21 Commission. My name is Doug Hubbard. I'm a sergeant

22 with the San Bernardino County Sheriff's Department and
23 program manager of our OHV team there, and I too will
24 be brief. We had in the subcommittee meeting in
25 Ontario, we had provided clarification information for
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1 our grant application, which I trust everyone has. And
2 in that spreadsheet we had indicated where we believed
3 we met or exceeded the requirements of the particular
4 section, and then produced where that could be located
5 in the grant application, et cetera, and overall ended
6 up with a total score of what we felt was a fair score
7 and with all of the areas combined of 89 out of 100.
8 And we would just encourage the Commission to consider
9 that score, the recommended revision of that score
10 based on the information that we provided in our grant.

11 CHAIR BRISSENDEN: Thank you. Any public
12 comments?

13 DOUGLAS HUBBARD: Thank you.

14 COMMISSIONER PRIZMICH: I have a question or
15 two, John. Do you want me to wait or can I ask
16 questions now?

17 CHAIR BRISSENDEN: Of the applicant? Come on
18 back, please.

19 COMMISSIONER PRIZMICH: I notice in your
20 criteria number one you scored 19 out of 35, and can
21 you fill us in on what information you provided at the
22 Southern California meeting that increased that
23 specifically.

24 DOUGLAS HUBBARD: Certainly. Essentially in a
25 nutshell, the question is how the project demonstrates
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1 law enforcement efforts will sustain long-term OHV
2 recreation. We've determined by use of our crime
3 analysis division and various other sources of
4 statistical keeping that we've reduced calls for
5 service and things of that nature by 50 percent in a
6 two-year period -- to a minimum of two-year period, but
7 most recently last year. And just that in itself we've
8 reduced the resource damage we feel by significant
9 numbers. If our calls for service and our complaints
10 are down by 50 percent, we feel that we've reduced
11 these issues A, B, and C, especially the conflicts in
12 the illegal trespass issues which is one that comes to
13 mind because we received -- primarily our jurisdiction
14 is legal BLM supported type riding areas, but we have a
15 small source for complaints. We've reduced that by 50
16 percent, and we feel that's reducing a conflict
17 significantly between the homeowners, the property
18 owners and the enthusiasts.

19 COMMISSIONER PRIZMICH: And that logic is the
20 same logic employed on criteria number two with the
21 safety issues; did they improve? You scored a 22 out
22 of 30 on that.

23 DOUGLAS HUBBARD: Yes, and I had left that with
24 actually the Division's recommendations score. I
25 highlighted a few things, but it's incorporated in

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1 that, as well. There's additional information there
2 such as stuff that was found in our PAR from the
3 previous application. But again it talks about

4 emergency response, search and rescue, and those types
5 of issues where we -- I'm responsible for -- my
6 jurisdictional area is 10,000 square miles of half of
7 San Bernardino County of the Barstow area, all the way
8 to Nevada and halfway to Arizona, and there is a
9 tremendous amount of potential off-highway activity.
10 And we regularly police that. We made over 5,000
11 contacts, limited citations issued, but again we feel
12 that we have a tremendous amount of compliance based on
13 our efforts. So, again, we reduced the issues is I
14 guess what I'm saying.

15 CHAIR BRISSENDEN: Thank you. Public comments.

16 DON AMADOR: Don Amador, Blue Ribbon Coalition,
17 and you know I was at the Commission meeting last year
18 and talked about the in lieu funds, asked for that
19 information to be divvied out. There is a pot of
20 money, as most of the sheriffs know or don't know, and
21 I feel sorry that they all have to come here. But if
22 we got the in lieu fund issue resolved, there is money
23 in Sacramento right now for these sheriffs to where
24 they wouldn't have to come here and ask for money. And
25 I would just encourage staff or whoever is in charge of
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1 this is to get the money released so that they don't
2 have to come back here. Thank you.

3 ED WALDHEIM: Thank you, Mr. Amador,
4 Mr. Chairman, that's something for the agenda that you
5 may want to put in January. Why have we not resolved
6 the issue of getting the mechanism in place to get the
7 in lieu released. Ed Waldheim for Friends of --

8 COMMISSIONER THOMAS: Everybody.
9 ED WALDHEIM: El Mirage and also on the Dumont
10 Dunes TRT. The issue with the sheriff, the San
11 Bernardino Sheriff's Barstow Field Office, they are the
12 ones who assist us in these different locations for the
13 Bureau of Land Management. And they are an integral
14 part of the enforcement team when we have these
15 high 25,000, 30,000 people coming to Dumont Dunes. And
16 if you've ever been to one of those areas, it's not as
17 big as Glamis, but it has its share of challenges to
18 deal with. And Roxie Trost, the field manager, has
19 challenges to deal with other counties and cities that
20 are having their issues with our visitors who are
21 coming from Las Vegas, who are coming from California
22 as they leave trash or sewer and things like that. So
23 the sheriff is an integral part to make sure that we
24 can keep the peace. And so I would like you to
25 consider increasing the scores as Doug has outlined.

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1 Thank you.

2 CHAIR BRISSENDEN: Thank you.

3 BRENT SCHORADT: Brent Schoradt, California
4 Wilderness Coalition. We agree with the previous
5 speaker, and we support this grant and hope you'll
6 consider the rescore that's been proposed by the
7 applicant.

8 COMMISSIONER THOMAS: Let me ask a question of
9 the speaker. It's one thing to stand up and say you
10 support a grant, but there's prioritization here. So
11 you can't support everything, because the minute you
12 support everything, you drive somebody into nothing.

13 So why don't you tell us your priorities so that we can
14 make some intelligent decisions. I have your list of
15 law enforcement, and it's not as long as this list, but
16 it's about half the list. And half of them are below
17 the line, and two-thirds of them are below the line,
18 and some are above the line. So help us out.

19 BRENT SCHORADT: Okay. Yes, I was going to
20 refer you to my letter, but I guess that's not specific
21 enough for you.

22 COMMISSIONER THOMAS: It's not that it's not
23 specific. It just says we want you to prioritize for
24 the following grants.

25 VICE-CHAIR ANDERSON: We can't do that.

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1 COMMISSIONER THOMAS: We can't prioritize
2 without numbers because everything is about a grade.
3 And so if I want to follow your advice and prioritize,
4 I start saying, gosh, the grant is now at 65, what do
5 you want me to do, and where are the facts that you're
6 giving me to support what you want me to do, and what
7 is the impact on everybody else on the list, and are
8 you prepared because the impact on everybody else
9 happens to have two-thirds of your own priorities.

10 CHAIR BRISSENDEN: Commissioner Thomas, I think
11 we've had that discussion before. If we start
12 evaluating in that respect, we'll be here all next
13 week.

14 COMMISSIONER THOMAS: Well, that might be true,
15 but that's how I evaluate grants.

16 CHAIR BRISSENDEN: I know. And it would be very

17 helpful if the presenters would be specific to scoring,
18 but I don't think we can ask that at this hour. And I
19 think that Commissioner Spitler was about to make a
20 comment, so I invite him into the discussion.

21 COMMISSIONER SPITLER: I'd like to make a
22 comment on this grant. I think that the information
23 from the applicant and the public comment shows really
24 a remarkable effectiveness of this applicant. And the
25 fact that complaints in the past year have gone down 50
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1 percent, reduced conflicts between landowners and OHV
2 enthusiasts, I mean to me that's exactly what we're
3 supposed to be trying to achieve with our law
4 enforcement funding. And that's specifically the
5 criteria number one, how the law enforcement will
6 sustain long-term OHV recreation by reducing conflicts
7 between the various interests. And so to me this grant
8 warrants in that category a score of 35, increasing the
9 total score to 79, and I would make that motion.

10 COMMISSIONER THOMAS: Second.

11 CHAIR BRISSENDEN: We have room for a third.
12 All those -- back to discussion. Any further
13 discussion?

14 COMMISSIONER PRIZMICH: Well, if I could just
15 add, in category that's related -- with the sudden rush
16 of logic from Commissioner Spitler, and I thought I had
17 this all nailed down. The category that's related to
18 safety, that's number two, I think that's part and
19 parcel of number one or at least some of the same
20 comments can be applied to that, so I'd like to
21 increase that to 27, five more points there, and

22 increase that to 27 if Commissioner Spittler would be
23 willing to do that.

24 COMMISSIONER SPITLER: I'll accept that.

25 VICE-CHAIR ANDERSON: What?

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1 CHAIR BRISSENDEN: The motioner will accept.

2 Will the second?

3 COMMISSIONER THOMAS: Now, what have you done?

4 Now, what's the total number of points? I'm not going
5 beyond 79. We're not bumping everything we've done.

6 COMMISSIONER SPITLER: You have to make that as
7 an amendment then.

8 CHAIR BRISSENDEN: An amendment.

9 COMMISSIONER PRIZMICH: Obviously, it doesn't
10 sound like the amendment -- I would like to try that at
11 any rate. So I would like to ask for an amendment to
12 the motion that Commissioner Spittler made.

13 CHAIR BRISSENDEN: The amendment has been moved.
14 Is there a second to the amendment. Fails for lack of
15 a second.

16 Primary motion is 79, as I understand it, and it
17 has been moved and seconded. Those in favor say aye.

18 (Commissioners simultaneously voted.)

19 CHAIR BRISSENDEN: Opposed? Motion carries.

20 OHMVR STAFF ROACH: Next project, Kern County
21 Sheriff with request amount of \$262,715. Division
22 score of 62 at 60 percent with a determination of
23 \$157,629.

24 CHAIR BRISSENDEN: Any public comment?

25 Commissioners?

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1 VICE-CHAIR ANDERSON: I'm sorry, I'm still.

2 COMMISSIONER SPITLER: No public comment.

3 CHAIR BRISSENDEN: No applicant coming forward.

4 Open for a motion.

5 COMMISSIONER McMILLIN: Motion to accept staff's
6 recommendation.

7 COMMISSIONER WILLARD: Second.

8 CHAIR BRISSENDEN: All those in favor?

9 (Commissioners simultaneously voted.)

10 CHAIR BRISSENDEN: Opposed? Motion carries.

11 OHMVR STAFF ROACH: Next applicant, San Diego
12 County Sheriff with a request amount of \$89,359.

13 Division score of 58 at 50 percent would be \$44,680.

14 JIM PISCITELLI: Commissioners, my name is
15 Sergeant Jim Piscitelli. I represent the San Diego
16 County Sheriff's Department, and I'm a supervisor of
17 the reserve off-road enforcement team. I'm here to ask
18 you to allow me to continue to support State Parks and
19 to serve the public that uses them. Our grant I
20 believe is unique to most grants. We're asking for
21 funding from State Parks to help State Parks. Our
22 grant is strictly to support the Ocotillo Wells State
23 Vehicle Recreation Area. Our mission in the park is to
24 protect the public and the valuable natural resources
25 contained in the park.

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1 We have submitted additional information that I
2 would like to go over with you. During the grant
3 process, we clarified most of that information was in

4 the grant, but it was in the PAR and other areas where
5 the evaluators did not for some reason see it or use it
6 toward our score. I also gave documentation to the
7 secretary regarding our last two operations, and you
8 can see the type of work we do out there.

9 On the number one, we would like to have a 10
10 point increase on the project, demonstrates law
11 enforcement efforts to sustain law enforcement OHV
12 recreation. During the details in the Ocotillo Wells
13 State Vehicle Recreation Area, the Off-Road Enforcement
14 Team actively patrols campsites targeting illegal
15 dumping of trash and waste. The off-road team also
16 targets the use of glass containers, illegal fireworks,
17 gas bombs, and other hazardous materials that affect
18 the environment and the neighboring BLM areas and
19 Imperial County along with San Diego County. San Diego
20 County Sheriff's Department off-road team has
21 year-round medical education enforcement programs.
22 ORET has participated in ten major events in the past
23 year to protect the private property, to protect state
24 beaches, wilderness areas such as the Tijuana Estuary
25 and the Cleveland National Forest. This is outside of
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1 the grant. This is what we do outside because we have
2 reserves at work.

3 We also have responsible education. We have
4 several people that are ATV institute instructors that
5 discuss tread lightly. The emphasis placed on
6 responsible off-roading protecting the environment.

7 CHAIR BRISSENDEN: Can you summarize, please?

8 JIM PISCITELLI: In summary, we would like to
9 have five points added to the second criteria, and we
10 would like to have eleven points added to the third
11 criteria. And I want to point on that one. We supply
12 over \$200,000 worth of equipment to this outside of the
13 grant. We also supply over \$220,000 worth of matching
14 funds, I which is think is the highest one in all of
15 the grant process. We're about 128 percent over match.
16 No one else can say that. We'd like to have a score of
17 20. And then the deliverables on number four, we would
18 like to have a score of 15. Some other information was
19 placed in there, like my position, we do not count
20 that, \$150,000, I spend 40 percent of my time on OHV
21 funding and OHV projects. Any questions?

22 CHAIR BRISSENDEN: Thank you. Any questions?

23 COMMISSIONER SPITLER: I have a question, just
24 so I'm clear here. You're asking the Department of
25 Parks and Recreation to provide a grant to the

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1 Sheriff's Department to do law enforcement on
2 Department of Parks and Recreation lands.

3 JIM PISCITELLI: Yes, we've been doing that for
4 nine years now. We supply roughly 15 law enforcement
5 reserve unpaid officers. We're asking for one sergeant
6 and four deputies, paid deputies, for the major holiday
7 weekends. One of the things we're asking for is not
8 just for one season. We are running out of funds on
9 President's week in 2007. We asked for eleven dates as
10 opposed to seven normal dates, a year-and-a-half worth
11 of funding. That's why our grand funding last time was
12 \$50,000. This time it's 89,000 to cover those extra

13 dates that we're not going to be able to come out there
14 because we're just running out of money.

15 COMMISSIONER SPITLER: My other question is: Do
16 you receive any funding from BLM El Centro.

17 JIM PISCITELLI: No, absolutely no funding from
18 them.

19 COMMISSIONER SPITLER: Thank you.

20 CHAIR BRISSENDEN: Any other questions,
21 comments?

22 VICE-CHAIR ANDERSON: Hang on a minute, I'm
23 looking for --

24 CHAIR BRISSENDEN: Can we hear from the public?

25 VICE-CHAIR ANDERSON: Yes, you can go ahead with
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1 the public.

2 CHAIR BRISSENDEN: Public comments.

3 ED WALDHEIM: Ed Waldheim for CORVA, Kathy Dolan
4 is superintendent at Ocotillo Wells. We communicate on
5 a regular basis, and she said whatever you can do, make
6 sure we get money for the San Diego Sheriffs. I
7 desperately need those folks in the Ocotillo Wells.
8 According to the figures, she had 250,000 people. If
9 you add them together, that adds over 400,000 people
10 for three days of Thanksgiving weekend. With her
11 staff, I'm just blown away about the amount of people
12 that she has. So she's getting a rollover from all of
13 the counties. Plus, now we've added the new property
14 in the Freeman property, in the Truckhaven area, plus
15 she has to do Heber Dunes, so Kathy is way over her
16 head as far as trying to keep track of everything

17 that's going on. So the sheriffs are an integral part
18 of helping her to keep the control, and these are
19 people coming from San Diego. These are folks from
20 that area that come, so it's very appropriate for
21 San Diego Sheriffs to get that extra funding as they
22 outlined for you. I think they gave it to you.

23 Number one goes to 25 points, number two goes to
24 28 points, number three to 20 points, number four to 15
25 points, for a total of 87. And we will let Kathy Dolan
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1 know of your outcome. You're looking at me kind of
2 funny over there.

3 CHAIR BRISSENDEN: Thank you.

4 ED STOVIN: I am Ed Stovin, President of the
5 San Diego Off-Road Coalition and a member of Friends of
6 Ocotillo Wells. I've been off-roading in Ocotillo
7 Wells since 1977. It's my home riding area, and I've
8 seen the number of people recreating there skyrocket in
9 the last few years. And I fully support San Diego
10 Sheriff's Department off-road team to get out there and
11 keep order and peace because the number of drunks and
12 people without helmets and rowdiness have increased
13 dramatically. And to keep it a safe family place, I
14 would like to support -- I'd like you to help support
15 the sheriff's department. Thank you.

16 COMMISSIONER SPITLER: I'm sorry, I didn't keep
17 your name.

18 ED STOVIN: Ed Stovin.

19 BRUCE BRAZIL: Bruce Brazil, California Enduro
20 Riders Association. And I guess I've got more of a
21 question and another possible funding for this. A lot

22 of their resources are going into Ocotillo Wells SVRA;
23 why isn't the SVRA helping fund the law enforcement
24 here? It would be an operating expense. Thank you.

25 COMMISSIONER THOMAS: Good question.

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1 CHAIR BRISSENDEN: Any other public comments?

2 JIM PISCITELLI: I'd like to answer that
3 question.

4 CHAIR BRISSENDEN: Not at this time. We'll ask
5 for it if we need it. Comments from the --

6 COMMISSIONER WILLARD: I would like to ask that
7 question to staff, if you would please explain the law
8 enforcement funding for Ocotillo Wells and the
9 applicant's participation in that.

10 CHIEF JENKINS: So when you look at it, what you
11 need to do is kind of consider how this park has
12 evolved, number one, and how concurrent jurisdiction
13 works. So throughout the state, where we have state
14 parks issues surrounding search and rescue issues or
15 large events that come up that exceed the capacity of
16 the park to operate, since the sheriff in any county
17 has jurisdiction throughout the county regardless, we
18 often throughout the state in State Parks work side by
19 side cooperatively with the local sheriffs because if
20 there is search and rescue in there, we bring in the
21 sheriff's search and rescue teams. They're often the
22 best qualified to do that sort of thing, and that is
23 their jurisdiction. So we work in partnership with
24 sheriffs throughout the state.

25 At Ocotillo Wells over a number of years, since

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1 it's been there, 30 years as of this year,
2 traditionally in the past, if you go back into the
3 past, traditionally it's very quiet, especially in the
4 summer when it's very, very hot. So we don't have the
5 year round use like you would have in some areas that
6 would justify a permanent full-time staff of 30 rangers
7 out there. So our staff that is out there in the park
8 is very limited. We have -- I don't know the exact
9 number off the top of my head, four or five rangers --
10 two, I think currently working, but there's only five I
11 think authorized -- five rangers are authorized to work
12 there in the park. And then we've developed this
13 partnership with the sheriff's, so that during those
14 kind of large events that come up, and those tend to be
15 in the winter months when the population in the park
16 just explodes, then we work cooperatively with the
17 sheriff. They bring out large numbers of deputies and
18 reserve officers, and that's how we work cooperatively
19 with them through that process.

20 Were we to try to go direct funding to them,
21 which certainly is a possibility, we could just do an
22 interagency agreement, do a contract and work directly
23 with them; that does create a different legal
24 arrangement with the San Diego County that would result
25 in the cost actually being significantly higher, number

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1 one. And also that would force us to pull that money
2 out of our operations budget.

3 So in order to make that kind of change, not to

4 say it's not possible, it would take several years to
5 accomplish and would require a budget change proposal
6 so that we could get that money added to our operations
7 budget. And in essence, since it's, like I said, has
8 evolved in the last, you know, all of these years that
9 we've been working with the sheriff's department, where
10 those funds have been coming out of the grants program,
11 you would want to relocate that funding over to the
12 operations side. It would be put in the Governor's
13 budget to come out of operations, and then we would
14 directly contract with the sheriff's department. So
15 there are mechanisms. This is just how this has
16 evolved over time. It's been a very productive
17 relationship, and the sheriffs have been very effective
18 out there.

19 CHAIR BRISSENDEN: Thank you. Any other
20 comments, questions? Judy.

21 VICE-CHAIR ANDERSON: Yes, when I was down
22 visiting Ocotillo Wells and a couple of other visits
23 I've made to the area, I've really heard nothing but
24 really complimentary comments about what the San Diego
25 County Sheriff's program has been. But it really

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1 sticks out as an anomaly within this grants program,
2 and I have some difficulty with us handling it this
3 way. I really would prefer that we think about moving
4 in the direction that Mr. Jenkins suggested. It may be
5 more expensive to contract it directly from Ocotillo
6 Wells through their operations budget, but one could
7 ask what about Prairie City and some of the others.

8 And, yes, it may have evolved that way, but we don't
9 have to live with the history the way it is. We
10 certainly can revise it.

11 So I'm very pleased with all of the volunteer
12 work that you've done, but at some point I think we
13 need to move this out of our grants category and put it
14 into operations. And I don't know how fast we can do
15 that, but that would be my recommendation. And I don't
16 know if at some point the Commission might want to make
17 a policy motion or direct staff to do that, make that
18 kind of a change. It's not appropriate for that motion
19 right now, I understand that, but I think we need to be
20 thinking in that direction.

21 CHAIR BRISSENDEN: I think we can direct staff
22 just by consensus. If they're feeling it, we can push
23 them along. I think they're nodding their heads that
24 this is a direction that seems to be appropriate.

25 COMMISSIONER SPITLER: I move the staff

304

1 recommendati on.

2 COMMISSIONER THOMAS: Second.

3 CHAIR BRISSENDEN: It's been moved and seconded.
4 The second was Mr. Thomas. All those in favor?

5 COMMISSIONER PRIZMICH: I have additional
6 discussion on that if you don't mind.

7 CHAIR BRISSENDEN: Okay.

8 COMMISSIONER PRIZMICH: San Diego County
9 specifically, of all of the inequities that we do as a
10 result -- that are the outcome as a result of some of
11 our voting today, this is one of the more egregious
12 ones I think because San Diego County has unselfishly

13 offered their support to other counties outlining them.
14 For example, Imperial County, they for years received
15 tremendous benefit from San Diego County in their
16 off-road team that they utilize, which is a sizeable
17 number. And I understand the dilemma that we're up
18 against here, and I, too, would agree with the concept
19 of creating a different funding source, but I feel
20 remiss in allowing San Diego to make their pitch here
21 and walk away with virtually nothing without at least
22 saying that they've done a fantastic job, and there's a
23 real inequity here. And I would hope that we could
24 change some of these numbers to at least reflect their
25 undying devotion to help other counties, and when they

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1 have the need, we don't simply turn our back on them.
2 So if I could at least make a suggestion on changing
3 some of the numbers to reflect an outstanding program
4 in my opinion.

5 CHAIR BRISSENDEN: Well, you can make an
6 amendment.

7 COMMISSIONER PRIZMICH: That would be an
8 amendment to that, and that's what I would like to do
9 if at all possible.

10 On number one, I would like to move the Division
11 score from 15 because I think there's been quite a bit
12 of testimony here and there's been information
13 contained in our packet that is clearly evidence of
14 their efforts to prevent and deal with wilderness
15 intrusion. So I'd like to move that from 15 to 20.

16 On number two, the project demonstrates how law

17 enforcement efforts will address OHV-related public
18 safety issues. San Diego County has got an off-highway
19 vehicle group that is trained not only in how to ride
20 the bikes in the sand rails and whatnot, but they also
21 on a regular basis administer first aid and respond in
22 search and rescue areas. I'm familiar with what
23 they've done, and they've not only done it at Ocotillo
24 Wells here, they've unselfishly shared that with
25 outlying counties. So I'd like to move that from a 23
306

1 to 30 because I think they're on the top of the heap
2 with regard to that.

3 Demonstrate efficient use of OHV Trust funds,
4 we've been getting free use of these guys and gals for
5 years. If that isn't an efficient use of an
6 off-highway group, I don't know what is. So I would
7 move that from 11 to 20.

8 And the project demonstrates applicant history
9 of successful implementation, you can't get any better
10 implementation than San Diego. They've done it on
11 their own for quite some time without a whole lot of
12 complaining, and I would like to see that moved from
13 nine to 15. So that's my motion.

14 COMMISSIONER McMILLIN: Can I second that
15 amendment? I second that.

16 CHAIR BRISSENDEN: So the amendment has been
17 seconded with the rescoring under discussion.
18 Commissioner Spittler. Commissioner Anderson.

19 VICE-CHAIR ANDERSON: I would just suggest to
20 the applicant in the future that perhaps going through
21 the contracting operations might be a more predictable

22 way to get your money in the future than fighting with
23 other grant applicants at our Commission meetings.

24 DEPUTY DIR. GREENE: Commissioner Anderson, if I
25 may -- Chairman Brissenden, I'm sorry.

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1 We recognize some of the problems that this
2 presents, and we have been speaking with San Diego
3 County Sheriff in an effort to perhaps work an
4 agreement with them that would come straight from the
5 State. The difficulty that we apparently run into is
6 that where we currently get the reserves out there,
7 apparently there is some mechanism apparently with the
8 sheriff, that if we do a direct agreement with them
9 with the State, they won't do the reserves, there will
10 only be permanents and, therefore, the cost practically
11 doubles or triples. That is part of the problem that
12 we're in right now.

13 Again, it's something I recognize what you're
14 saying, and I would agree with you. I just think that
15 if we could somehow try and unwind this and get some
16 clarity so that I think that that's where historically
17 the sheriff has recognized that getting reserves out to
18 the park certainly is less costly than having
19 permanent. But right now the predicament we're in is
20 that all of a sudden it doubles or triples the cost of
21 this.

22 CHAIR BRISSENDEN: So there's a --

23 VICE-CHAIR ANDERSON: I think it's a problem the
24 Legislature can fix with a couple of phone calls.

25 CHAIR BRISSENDEN: We have an amendment on the

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1 floor. I've had a request for a roll call vote on
2 this.

3 MS. ELDER: Anderson.

4 VICE-CHAIR ANDERSON: Pass.

5 MS. ELDER: Brissenden.

6 CHAIR BRISSENDEN: No.

7 MS. ELDER: McMillin.

8 COMMISSIONER McMILLIN: Yes.

9 MS. ELDER: Prizmich.

10 COMMISSIONER PRIZMICH: Aye.

11 MS. ELDER: Spittler.

12 COMMISSIONER SPITTLER: No.

13 MS. ELDER: Thomas.

14 COMMISSIONER THOMAS: No.

15 MS. ELDER: Willard.

16 COMMISSIONER WILLARD: Yes.

17 VICE-CHAIR ANDERSON: I knew it. I knew it.

18 All right. We're talking about \$40,000. Aye.

19 MS. ELDER: Amendment passes.

20 CHAIR BRISSENDEN: Motion passes -- the
21 amendment passes. And then we have to go to the
22 original motion as I understand it.

23 MS. ELDER: Yes.

24 COMMISSIONER WILLARD: Chair, I think I need to
25 make a comment. I think we heard some really good

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1 objective factual testimony from both the public, and I
2 think Commissioner Prizmich had a good articulation of
3 those facts that helped me to make that vote. So,

4 again, trying to be objective is difficult, but that's
5 what I heard.

6 CHAIR BRISSENDEN: So all in favor of the
7 original motion with the amendment?

8 (Commissioners simultaneously voted.)

9 COMMISSIONER THOMAS: No.

10 CHAIR BRISSENDEN: You have an amendment on the
11 floor that's amended to the original motion. We have
12 to pass the original motion as I understand.

13 MS. ELDER: Did you want a roll call?

14 COMMISSIONER McMILLIN: Passing the original
15 motion.

16 VICE-CHAIR ANDERSON: That's what you just did,
17 wasn't it?

18 CHAIR BRISSENDEN: Yes, it's a foregone
19 conclusion.

20 MS. ELDER: Do you want a roll call?

21 CHAIR BRISSENDEN: Not necessary.

22 COMMISSIONER THOMAS: Can I make one point to
23 support my no vote. We've now moved this grant to the
24 fourth, fifth grant in priority statewide. I hope the
25 assembled believe that this is more important than 45

310

1 other grants out there.

2 CHAIR BRISSENDEN: So noted.

3 OHMVR STAFF ROACH: Next project?

4 CHAIR BRISSENDEN: Please.

5 OHMVR STAFF ROACH: Redding Field Office with a
6 request amount of \$75,410. Division score of 57 at 50
7 percent would be \$39,705.

8 SKY ZAFFARANO: Sky Zaffarano, Redding BLM Field
9 Office. I have provided written rationale for a score
10 increase from 57 out of 100 to 72 out of 100. I'll
11 just go through each criteria on that.

12 Starting with criteria number one, speaking
13 directly to 1(a), reducing resource damage or potential
14 resource damage through proactive measures and
15 education efforts. Page five of the original
16 application states, "Enforcement efforts during patrols
17 will focus on informing and educating OHV users of laws
18 regulating OHV use on public lands. Citations will be
19 issued if needed to gain compliance."

20 Speaking directly to criteria 1(b), reducing
21 intrusion into wilderness, closed areas or private
22 property, page five of the application states,
23 "Employees will hand out map guides and direct OHV
24 users to the designated OHV area when they are found
25 riding in other areas."

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1 And also speaking to that same one, and C,
2 reducing conflict between various recreation interests,
3 page five of the application states, "This project will
4 fund regular patrol of the nonmotorized portions of the
5 rail trail to prevent illegal use and conflicts between
6 recreation users." So with that information, we'd like
7 to see a score increase on that number one criteria
8 from 24 out of 35 to 30 out of 35.

9 Moving on to criteria two, speaking directly to
10 2(d), education and outreach, page five of the
11 application states, "Regulatory signing will be
12 replaced as needed in staging areas and trailheads

13 throughout the OHV area with funding provided by this
14 project." And speaking to 2(d) and (e), the
15 application states, "The user map guide, which would be
16 reprinted with funds from this project, clearly
17 identifies the designated routes and lists all related
18 OHV laws in the area." And we'd like to see a score
19 increase from 15 out of 30 to 18 out of 30 in that
20 criteria.

21 CHAIR BRISSENDEN: Can you summarize, please?

22 SKY ZAFFARANO: Okay. I'm sorry.

23 Criteria three -- well, you've got the written
24 right there in front of you, you can read it. So
25 basically I'd like to see a score increase from 12 out
312

1 of 20 to 16 out of 20 on that one based on factual
2 information given in the original application.

3 And criteria four, basically the information
4 that was provided we think merits a score of eight out
5 of 16 versus the 16 out of -- or eight out of 15 versus
6 six out of 15, so.

7 CHAIR BRISSENDEN: Thank you. Any other public
8 comment?

9 SYLVIA MILLIGAN: I'm Sylvia Milligan with
10 Recreation Outdoors Coalition, and I can tell you from
11 a user standpoint, I'm out there. I see what happens.
12 They do an exemplary job. You have an area here that
13 is intermixed with nonmotorized, motorized, private
14 lands, public lands, Forest Service, BLM. And let me
15 tell you Sky does an exemplary job out there. He
16 really -- I mean I look at those scores, I go, wow,

17 that is not reflective of the job that they do; that's
18 really sad. They also work with the Shasta County
19 Sheriff's Department in doing a partnership there on
20 the law enforcement part of this. They do a good job,
21 and I would like to see their scores upped.

22 DON KLUSMAN: Don Klusman, California 4-Wheel
23 Drive Association. I don't know what exactly happened
24 in the north as far as BLM, maybe we need to get more
25 of the grant administrators out there to look at these

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1 smaller areas. Because all four of the north ones got
2 low scores, and I look at the application compared to
3 some others, and I don't understand.

4 But anyway that being said, you asked for new
5 information. The first new information is 140 acres
6 was just purchased with OHV money to add to this area.
7 I know 140 acres don't sound like much, but that's
8 another chunk of private property that now is going to
9 be used for the Interlakes Recreation Area. So you're
10 talking 60,000 acres there. The Sacramento Bend area,
11 which is another 25,000 acres, yesterday there was a
12 bill introduced into Congress to make it a national
13 recreation area, which would only be the second one in
14 the United States. The other one being in Alaska. I'm
15 not saying positively it's going to be passed, but it
16 was submitted in the House and the Senate at the same
17 time by nonpartisanship.

18 CHAIR BRISSENDEN: So summarize since we know
19 what you mean.

20 DON KLUSMAN: In summary, the other thing that
21 was just brought up on the San Diego issue, this

22 Commission -- not you guys particularly, but the
23 Commission has made a policy to ask that BLM and the
24 Forest Service partner with the counties. BLM Redding
25 did that. They have an MOU with Shasta County to help
314

1 with law enforcement. That's why you don't see a
2 Shasta County grant because it comes out of BLM's
3 money. So we would ask you that you go with the 72 out
4 of a hundred so that they might get some funding.
5 Thank you.

6 CHAIR BRISSENDEN: Thank you. Any other
7 comments?

8 DAVE PICKETT: That's Dave Pickett, District 36
9 AMA. Don, that's nonpartisan.

10 This area has increased use, and, as Don
11 mentioned before, the new acquisition projects that are
12 in place. If you'll check your law enforcement PAR
13 reports, you'll see high visitor use, but you'll also
14 see a high number of volunteer effort that's put on by
15 clubs that are in that area. It's an awesome area, and
16 as Sylvia said, it's boots on the ground out there, and
17 there is justification to move this score up to 72
18 based on the usage and increase. Thank you.

19 CHAIR BRISSENDEN: Thank you. Commissioners.

20 VICE-CHAIR ANDERSON: I have a question for
21 staff. One of the members of the public just indicated
22 that we have a policy or a direction towards
23 encouraging partnerships between our grantors and
24 county sheriffs. And my real question is, how common
25 is this sort of practice again throughout all of the
315

1 applications where the applicant actually contracts
2 with the sheriff to do something, to do law enforcement
3 in particular?

4 OHMVR STAFF PELONIO: The site visits that I
5 have done, it's not uncommon for the Forest Service in
6 particular and also BLM to contract with county sheriff
7 for additional law enforcement. It's not necessarily
8 always specific to OHV enforcement, but it is a fairly
9 common practice.

10 VICE-CHAIR ANDERSON: Okay. So uncommon
11 relative to OHV, but common.

12 OHMVR STAFF PELONIO: It's less common in OHV.

13 VICE-CHAIR ANDERSON: Okay.

14 SKY ZAFFARANO: I can speak to it. Specifically
15 for this area there is a diverse land ownership in this
16 area between Forest Service, BLM, private, and Bureau
17 of Reclamation; and that cooperative agreement was
18 originally set up to allow a broader range of law
19 enforcement in the OHV area as the BLM officers can
20 only really do law enforcement on BLM in that area, and
21 Forest Service is isolated Forest Service, so the
22 county, having the sheriff allows a broader range.

23 VICE-CHAIR ANDERSON: I see some attention to
24 one of my concerns down into Imperial County which was
25 that there appeared to be double dipping, and you guys
316

1 are saying that between you and the sheriff, you
2 have agreed that you will apply for the funds, and that
3 the sheriff will be assisting. And you're certainly

4 not going to double dip that way, unless the sheriff
5 comes in with an independent application.

6 Some of these, I don't know, but I would suggest
7 that in the future that you make it very clear that
8 when they are these kinds of MOUs, so that we can be
9 sure that in terms of the efficient use of our trust
10 fund monies that we not double fund things. So I would
11 think that that would be a point that you might want to
12 make in efficient use in future applications, just be
13 very explicit about that.

14 CHAIR BRISSENDEN: What's the favor of the
15 Board?

16 COMMISSIONER SPITLER: Go with staff
17 recommendation.

18 COMMISSIONER THOMAS: Seconded.

19 CHAIR BRISSENDEN: It's been moved and second.
20 Commissioner Thomas seconded. All those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR BRISSENDEN: Those opposed? Motion
23 carries.

24 I would like to take a ten-minute break to
25 relieve the stenographer's arms and legs and everything

317

1 else. And for the rest of us, we have 13 more law
2 enforcement off Consent. I'm looking at maybe that
3 will run us until about eight o'clock. So probably
4 break for dinner at eight o'clock, and we'll decide
5 whether we want to come back after that.

6 DEPUTY DIR. GREENE: Chairman Brissenden, just
7 so you know, it took five hours to do 15 grants.

8 CHAIR BRISSENDEN: We're going to move along
9 here with the help of my fellow Commissioners.

10 (Break taken in proceedings.)

11 CHAIR BRISSENDEN: We will begin again. We know
12 this has been rather arduous. I'm surprised at all of
13 you still staying here, so thank you. Public
14 participation is encouraged and welcome, but just nod
15 if you're in agreement, rather than saying anything.
16 That goes for Hal and Judith, as well. Ready to begin?
17 The Arcata number 35 OR-1-N0-66; is that correct.

18 OHMVR STAFF ROACH: That's correct. BLM Arcata
19 Field Office with a request amount of \$30,475.
20 Division score of 56 at 50 percent would be \$15,238.

21 BRUCE CANN: My name is Bruce Cann with BLM
22 Arcata Field Office, and I'm the outdoor recreation
23 planner. And I have a revised score sheet that's being
24 handed out to you right now. I'd just like to point
25 out that I made a mistake on the total Division scores.

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1 I have a 50 here, and here it's supposed to be 35
2 maximum. And then also down here at 35, it's supposed
3 to be a maximum of 30, so. Samoa Dunes, this project
4 is related to the Samoa Dunes Recreation Area. And
5 it's a total of approximately 400 acres right up on the
6 coastline up right next door to Eureka, Arcata and the
7 surrounding area with a population of approximately
8 100,000 people. It's only one of two areas on the
9 entire California coastline where you can ride vehicles
10 in the coastal dunes. So it's kind of a unique area
11 and a special area that we'd like to keep open for
12 off-highway use. And the BLM for many years has

13 contributed a lot of money into not only law
14 enforcement, but O&M and conservation and restoration
15 and whatnot.

16 So with that being said, I'd like to go right
17 into the scoring, adjusted scoring for criteria number
18 one. I'm recommending 30 out of 35 instead of 22. The
19 rationale was pretty brief, and on the right-hand side,
20 I pretty much detailed out what was said in the grant
21 application. The Division talks about the use of
22 signs, information kiosks, educational material,
23 barriers, law enforcement presence. So there's one,
24 two, three, four -- five different methods that we use.

25 CHAIR BRISSENDEN: One, two, three, you're on 319

1 red. So summarize please. You're on red.

2 BRUCE CANN: All ready?

3 CHAIR BRISSENDEN: Yes.

4 BRUCE CANN: Okay. Anyway, we do use large maps
5 on three kiosks so that's an additional point of
6 clarification.

7 On (b), reducing intrusions in closed areas and
8 private property. The brochure and large visible maps
9 posted on three kiosks show the closed areas, with
10 additional information, reducing conflicts between
11 various recreation interests. We do have approximately
12 two miles of post and cable barriers that were not
13 mentioned.

14 CHAIR BRISSENDEN: Without being disrespectful,
15 if you're going to read these, I'm going to cut you off
16 right now.

17 BRUCE CANN: Item number two, we suggest 20 out
18 of 30 instead of 15 out of 30. Item number three, 12
19 out of 20 instead of 10 out of 20. And then item
20 number four, 12 out of 15. So the total score would
21 come to 74.

22 CHAIR BRISSENDEN: Thanks for wrapping up.
23 Public comment?

24 DON AMADOR: Earlier today I heard the
25 Commission talk about new facts and issues, they want
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1 to be presented with two issues that have occurred that
2 neither the Division staff or BLM were able to factor
3 into their grant request was the passage of the
4 Thompson Wilderness Bill, which now directs people to
5 recreate at Samoa, so you're going to see increased
6 usage there, and also the closure or restrictions at
7 Clam Beach, which was another popular street legal OHV
8 area north of there, that's being now restricted and
9 closed. So you're going to see increased use at Samoa,
10 so I support the grant amendments that are being
11 proposed by BLM. Thank you.

12 CHAIR BRISSENDEN: Thank you.

13 DON KLUSMAN: Don Klusman, California 4-Wheel
14 Drive Association. I know we are short on time, so
15 I'll say ditto to what Mr. Amador said. Both of those
16 are new information that has happened since this grant
17 went in. The other thing that's new information is the
18 South Spit Management Plan now has been formalized and
19 is final. So now they're also going to have to do some
20 patrolling of OHVs on the South Spit, which is across
21 the water from the North Jetty. So those three items I

22 feel made a big difference from when this grant was
23 first put in. Thank you.

24 CHAIR BRISSENDEN: Thank you.

25 ED WALDHEIM: Ed Waldheim for CORVA. This area,
321

1 we had a Commission tour up there several years ago
2 where the full Commission went to look at. It's way up
3 there. I know you new commissioners, when you have a
4 chance to go up there and spend the weekend with the
5 family and go to the Spit, it's really cool. We have a
6 nice rest room there. We have a nice ramp for loading
7 and so forth. And because of the closeness it has, it
8 definitely gets its use. You have to patrol it;
9 otherwise, they close it on us. So that's the reason
10 we want to make sure number one goes to 30 points,
11 number two goes to 20 points, number three to 15
12 points, number four to 11 points. Sorry about that,
13 going too fast. 76 points total, thank you.

14 CHAIR BRISSENDEN: Thank you.

15 DAVE PICKETT: Hi, Dave Pickett, District 36
16 AMA. Mr. Amador mentioned about the Thomas Wilderness
17 Bill. That's going to have impact on that riding area
18 also. There will be a higher visitor use. And if
19 you'll refer to your PAR reports, which is kind of
20 outstanding, which is 1430 volunteer hours for a
21 400-acre riding facility. So there is good cooperation
22 there, so I go with 74 to 76 per the previous speakers.
23 Thank you.

24 CHAIR BRISSENDEN: Commissioners.

25 VICE-CHAIR ANDERSON: This question I guess is
322

1 for the applicant. It states that there are no search
2 and rescue incidents. I'm looking at 2(c).

3 BRUCE CANN: Right, it's only 400 acres and it's
4 bordered on the west by the ocean and the south by the
5 bay, and on the east by the bay, and by the north by a
6 chain link fence.

7 VICE-CHAIR ANDERSON: No one had an accident out
8 there?

9 COMMISSIONER THOMAS: They all drowned.

10 BRUCE CANN: I think last year there was four
11 accidents, and the Division said only four accidents.
12 Well, the reason why we only had four accidents, it's
13 been a reduction, a big reduction over the past few
14 years because we enforce the flag rule. And the
15 rangers, if there is somebody riding out there riding
16 without a flag, they are cited and told to leave and
17 they won't come back until they have flag on, so. In
18 those trails and through those dunes, you just can't
19 see riders unless you have flags on. And that's had a
20 big impact. Plus we have speed limit signs in certain
21 areas, warning slow signs.

22 VICE-CHAIR ANDERSON: So it's not just that you
23 have no incidents, it's that you've been proactive in
24 taking steps so that there are no incidents.

25 BRUCE CANN: Right, exactly.

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1 VICE-CHAIR ANDERSON: Thank you.

2 CHAIR BRISSENDEN: Motion?

3 VICE-CHAIR ANDERSON: Not yet. Anybody else?

4 COMMISSIONER THOMAS: Where are all the
5 disciplined parties that want to keep them ready?

6 COMMISSIONER McMILLIN: I'll make a motion that
7 we accept the new scores that brought that to 74, and I
8 can't recite them.

9 CHAIR BRISSENDEN: Based on all those facts you
10 heard?

11 COMMISSIONER PRIZMICH: I second that.

12 COMMISSIONER McMILLIN: It's as good as
13 information as has been got.

14 CHAIR BRISSENDEN: It's been moved and seconded,
15 and that score would be 74.

16 COMMISSIONER McMILLIN: 74. Do you need the
17 details on that there?

18 CHAIR BRISSENDEN: It's been recorded. All
19 those in favor?

20 (Commissioners simultaneously voted.)

21 CHAIR BRISSENDEN: Opposed?

22 COMMISSIONER SPITLER: (Absent.)

23 OHMVR STAFF ROACH: Next application, line 36,
24 Angeles National Forest. Request amount of \$266,171.
25 Division score of 53 at 50 percent is \$133,086.

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1 TOM KAUCHER: Tom Kaucher, Angeles National
2 Forest, Off-Highway Vehicle Coordinator. I have
3 presented from the southern meetings information on my
4 scoring criteria. That information is basically
5 explanation or clarification of statements that were in
6 the grant application. As for criteria one, requesting
7 an additional ten points. As for criteria two,

8 requesting an additional ten points. As for criteria
9 three, requesting additional five points. And as for
10 criteria four, requesting additional eleven points.

11 CHAIR BRISSENDEN: Thank you.

12 TOM KAUCHER: Any questions?

13 CHAIR BRISSENDEN: Thank you very much. Any
14 public comment?

15 DAVE JENNINGS: Deputy Dave Jennings, Los
16 Angeles County Sheriff's Department, Palmdale Station.
17 We're going to support this increase in score realizing
18 this is a competitive process and it puts the rest of
19 us that are in this lower part of the pecking order in
20 jeopardy of not getting funded, so much so that I guess
21 as low as our scores are we should probably be paying
22 you. If we do not get funded and Angeles National
23 Forest does not get funded, essentially what happens is
24 any kind of issues that arise in Angeles National
25 Forest OHV areas is going to be have to be absorbed by
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1 both Palmdale Sheriff's Station and Santa Clarita
2 Sheriff's Station. And that's going to put a burden on
3 some of our incorporated services in that area,
4 something we don't necessarily count on because we rely
5 on them being able to handle their own. We have a very
6 good working relationship with the National Forest. We
7 patrol a lot of the border area, share a lot of
8 information, do a lot of joint operations. And like I
9 say, if they don't get funded, it will impact the
10 sheriff's department services. Thank you.

11 CHAIR BRISSENDEN: Thank you.

12 ED WALDHEIM: Ed Waldheim for CORVA and
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13 California Trails User Coalition, CTUC. The Angeles
14 National Forest, I don't know if you know, but I have
15 quarterly meetings with all four supervisors and the
16 district rangers from five national forests of Southern
17 California, including Sequoia on a regular basis. And
18 Dennis and Roger always come to these meetings,
19 especially the ones for the Angeles National Forest.
20 Our problem is that we have the total encroachment of
21 the Santa Clarita, and all of Valencia, and they all
22 think that when they buy a house over there, they can
23 just go and ride in the national forest. Well, they
24 have their job cut out for them. So it's incredibly
25 important for the sheriff and the Forest Service to

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1 have staff to take care of the law enforcement issues.

2 The other issues you got to remember that I
3 don't really like LEOs in the Forest Service because we
4 don't get enough work out of them, but FPO is a whole
5 different story. Tom Kaucher can issue citations.
6 Anybody who works and is in recreation has gone through
7 the training. They can issue citations, so it's like a
8 double benefitous. So 90 percent of this grant goes
9 to FPOs. So these are people we really get a lot of
10 money for the buck, so I would like to make sure we go
11 to 31 points for number one, we go to 28 points for
12 number two, and bringing it up to 89 score. Thank you.

13 CHAIR BRISSENDEN: Other comments?

14 JOHN STEWART: Good afternoon, Commissioners,
15 John Stewart, California Association of 4-Wheel Drive
16 Clubs and the United 4-Wheel Drive Associations. I'd

17 I like to underscore a couple of issues within this area
18 that have an impact on the scores. Number one is the
19 demographics of the area. This is one of the fastest
20 growing areas in the State of California, like
21 Mr. Waldheim pointed out with Santa Clarita. This a
22 major forest urban interface. The law enforcement
23 effort is necessary. There is a lot of cooperation
24 going on now between the interagencies with the local
25 sheriff's department and the Forest Service. This

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1 grant helps support that, helps stretch the OHV
2 dollars, enforcement dollars available with the way it
3 can be applied.

4 For the efficiency of use of funds, I would
5 encourage you to look at this closely with the aspect
6 in mind it is an increased efficiency of the use of
7 funds, and the demographics of the area really require
8 an on-the-ground presence and the working relationships
9 with the cross agency. It's there, and it needs to be
10 supported. Thank you.

11 CHAIR BRISSENDEN: Thank you. Commissioners?

12 VICE-CHAIR ANDERSON: This is my backyard. I
13 live about five miles from the forest boundary. It's
14 straight up the hill. I'm interested in, and I want to
15 share with the Commission, the fact that the Angeles
16 National Forest has cooperated with the Landscape
17 Architecture Program at UCLA Extension, and this next
18 week is going to be presenting a report on the east,
19 west and north forks of the San Gabriel River, where
20 their client is the Sierra Club, in trying to address
21 planning in this area. I'm sure, and I haven't seen

22 the content of their report, but it's certainly clear
23 that the forest is working and reaching out to make
24 efficient use of other resources. That doesn't address
25 law enforcement specifically, but it certainly does

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1 address the need issue because there's -- there is
2 incredible use up there, and law enforcement continues
3 to be a problem. There was a tour that the Forest
4 Service offered, and I'm sorry I wasn't able to go on
5 one of the restoration areas around Lower Flats, and I
6 know Mr. Waldheim, I believe, went on that when he was
7 a commissioner.

8 CHAIR BRISSENDEN: Judith, can you summarize?

9 VICE-CHAIR ANDERSON: Yes, I'm going to stop.
10 No, I don't have a motion.

11 CHAIR BRISSENDEN: Any other comments or any
12 other motions?

13 VICE-CHAIR ANDERSON: I find it difficult, in
14 spite of my real desire for this forest to receive some
15 funding, to be able to really justify enough of an
16 increase that you would actually appear somewhere above
17 the line without stretching credibility. And I'm sorry
18 that that's true, but I really need specifics, and I
19 can't get there. So I find no point in modifying this
20 score to something which will really yield no results.

21 COMMISSIONER SPITLER: Was that a motion?

22 CHAIR BRISSENDEN: Was that a four-minute motion
23 I just heard?

24 VICE-CHAIR ANDERSON: That's a four-minute
25 motion.

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1 COMMISSIONER THOMAS: Second.

2 COMMISSIONER PRIZMICH: Second.

3 CHAIR BRISSENDEN: Staff recommendation by
4 Commissioner Thomas, and second by Commissioner
5 Priznich. All those in favor?

6 (Commissioners simultaneously voted.)

7 CHAIR BRISSENDEN: Opposed? Motion carries.

8 OHMVR STAFF ROACH: Next project, San Bernardino
9 County Land Use Services. Request amount of \$15,431.
10 Division score of 52 at 50 percent would be \$7,716.

11 CHAIR BRISSENDEN: Do I hear a motion?

12 COMMISSIONER THOMAS: What number again?

13 COMMISSIONER PRIZMICH: Move it.

14 CHAIR BRISSENDEN: It's been moved.

15 OHMVR STAFF ROACH: It's number 37.

16 COMMISSIONER THOMAS: Number 37. Thank you.

17 CHAIR BRISSENDEN: Moved at staff
18 recommendations.

19 COMMISSIONER PRIZMICH: That's what I moved,
20 yes.

21 COMMISSIONER WILLARD: Second.

22 CHAIR BRISSENDEN: It's been seconded. All
23 those in favor?

24 (Commissioners simultaneously voted.)

25 CHAIR BRISSENDEN: Opposed?

330

1 (Simultaneously speaking.)

2 (Motion and second clarified.)

3 OHMVR STAFF ROACH: Next project, Los Angeles

4 County Sheriff Palmdale with a request amount of
5 \$120,175. Division score of 49 at 40 percent would be
6 \$48,070.

7 DERYL TROTTER: Hello, I'm Deryl Trotter from
8 the L. A. County Sheriff's Department. I'm here
9 representing Palmdale as well as Santa Clarita, but
10 Santa Clarita is later on down the list. I'm going to
11 go straight to the criteria. We requested an increase
12 in score, and I did pass out some handouts earlier, but
13 I think in the books you have it's on page 24.

14 And in criteria one, we noticed that we didn't
15 receive -- let's see, I guess it was mentioned that we
16 didn't respond to the reducing intrusion into
17 wilderness area. And our understanding of these
18 criteria where it says, reducing intrusion into
19 wilderness, closed areas and private property that we
20 respond to what is relevant to us. And what was
21 relevant to us was intrusion into private property,
22 enclosed areas. In Palmdale we don't really have any
23 wilderness areas at all to reduce intrusion to. So I
24 hope not a big amount of the reduced points came from
25 that omission. Maybe we should have stated that we

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1 didn't have any wilderness areas.

2 And also 1(c), reducing conflict between various
3 recreation interests, it was stated that we did not
4 respond to that criteria. And actually we did on page
5 40, paragraph two, and that should be on the same.
6 Everything we have is something that's already in our
7 existing application. There is no new information.

8 Criteria two, basically it was stated that -- for
9 criteria one, I'm sorry, we are given 17 out of 35,
10 which is essentially a failing score. So we felt that
11 we responded to all of the criteria, except the
12 wilderness section, and we warranted more points we
13 thought.

14 Section two, it was stated that we did not
15 respond to the emergency response section. And in our
16 application on page 39, paragraphs three and four, it
17 does state that we have a search -- experience with
18 search and rescue, searches for critical missing
19 persons, fugitives eluding capture, as well as we are
20 experienced and trained and prepared to respond to any
21 incident, so we consider ourselves to be prepared for
22 emergencies, and we consider that we responded to that
23 criteria.

24 CHAIR BRISSENDEN: Can you summarize? We are
25 into the red light, so please.

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1 DERYL TROTTER: Number three, stated that we --
2 or number four stated that we did not -- 4(a) and (b),
3 we did not have a history of fiscal accountability and
4 the ability to complete the project within the time
5 frame. And I pointed out, gave you page numbers, as
6 well as paragraphs where we did have to balance monies
7 between the county parks and rec, as well as the City
8 of Palmdale, and we had to meet certain fiscal year end
9 deadlines in order to spend the money on time, as well
10 as spend our OHV monies.

11 COMMISSIONER SPITLER: Is it I'm to assume you
12 don't have any trespass into wilderness areas into your

13 region?

14 DERYL TROTTER: Yes, no wilderness. I put on
15 the paperwork exactly the points that we requested to
16 be increased to, and it would come to a total of 80.

17 CHAIR BRISSENDEN: Thank you. Any public
18 comment? Commissioners?

19 COMMISSIONER SPITLER: I think based on the
20 information that the applicant has provided, I would
21 move to increase the score under criteria one to 32 and
22 under criteria two increase the score to 30 for a total
23 score of 79.

24 COMMISSIONER THOMAS: Second.

25 CHAIR BRISSENDEN: Been moved and second. All 333

1 those -- discussion? All those in favor?

2 (Commissioners simultaneously voted.)

3 CHAIR BRISSENDEN: Opposed? Motion carries.
4 Next.

5 OHMVR STAFF ROACH: San Bernardino National
6 Forest with a request amount of \$156,423. Division
7 score of 48 at 40 percent would be \$62,569.

8 CHRIS EVANS: Hi, Chris Evans, San Bernardino
9 National Forest. We had an opportunity to review the
10 Division scoring and after doing so we came to a
11 determination that we felt the grant application should
12 have been scored at a 76. We found cause to add five
13 points in criteria one to bring it to 23, seven points
14 in criteria two to bring it to 23, nine points in
15 criteria three to bring it to 18, and seven points in
16 criteria four to bring it to 12; for a total of 76.

17 In criteria one, the issue that we felt wasn't
18 really reflected in the Division ranking of this was --
19 a few of them actually. One is that the law
20 enforcement application is tied very closely to our
21 restoration program on the forest. And under (a) in
22 reducing resource damage or potential resource damage,
23 we have a lot of restoration projects that we're
24 working on right now. The Commission funded last year
25 a project at Baldy Mesa to restore 20 miles of routes.

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1 We have another application in this year to restore the
2 Cactus Flats Staging Area, and some of the surrounding
3 impacts near it. And we feel it's very important that
4 the additional law enforcement resources be available
5 to protect those restoration efforts. It seems
6 honestly a little bit pointless to us to do the
7 restoration work if we're not able to provide adequate
8 law enforcement staff in order to patrol those areas
9 and make sure that we don't have impacts in the future.
10 So based on that we felt some additional points were
11 warranted under criteria one.

12 And six pages of this was provided at the south
13 subcommittee meeting. I don't know if you all have
14 that in front of you or not. But criteria two, we also
15 felt that there was some opportunity to add seven
16 points. A lot of that was based upon the contribution
17 of our volunteer program. We have a partnership with
18 the San Bernardino National Forest Association, and
19 they have an OHV group that's made up of approximately
20 300 volunteers that provide around 15,000 hours of
21 contribution to the forest just in enforcement and

22 education patrols. Part of their responsibilities
23 include emergency response in search and rescue. They
24 are available to assist in those things. They have a
25 tremendous presence on the forest, and I couldn't give
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1 you solid numbers at this time, but I do know that it
2 is quite often that search and rescue is initiated by a
3 contact that we get from one of our volunteers on the
4 forest through that group, and we felt that because of
5 their presence and their contribution, that some of
6 those criteria could have been scored a little bit
7 better.

8 In criteria three, efficient use of OHV Trust
9 funds, we felt that we were in a position maybe to see
10 some significant gains in points there. Again, because
11 of the contribution of this volunteer group, 15,000
12 hours that they bring in patrol alone, they covered
13 last year -- I couldn't give you the exact dates, but
14 over a 12-month span they patrolled approximately
15 15,000 miles of trails and made 28,000 public contacts.

16 CHAIR BRISSENDEN: Please summarize.

17 CHRIS EVANS: Yes, moving on to criteria four,
18 very quickly, history of successfully implementing
19 projects. There was quite a bit of detailed
20 information about a couple of past projects regarding
21 completion dates and billing dates and percentages that
22 those projects were complete when they were finished,
23 and some other pretty detailed information, and we
24 thought that that warranted the increase, as well.

25 CHAIR BRISSENDEN: Thank you. Public comment?
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1 BENJAMIN von DIELINGEN: Good evening, my name
2 is Benjamin von Die lingen, Senior OHV Program
3 Coordinator for the San Bernardino National Forest
4 Association, the volunteer partner that Chris spoke
5 about. Just wanted to concur, we've read over the
6 grant as well, and we agree with Chris' findings. And
7 one thing I do want to mention is that our volunteers
8 are on the ground, and they are out there making public
9 contacts. And having the law enforcement and the FPOs
10 around is a great asset and a great help because our
11 volunteers are education only. They hold no law
12 enforcement capability whatsoever, purely educational
13 information. And having the law enforcement presence
14 really gives them a good backing when things go awry,
15 and also they work in tandem with law enforcement
16 officers to reduce the need to hire a ton of people so
17 we don't need -- we basically need what we have on the
18 forest. We need to keep those people there. So we
19 concur with Chris' statements, and we ask the score be
20 raised. Thank you.

21 JOHN STEWART: Good afternoon, Commissioners,
22 John Stewart, California Association of 4-Wheel Drive
23 Clubs and United 4-Wheel Drive Association. I agree
24 with the request to rescore this at the 76 point level.
25 And, again, I want to stress that if you're looking for
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1 efficiency and efficient use of funds, this is a
2 classic program. This is a very, very good, very --
3 you know, model program for the Forest Service with the
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4 use of their volunteers. So funding this and making
5 sure the law enforcement is there to support the
6 volunteers, the OHV Division or the program is getting
7 a tremendous bang for their buck. It is a very good
8 opportunity, so thank you.

9 CHAIR BRISSENDEN: Thank you. Other comments?

10 ED WALDHEIM: Ed Waldheim for CORVA and CTUC.
11 Again, the southern province of the four forests in
12 Southern California are the ones who are getting the
13 bulk of the visitors again. And we just totally
14 underestimate the amount of use that the public lands
15 are getting from being down in Southern California when
16 we get 25 million people to draw from. It's a steady,
17 steady stream of folks. And so the new ranking that
18 Chris was giving you there, I would hope that you
19 review that or put it in there so that we can get them
20 the funds necessary to do it. And with the volunteer
21 association that they have, the two mesh together very
22 well as it was pointed out to you. Thank you.

23 CHAIR BRISSENDEN: Thank you. Commissioners?

24 VICE-CHAIR ANDERSON: I have a question for the
25 applicant. On criteria two under search and rescue, it
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1 says, "The applicant did not address this item." Did
2 you have anything in your application that you felt
3 meant to address search and rescue.

4 CHRIS EVANS: Very briefly, there is a
5 statement -- I'm not sure about exactly what paragraph
6 it was in, but there is a statement indicating that our
7 volunteer force, as we've been discussing, they carry

8 radios. They have a tremendous amount of presence in
9 the forest, and they are able to contact forest staff
10 when an emergency situation or search and rescue
11 situation may arise.

12 CHAIR BRISSENDEN: Do I hear a motion?

13 COMMISSIONER McMILLIN: I'll make a motion that
14 we support staff's recommendation.

15 CHAIR BRISSENDEN: Do I have a second?

16 COMMISSIONER PRIZMICH: Second.

17 CHAIR BRISSENDEN: It's been moved and second.
18 Any discussion? All those in favor?

19 VICE-CHAIR ANDERSON: Hang in, hang in, I'm not
20 quite finished. Sorry, I'm tired. I know I'm tired.
21 But under 1(b), reducing intrusion into wilderness,
22 closed areas and private property, this national forest
23 does, in fact, have some wilderness areas. Can you
24 address what you had in your application on intrusions
25 into wilderness?

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1 CHRIS EVANS: You know, I don't have the
2 language specifically of the application right in front
3 of me. I don't have it.

4 VICE-CHAIR ANDERSON: Tell me what you are
5 doing.

6 CHRIS EVANS: We use barriers. We use signs.
7 One of things that -- obviously we use patrol, our
8 volunteer patrol does contribute quite a bit to that,
9 as well. We find, you know, what's probably most
10 effective for us is presence and having routine and
11 frequent patrol to protect those boundaries. There is
12 specific language in the application regarding closed

13 areas specifically in reference to fire closures.
14 There is some specific language about the need to have
15 very routine and very frequent patrol of fire closures
16 in order to prevent impacts into the fragile soils and
17 during the time that the ecosystem is recovering from
18 fire.

19 VICE-CHAIR ANDERSON: Some of your front country
20 burned recently, right?

21 CHRIS EVANS: The fire closures that are
22 specifically referenced in here were residual from the
23 old fire.

24 VICE-CHAIR ANDERSON: So fire closure does not
25 mean closure because of the risk of fire, but fire

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1 closure because of damage as a result of fire?

2 CHRIS EVANS: Correct, because of an area that
3 has burned, and we closed those to motorized use in
4 order to prevent off-route impacts when the vegetation
5 is gone.

6 VICE-CHAIR ANDERSON: Okay.

7 CHAIR BRISSENDEN: All those in favor? We're
8 going to need to move along, Judith. I can't do this
9 any longer. If you're tired, we're all tired.

10 VICE-CHAIR ANDERSON: I know. Go ahead.

11 CHAIR BRISSENDEN: All those in favor?

12 (Commissioners simultaneously voted.)

13 CHAIR BRISSENDEN: Opposed?

14 COMMISSIONER THOMAS: No.

15 VICE-CHAIR ANDERSON: No.

16 COMMISSIONER SPITLER: (Absent.)

17 CHAIR BRISSENDEN: Thank you. Kelly.

18 OHMVR STAFF ROACH: Next project, Butte County
19 Sheriff. The request amount of \$23,907. Division
20 score of 46 at 40 percent would be \$9,563.

21 SYLVIA MILLIGAN: I'm going to make -- I'm
22 Sylvia Milligan with California Nevada Snowmobile
23 Association. I'm going to make a dealer really happy
24 tomorrow when I go home because I'm going to go out and
25 buy a brand new real fast snowmobile because if there

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1 is no law enforcement in the north state, who is going
2 to catch me? And if nobody is getting any money for
3 law enforcement, you know, Butte County shows up at the
4 Poker Runs out of Butte Meadows, they do an exemplary
5 job.

6 CHAIR BRISSENDEN: Are you the applicant here?

7 SYLVIA MILLIGAN: No, I'm not the applicant.

8 I'm the public. Am I still allowed to speak?

9 COMMISSIONER McMILLIN: I'm not sure.

10 CHAIR BRISSENDEN: No, there was no applicant to
11 speak, and so we're allowing Milligan to state her
12 case.

13 SYLVIA MILLIGAN: Thank you. Evidently the
14 Plumas so far has no money, the Lassen has been cut
15 back. These are all areas that intermingle, and when
16 there is no money anywhere, you know we're inviting
17 trouble. We have a good program up there. We need
18 some money somewhere to keep it that way. We don't
19 want the problems that they have in Southern
20 California. And I'm thinking, you know, I want a map
21 of this county down there that got all of this money

22 because I want to send all of nonlegal people from the
23 northern part of the state down and let them have them
24 all; they're going to have all of the law enforcement.
25 So I really wish you would look at this someplace along
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1 the line and look at some law enforcement for the north
2 part of the state. Thank you.

3 CHAIR BRISSENDEN: Thank you.

4 COMMISSIONER McMILLIN: You have my word in
5 January when we start reallocating these buckets, it
6 will happen. I will at least give it my yeoman's
7 effort.

8 CHAIR BRISSENDEN: In the meantime.

9 COMMISSIONER McMILLIN: All we can spend is a
10 hundred percent of what we got.

11 CHAIR BRISSENDEN: There are some avenues left.
12 I think if you have any criteria adjustments, let me
13 know; otherwise, I will entertain a motion.

14 COMMISSIONER PRIZMICH: I'd like to make that
15 motion to adopt staff recommendation.

16 But I do want to ask a question of staff first.
17 Don Amador had brought up in lieu of funding resource
18 that could bail a lot of law enforcement out, or at
19 least that would be real helpful for law enforcement.
20 Can staff address that for us please, what the status
21 of it is, and how much money we're looking at.

22 CHIEF JENKINS: Absolutely, I don't have an
23 exact -- the amount of money will depend -- that's
24 coming out on the Fuel Tax Study, so we will have a
25 better idea on the funds to be released once the Fuel

1 Tax Study is out on the 20th. And then it's formula
2 driven, and that will tell us where we're going.

3 Basically, the in lieu money can be looked at in
4 two parts. I'll be very brief on this. There is the
5 old in lieu money that was being distributed to
6 counties and cities. There was a problem back in 2004
7 when the Governor changed that motor vehicle license
8 fee issue. That was corrected with legislation. AB
9 1805 corrected that problem and allowed the release of
10 that money that was kind of jammed up and backlogged.
11 So that money should have been -- it is being released
12 and is in the process of being distributed out to the
13 cities and counties as of July of '06. So that's
14 moving forward, and those monies should be trickling
15 out, if the funds haven't already arrived in the
16 counties.

17 The new formula for in lieu fees is based on the
18 Fuel Tax Study, and so for this past year 2006, those
19 monies have been put into an account, and they're
20 waiting for the Fuel Tax Study. So as soon as the Fuel
21 Tax Study comes out, the controller will be able to
22 look at that formula that's based on where people are
23 recreating, and then distribute those monies that have
24 been accumulating for this year. So they should be
25 moving out there pretty quickly.

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1 COMMISSIONER PRIZMICH: So for some of the
2 smaller counties, there may be a windfall when the Fuel
3 Tax Study is released?

4 CHIEF JENKINS: Right. If the smaller county
5 previously would be based on population so they were
6 just nailed into that small box, if there is a lot of
7 OHV activity in the county, then they should be seeing
8 a definite increase in the amount of money they
9 receive, correct.

10 COMMISSIONER PRIZMICH: Thank you. Sorry to
11 bring that up.

12 CHAIR BRISSENDEN: I think windfall might be a
13 bit overstated.

14 COMMISSIONER PRIZMICH: Well, it's money that
15 they don't see right now. That's a windfall for some
16 counties.

17 CHAIR BRISSENDEN: I think the suggestion is
18 well taken, and I think we should have it on the agenda
19 at our next meeting. I had hoped that that information
20 would have come forward, so we would have had it here
21 today, but you've noted that.

22 COMMISSIONER PRIZMICH: I made the motion.

23 CHAIR BRISSENDEN: Is there a second to the
24 staff recommendation?

25 COMMISSIONER McMILLIN: Second.

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1 CHAIR BRISSENDEN: Okay. All those in favor?
2 (Commissioners simultaneously voted.)

3 CHAIR BRISSENDEN: Opposed?

4 COMMISSIONER THOMAS: No.

5 COMMISSIONER SPITLER: (Absent.)

6 CHAIR BRISSENDEN: Motion carries.

7 OHMVR STAFF ROACH: Next project, line 42, Napa

8 County Sheriff with a request amount of \$68,714.
9 Division score of 46 at 40 percent would be \$27,485.
10 CHAIR BRISSENDEN: Comments? Motion? Make a
11 motion to --
12 COMMISSIONER McMILLIN: Make a motion to accept
13 staff's recommendation.
14 CHAIR BRISSENDEN: It's been moved.
15 COMMISSIONER PRIZMICH: Second.
16 CHAIR BRISSENDEN: All those in favor?
17 (Commissioners simultaneously voted.)
18 CHAIR BRISSENDEN: Opposed?
19 COMMISSIONER THOMAS: No.
20 COMMISSIONER SPITLER: (Absent.)
21 CHAIR BRISSENDEN: Motion carries.
22 VICE-CHAIR ANDERSON: I have a -- I have a
23 question. This is sort of a generic question relative
24 to this application that we just looked at. It doesn't
25 impinge on the dollar figure, but the question for

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1 staff, it indicates that the applicant uses both
2 motorcycles and a rebuilt military Humvee. Humvees are
3 not always assessed as very fuel efficient, and under
4 the global warming directive coming from the Governor,
5 where does this sort of equipment get assessed?

6 COMMISSIONER THOMAS: Where has this program
7 been assessed?

8 CHIEF JENKINS: I'm not sure exactly what the
9 question you're asking is.

10 VICE-CHAIR ANDERSON: Well, a Humvee is not an
11 efficient vehicle if you're trying to reach out for
12 fuel efficient vehicles. I'm trying to ask at what

13 point are you going to start looking at vehicle
14 efficiency under the Governor's attempts to reduce
15 carbon fuel.

16 CHIEF JENKINS: You're asking specifically
17 within the grants program or in?

18 VICE-CHAIR ANDERSON: In general.

19 CHIEF JENKINS: Just briefly, within state
20 government, we are being very careful about where we
21 let SUVs of any type, not just Humvees, just any SUVs.
22 It's becoming virtually impossible to get SUVs as
23 replacement vehicles in our fleets. Only in rare cases
24 where we particularly need, for instance, in Hollister
25 Hills we use SUVs as a way to put people in the back

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1 that have been injured and get them out to where an
2 ambulance can actually access them. So we're only
3 using SUVs in very specific applications where other
4 vehicles are not appropriate where we need those
5 capabilities.

6 We actually do run a couple of Humvees ourselves
7 in the State Park system, out there at Oceano, for
8 instance, Oceano Dunes because there are very few
9 vehicles that are built with the reliability to really
10 take the beating day in and day out of true off-road
11 vehicles that can survive that situation. So it's very
12 rare, very rare. By in large, we're going through and
13 replacing those types of vehicles with more fuel
14 efficient vehicles. So we've implemented that process
15 within state government. It will take a while for the
16 fleet to actually change out.

17 Just one last point, within the grant process,
18 that certainly is something that taken as an overall
19 topic would fit into that efficient use of funds
20 category to be considered.

21 VICE-CHAIR ANDERSON: Yes, that's kind of the
22 point I was getting to.

23 CHAIR BRISSENDEN: We have a power failure, and
24 I'm not certain if it has anything to do with our
25 staying late. Is anybody having any difficulty seeing
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1 what they need to see? We can see up here, I believe.

2 COMMISSIONER McMILLIN: We're good to go.

3 CHAIR BRISSENDEN: So, Kelly, move on.

4 OHMVR STAFF ROACH: Next project, line 44, Los
5 Angeles County Sheriff, Santa Clarita with a request
6 amount of \$96,634 --

7 CHAIR BRISSENDEN: The suggestion was you left
8 one little town out.

9 OHMVR STAFF ROACH: Thank you for bringing that
10 to my attention.

11 It's actually line 43 that's next, and that
12 would be Ukiah Field Office BLM, and their request
13 amount is \$104,573. And the Division score of 44 at 40
14 percent would be \$41,829.

15 RICH BURNS: Yes, good evening, I'm Rich Burns,
16 Field Manager for the Ukiah Field Office. I would like
17 to present some new information which we feel would
18 actually change our scores significantly with regard to
19 the grant application for law enforcement.

20 To begin with we were completing our resource
21 management plan, which we actually did complete and had
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22 signed by the state director September 26th of this
23 year. With that, that was done on budget, on time,
24 with no protest or appeals from any of the groups,
25 environmental groups and the special interests groups

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1 combined, including OHV interests. In addition to
2 that, on October 17th, of course, was signed the
3 Northern California Coastal Wild and Heritage Act,
4 otherwise known as the Mike Thompson Bill, which in
5 addition to that memorialized Cow Mountain for
6 off-highway vehicle use. So with those two things
7 combined, we look at a real significant change in the
8 way that we're seeing business and things happening in
9 the Cow Mountain. Currently we are seeing ridership up
10 because of those two things going in place, and we're
11 also in the process of working on a recreation activity
12 management plan to help support Cow Mountain and the
13 things going on out there. And with that, we see then
14 the potential for a score change.

15 Number one, we look at criteria one then, where
16 we received a score of 14. Because of the resource
17 management plan and because of the wild -- the Mike
18 Thompson Bill, we see that should be changed to a score
19 of 30. For criteria two, we basically see the same
20 thing, a score from 11 up to 20. Again, based on the
21 first two things, plus the development of the
22 recreation management plan. We now actually have a lot
23 of active partnerships, and those will be continuing on
24 with the CORVA group, Mendocino 4-Wheel Drive Clubs,
25 Wilderness Coalition has expressed interest in helping,

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1 as had other groups, AMA, and a couple of motorcycle
2 associations out of the Bay Area. And last, we've
3 actually got all of our audit packets in, and so with
4 that we feel that we've got a pretty clean audit, so we
5 would like to see the Commission go the extra mile and
6 help us out. Thank you.

7 CHAIR BRISSENDEN: Thank you. Public comment?

8 DON AMADOR: Yes, just, again, the passage of
9 the Thompson Wilderness Bill I think is one of the most
10 significant factors that we didn't have before us. And
11 also, too, we have major newspapers from the Los
12 Angeles Times, New York Times, telling people to go to
13 Cow Mountain because it's now a dedicated motorized
14 recreation area. Thank you. Thank up.

15 CHAIR BRISSENDEN: Thank you.

16 DON KLUSMAN: Don Klusman, California 4-Wheel
17 Drive Association. You heard the new information.
18 This is very important new information because it's
19 going to change dramatically how that area is used.
20 It's already -- the increases that happened before
21 this. Now, this is national, and it set a precedent
22 that it is strictly an OHV area as far as one section
23 of Cow Mountain. Also in the bill, it mentioned the
24 other section of Cow Mountain, which is non-motorized.
25 And our funds help patrol all of Cow Mountain, so it's
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1 very important, and I would ask the Commission that you
2 raise the score I think it was 74, 75, whatever, he
3 laid out. Thank you.

4 DAVE PICKETT: Dave Pickett, District 36, AMA.
5 I mirror the comments of the prior speakers. There's
6 also a good working relationship with Mendocino and
7 Lake County Sheriffs in this area. Usage is going up,
8 and it will continue to go up. Thank you.

9 CHAIR BRISSENDEN: Thank you. Commissioners?
10 Well, don't speak all at once.

11 COMMISSIONER THOMAS: I think we're voting with
12 our feet on how we feel about the rating system. I
13 mean I can't find a legitimate conceptual basis for
14 raising scores that are in the forties to scores that
15 are in the seventies, yet I completely support a number
16 of these grants. But in the competitive system, which
17 we didn't design and we're being asked to follow, we're
18 stuck, and I'm not making a motion. Somebody else can
19 take responsibility for it.

20 COMMISSIONER WILLARD: I'll just echo these
21 comments. This is really getting hard. I think we all
22 would like to fund all of this. It's not like we have
23 an unlimited source of funds and we can just say, yes,
24 that's good, here's more money because for every grant
25 that we give money to, we're taking money away from

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1 someone else. We're down now to the grants that scored
2 the poorest, and we're hearing some good things about
3 the Thompson Act and so forth. That's good
4 information, but yet is that enough to almost double
5 what's otherwise a pretty poor score on a very
6 competitive, objective basis. And I'm really
7 struggling with this because I feel like I'm being the

8 bad guy saying, no, we've got to keep the scores the
9 way they are. But without some real significant new
10 information that's factual and objective, I think we
11 just have to move along and just get through all of
12 this. And I'm going to make the motion to accept
13 staff's scoring.

14 COMMISSIONER THOMAS: Second.

15 VICE-CHAIR ANDERSON: I'll second.

16 CHAIR BRISSENDEN: It's been moved and seconded.

17 Discussion? All those in favor?

18 (Commissioners simultaneously voted.)

19 CHAIR BRISSENDEN: Opposed?

20 COMMISSIONER THOMAS: No.

21 CHAIR BRISSENDEN: Commissioner Thomas.

22 Motion carries.

23 OHMVR STAFF ROACH: Next project is Los Angeles
24 County Sheriff, Santa Clarita with a request amount of
25 \$96,617. Score of 42 at 40 percent would be \$38,647.

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1 DERYL TROTTER: Okay. I'll be brief this time.
2 You should have the same handout I have, I believe on
3 page 26 for Santa Clarita Valley. Same issue as our
4 other application, the wilderness area, the only
5 wilderness area that we have is very rugged and there's
6 no intrusion to reduce, so we did not address that.
7 But we addressed the closed areas and private property.
8 And everything else was addressed in criteria one. So
9 we request instead of the 14 we received, which is like
10 a failing score, we requested 29 because everything
11 else was addressed in depth, and I have the references,
12 pages and paragraphs for you.

13 Number two, everything was addressed and for
14 some reason we received a 15 out of 30, which is a
15 failing score to me. We have the paragraphs and the
16 page numbers and the paragraphs cited in the handouts.

17 Criteria three, it was stated that that we did
18 not mention information about our volunteers. Section
19 C, we did in our project activity reports, states the
20 training of our volunteers, their specific duties, also
21 the hours and the value, I believe about 18 dollars an
22 hour, to the donated services were also included.
23 Reducing future costs, we were also told we did not
24 address that, we did. I have the page number and the
25 paragraph for you where we stated we will be training

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1 some deputies, reserve deputies which would lower labor
2 costs. That's also cited specifically.

3 In the last section, the history of fiscal
4 accountability and ability to complete projects,
5 sections A and B, same as our other project. We have
6 fiscal years that we have to be accountable to
7 regarding our city funds that we get from the City of
8 Santa Clarita, as well as our County Department of Rec
9 funds, and we have to -- we're subject to those fiscal
10 years and that shows our accountability and our fiscal
11 responsibility in these matters when we're juggling
12 between OHV funds as well as the others. We also work
13 with U.S. Forest Departments. We attached the
14 memorandum of understanding to our original
15 application, and you have that also.

16 CHAIR BRISSENDEN: Thank you. Any other public

17 comments? There being none, Commissioners?

18 DERYL TROTTER: I'm told the score we requested
19 was 79.

20 COMMISSIONER SPITLER: I actually had a
21 different score of this application, as well. Based on
22 my review of the application, and I think the comments
23 that the gentleman has provided today support that
24 score, I would score the application in the first
25 category at 32, and that's based on page 34 of the

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1 application which describes the number of contacts, the
2 citations, the compliance, trespassing violations and
3 enforcement efforts. Second category I would score as
4 30. I think the applicant has really adequately
5 demonstrated his enforcement of OHV laws and other
6 regulations, the emergency response, search and rescue,
7 et cetera. And under the efficiency, I would score the
8 application at 12. And, again, that's based on the
9 match provided to the applicant, the other volunteers
10 that the applicant has mentioned, increasing the score
11 to 79, and I'd so move.

12 COMMISSIONER THOMAS: Second.

13 CHAIR BRISSENDEN: It's been moved and seconded,
14 adjusted scores. Any discussion? All those in favor?

15 (Commissioners simultaneously voted.)

16 CHAIR BRISSENDEN: Opposed?

17 COMMISSIONER WILLARD: No.

18 CHAIR BRISSENDEN: Motion carries.

19 COMMISSIONER SPITLER: Who is the no?

20 COMMISSIONER WILLARD: I was.

21 OHMVR STAFF ROACH: Next project, California

22 City Police Department with the requested amount of
23 \$215,090. The Division score of 41 at 40 percent would
24 be \$86,036.

25 ERIC HURTADO: Eric Hurtado, California City 356

1 Police Department. I provided information for you in
2 your packet. I'll briefly go over a few of the high
3 points for request for a rescore. Under 1(a), the team
4 disseminates information to OHV users by informational
5 flyers. We passed out over 70,000 flyers last year.
6 Information regarding trespassing and misuse of special
7 properties and private property, I believe those flyers
8 are an education tool to help remind OHV users of the
9 laws and what is expected in the area. We believe
10 we've become more efficient in our use of personnel.
11 We now have teams of both law enforcement and fire,
12 where our team will consist of a firefighter that's
13 also a certified arson investigator. Some of them are
14 EMTs, some of them are paramedics. So a team that
15 arrives at the scene and in the area, whether it be
16 partnered with law enforcement or fire, so whether the
17 problem is fire related resource, law enforcement, one
18 or the other is there to handle whichever the situation
19 calls for.

20 Under 1(c), we closely work with all recreation
21 activities in our area all the way from motorcycle, OHV
22 clubs, and also equestrian riding clubs. We act as a
23 central hub for information, so there is no conflict in
24 the areas, and they try to schedule their events around
25 each other, so there is no conflict.

1 Under section 1, I believe a score of 30 out of
2 35 for the rescore. Under section 2, request rescore
3 of 26 of 30. Last PAR 2004/2005, we had over 300,000
4 visitors. Over 500 OHV-related accidents -- or 500
5 related incidents, a 186 accidents.

6 CHAIR BRISSENDEN: Please summarize.

7 ERIC HURTADO: Yes. We believe our team is very
8 dedicated towards OHV program. We have members that
9 staff our emergency command posts specific for OHV
10 weekends. They stay overnight at the command post, and
11 they go back on the clock as the emergencies come in,
12 and go back off the clock when it quiets back down.
13 They stay in their own trailers. Sometimes they even
14 use their own equipment and vehicles to respond to
15 these emergencies.

16 Under section four, request a rescore of nine
17 out of fifteen.

18 CHAIR BRISSENDEN: Thank you. Any public
19 comment?

20 ED WALDHEIM: Ed Waldheim, Friends of Jawbone,
21 CORVA. This is my city. More ways than one, we had an
22 election and have a new mayor. We have a new city
23 council member. We also failed to pass the
24 continuation of our \$75 tax, which funds 40 percent of
25 the police, 40 percent of the fire, and the entire

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1 parks and recreation. We're losing it all. Without
2 this grant, we are in big, big trouble. 63,000 people
3 were there on Thanksgiving Day weekend. If you want to

4 go and see a zoo, you better come and go see that. I
5 hate to shutter to think what will happen if we don't
6 get some type of funding. Granted, the grant that was
7 written was poorly written. Daphne Greene chewed me
8 out for it because it was badly written, and I admit
9 that it was badly written so that's the reason for the
10 low score, we screwed up, period, end of discussion.
11 There are no excuses.

12 But the fact is we have these folks coming out
13 there, and I got a city council that unless we do
14 something, I'm going to be in dear dire problems. And
15 the problem also is that that is a bedroom community
16 for the folks that go to the BLM lands. BLM cannot
17 absorb these people.

18 COMMISSIONER SPITLER: So you'd recommend a
19 higher score.

20 ED WALDHEIM: Please, Mr. Spitler, whatever you
21 can do, I would certainly appreciate it if you would do
22 it, please.

23 COMMISSIONER SPITLER: Thank you.

24 CHAIR BRISSENDEN: Thank you. Other public
25 comments?

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1 HECTOR VILLALOBOS: Yes, thank you for giving me
2 this opportunity to comment. I'm Hector Villalobos,
3 I'm the Field Manager or the Ridgecrest Field Office.
4 And I support Cal City's PD effort to get their score
5 changed. Their efforts help with compliance on BLM
6 lands that are just to the north and also within some
7 of their city areas. Their efforts help with

8 compliance on the Jawbone-Butterbrecht Area and in the
9 Rands area where we have lots of OHV activity in that
10 area. They attend -- they're partners with us. They
11 attend nearly every -- or every, I should say, Friends
12 of Jawbone meeting that we have, and they represent
13 what is happening on the Cal City side of the line.
14 And so they're partners with the BLM and we support
15 their efforts. Thank you.

16 CHAIR BRISSENDEN: Thank you. Commissioners?

17 COMMISSIONER SPITLER: I'll make a motion. I
18 think that the -- I thought the application actually
19 did a really good job of meeting the criteria under the
20 enforcement category under the first criteria of
21 demonstrating that the efforts will sustain long-term
22 OHV recreation. I have information here on page 130 of
23 the application about working with the Desert Tortoise
24 Preserve Committee, and within the Desert Tortoise
25 Natural Areas doing education, sensitivity awareness,

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1 cleanup, special enforcement, et cetera, I would
2 recommend a score of 30 in that category.

3 Similarly, under the second category of safety,
4 on page 130 there's a discussion of the significant
5 expansion of the D.I.R.T team from five units to 15
6 units contacting over 300,000 users annually, enforcing
7 all OHV-related laws. And so I would recommend a score
8 of 21 there.

9 And under efficiency, the third category, when
10 you talk about expanding their patrols using thousands
11 of volunteer hours, and to me that really demonstrates
12 that using the experience of OHV riders to fill ten

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13 volunteer positions and doubling that next year, that
14 demonstrates in my opinion a higher score is warranted,
15 so I'd suggest a score of 20 in that category for a
16 final score of 474.

17 COMMISSIONER THOMAS: Second.

18 CHAIR BRISSENDEN: It's been moved and seconded.

19 The second was Commissioner Thomas. Any discussion?

20 All those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR BRISSENDEN: Opposed?

23 COMMISSIONER WILLARD: No.

24 CHAIR BRISSENDEN: Motion carries.

25 OHMVR STAFF BELLUCCI: I believe the final score
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1 would be 75.

2 CHAIR BRISSENDEN: So point of order, we have to
3 redo the motion and second that one?

4 COMMISSIONER THOMAS: Redo it until we get it
5 right.

6 COMMISSIONER SPITLER: Ditto everything I just
7 said with a final score of 75.

8 CHAIR BRISSENDEN: So does the second --

9 COMMISSIONER THOMAS: I'll accept the...

10 VICE-CHAIR ANDERSON: Correction.

11 CHAIR BRISSENDEN: Correction of one point. We
12 have a 75. Thanks for the mathematician on the staff.

13 All those in favor?

14 (Commissioners simultaneously voted.)

15 CHAIR BRISSENDEN: Opposed?

16 COMMISSIONER WILLARD: No.

17 CHAIR BRISSENDEN: Motion carries.

18 COMMISSIONER SPITLER: We have someone on the
19 Commission who will not support scores that include
20 mathematical errors.

21 OHMVR STAFF ROACH: Next project, San Bernardino
22 County Sheriff, Victor Valley, with a request amount of
23 \$106,699. Division of score 41 at 40 percent would be
24 \$42,680.

25 SHANNON DICUS: Commissioners, I'm Sergeant

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1 Dicus representing the Victor Valley Sheriff's Station,
2 San Bernardino County Sheriff's Department. At the
3 Southern California subcommittee meeting I submitted
4 this chart to you basically requesting the rescoring of
5 our grant. This was based on an analysis, apples to
6 apples, with other sheriff's departments who were
7 scored in the 80 to 90 percentile. We found after
8 looking in the answers, and I'm talking about in our
9 grant application and comparing to their scores, that
10 the application information was there. We're
11 requesting that our grant be rescored, and I'm just
12 going to gloss over some of these areas to show you the
13 difference between the way we were scored versus what's
14 actually in our application.

15 Under the area of item number 1(a), reducing
16 resource damage or potential resource damage through
17 proactive measures or education efforts, our score
18 rationale was the applicant uses patrol and education
19 to reduce resource damage. Our actual application
20 reads, "OHV stakeholders are instrumental in drafting a
21 new county ordinance which fairly represents all sides

22 of the OHV issue. The new ordinance will allow the OHV
23 team to address illegal OHV intrusion into wilderness
24 lands and onto private property by enforcing the new
25 ordinance. We can educate the public and continue to

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1 promote our legal OHV areas. The proper application of
2 this ordinance will sustain long-term OHV recreation by
3 clearly defining the proper use of off-highway vehicles
4 and the penalties for their illegal use within the San
5 Bernardino County. I'm sorry, just for that specific
6 area.

7 Under the next criteria, numberer two, to show
8 the again the difference, under search and rescue, area
9 C, rationale, the OHV team is trained in SAR and air
10 support is available. Our answer in our grant
11 application, "Deputies on the Victor Valley OHV team
12 are also cross-trained in search and rescue. In the
13 event of an emergency, deputies contact and direct
14 emergency medical personnel to an accident by land or
15 air. The Victor Valley OHV team is part of our
16 station's emergency response matrix and is called out
17 in conjunction with search and rescue when appropriate.

18 Just to remain brief, all of these things are
19 outlined in this. We've submitted them to you. They
20 are stark differences in the rationale that were used
21 to score us versus what is actually in our grant
22 application. There are three prongs that I need you to
23 consider for the citizens of San Bernardino County.
24 One is they came to us, and I mean us, meaning the
25 Commission and law enforcement and drafted a new

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1 ordinance that is fair across the board to all users
2 involved. I'm talking property owners, OHV users,
3 conservati onists.

4 CHAIR BRISSENDEN: Please summarize.

5 SHANNON DICUS: Second, we have the largest OHV
6 opportunity out of any of the agencies represented
7 before you today. Thirdly, we have a balanced
8 community-oriented OHV team. We did not receive
9 funding last year, and we still met our obligations.
10 The obligations that you've asked to us meet, we have
11 other funding sources that we've entered into, and all
12 of the things that the Commission has asked us over the
13 years we've been doing this, we've met those
14 obligations. We ask that our grant be rescored from 41
15 to 85 percent, and we believe that this information is
16 all contained within the report that we submitted
17 during the Southern California subcommittee meeting.

18 CHAIR BRISSENDEN: Thank you. I'll be with you
19 in just a moment. Public comments?

20 COMMISSIONER THOMAS: I have a question.

21 CHAIR BRISSENDEN: Of the applicant?

22 COMMISSIONER THOMAS: No, of staff. Where is
23 the additional material in our binders that was
24 referred to by the speaker? What tab, just so I can
25 track his.

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1 OHMVR STAFF STALLCOP: 28 tab.

2 COMMISSIONER THOMAS: 28, thank you very much.

3 ED WALDHEIM: Ed Waldheim for CORVA and Friends
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4 of El Mirage. These folks are doing an incredible job
5 for us in El Mirage. They come and assist the BLM in
6 there. They're great in doing the training. On the
7 quad training, actually setting up schedules to do some
8 more. We continue working on our visitor center that
9 we are going to have, and they are going to be an
10 integral part of that visitor center for the
11 educational portion of it.

12 With the new ordinance as Shannon has told you,
13 we have a big, large area that they have to go and
14 patrol people and tell them, hey, you shouldn't be
15 here, you should go over to the other area, being
16 Starter Valley or Johnson Valley. They assist the BLM
17 in making that happen. So you got the new ordinance,
18 you got the absolute influx of people that is just
19 busting at the seams, and their willingness to help us.
20 So I would like to go to 30 points, should be item
21 number one, 30 points item number two, 18 points item
22 number three, seven points item number four; bringing
23 them to a total of 85. Thank you.

24 CHAIR BRISSENDEN: Commissioners.

25 COMMISSIONER PRIZMICH: If I might, I think the
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1 effort on the part of the citizens in the sheriff's
2 office in San Bernardino County is exemplary because
3 we've been talking about how to deal with wilderness
4 intrusion and trespass and whatnot in a more efficient
5 way for years that I've been on the Commission, and
6 here you have a county that stepped up hand in hand
7 with their citizens and apparently found a solution to

8 it. And I think the Division score of 12 is far
9 underrated. I'd like to see that at least 35, just
10 that alone. I think there were other things that were
11 contained in that project number one, but I would
12 propose that for that item.

13 COMMISSIONER THOMAS: This is criteria one?

14 COMMISSIONER PRIZMICH: Criteria one.

15 COMMISSIONER THOMAS: You want a score of 35,
16 you say?

17 COMMISSIONER PRIZMICH: No, 30.

18 COMMISSIONER THOMAS: 30.

19 COMMISSIONER PRIZMICH: On criteria two, one of
20 the things that I suggested for years again and that
21 some agencies are using, this one is on their own, and
22 that's air support, and they're not charging us for it.
23 So we've got -- I think again 18 out of 30 I don't
24 think is adequate. I'd like to move that up to a 25.

25 And I think on item number three, category

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1 number three, I would like to move that from an eight
2 to a 12 because I think based upon the work they have
3 done so far, they've demonstrated their proper use of
4 the OHV funds and have done the proper kind of support
5 to keep the program going adequately. So I don't know
6 what that comes up to, but those are the --

7 CHAIR BRISSENDEN: You're not changing the last
8 criteria?

9 COMMISSIONER THOMAS: I think you want to go --

10 CHAIR BRISSENDEN: You're at 70.

11 COMMISSIONER THOMAS: My read was that the trust
12 funds, criteria three, really should be a five, and

13 that the criteria two should be 28 not 25, particularly
14 with the emergency --

15 VICE-CHAIR ANDERSON: Which one?

16 COMMISSIONER THOMAS: Criteria two should be a
17 total of 28 out of 30, instead of 25 as was proposed,
18 and that will balance that.

19 COMMISSIONER PRIZMICH: Okay.

20 COMMISSIONER THOMAS: So that would be a total
21 increase of 33 points when you add up each of the
22 numbers which you've done, and that will give you a 74
23 as I understand. Let's see if that's right.

24 COMMISSIONER PRIZMICH: I agree with that.

25 OHV STAFF FREITAS: 75.

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1 COMMISSIONER THOMAS: 41 plus 33 is 74.

2 CHAIR BRISSENDEN: We're at 75 again. Help me
3 out over there.

4 COMMISSIONER THOMAS: Oh, you're at 75.

5 OHMVR STAFF FREITAS: 30, 28, 12 and five.

6 COMMISSIONER THOMAS: That's correct. Actually,
7 my numbers have been a little different for the first
8 criteria.

9 CHAIR BRISSENDEN: I would agree.

10 COMMISSIONER THOMAS: Basically that's how we
11 got the distinction. Okay, 75.

12 CHAIR BRISSENDEN: So, Commissioner Priznich, do
13 you want to finish it off with a motion?

14 COMMISSIONER PRIZMICH: That is my motion.

15 COMMISSIONER THOMAS: Second.

16 CHAIR BRISSENDEN: It's been seconded by

17 Mr. Thomas. Any discussion? All those in favor?

18 (Commissioners simultaneously voted.)

19 CHAIR BRISSENDEN: Opposed?

20 COMMISSIONER WILLARD: No.

21 COMMISSIONER McMILLIN: No.

22 OHMVR STAFF ROACH: Next project, Sequoia

23 National Forest with a request amount of \$98,157.

24 Division score of 37 at zero percent funding would be

25 zero dollars.

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1 CHERYL BAUER: Hello, my name Cheryl Bauer. I'm
2 the district recreation manager the Kern River Ranger
3 District on the Sequoia National Forest. Today and
4 also in Ontario, I provided you folks a documentation
5 from your grant application that I'd like you to
6 consider in rescoring our project. For each of the
7 criteria areas, we would propose that our score be
8 changed in each of those areas by five points, which
9 would change our recommended score from a 37 to an 80.

10 You can see by what we've provided you, we
11 choose to hire a seasonal work force. We're actually
12 two ranger districts that have been combined into one.
13 The closest urban center to us now is the Bakersfield
14 area, which is growing, as you know. We use the
15 seasonal work force to provide a presence out on the
16 ground. We put them both in trucks and out on
17 motorcycles. We pair them together. We provide them
18 with law enforcement training. They serve as FPOs, and
19 they provide the law enforcement presence for us out on
20 the ground to educate the public, provide information
21 to them. The north half of our district is a

22 designated trail system. The south half is currently
23 an open riding area. So it's a big change from one
24 place to the other. We actually geographically have
25 four separate mountaintops that they can go and ride 370

1 in. And then we also work cooperatively there on the
2 district with two different sheriff's department, both
3 Kern County and Tulare County. So we would like to
4 think that by providing us with funding, we would be
5 able to maintain that seasonal work force to have that
6 presence out on the ground. Thank you.

7 CHAIR BRISSENDEN: Thank you.

8 DEPUTY DIR. GREENE: Chairman Brissenden, if I
9 may, just for clarification for members of the
10 Commission. This application was particularly
11 troubling. The applicant applied under last year's
12 criteria, and so therefore did not score very well at
13 all. So I just wanted -- for those of you who have not
14 had the opportunity to actually look at it and were
15 trying to understand why they did score so poorly, that
16 would be the reason why.

17 CHAIR BRISSENDEN: They made up for it with
18 letters, right?

19 DEPUTY DIR. GREENE: Yes, they did.

20 ED WALDHEIM: Mr. Chairman, we have to go into
21 executive session because this is an employee matter,
22 and we can't dwell on that. It's a federal issue.
23 We're not going to go into this issue why this grant
24 was not written properly, why it was wrong. Again, we
25 have to apologize. It was the wrong grant. It was a 371

1 big foul up, period. So we have to ask you for your
2 indulgence again.

3 We have a Forest Service that has the best
4 single-track riding of anybody. Ed Waldheim for
5 Stewards of Sequoia, Division of California Trails
6 Users Coalition and CORVA. This has one of the best
7 single-track trails riding next to Los Padres, but Los
8 Padres is half closed because of the fire. To not have
9 this here and not to have the O&M that we'll talk about
10 tomorrow, it would absolutely kill us, absolutely kill
11 us. And so we have to ask for your indulgence again.

12 We have a letter, and you have received the
13 packets of all of the e-mails. You've received a
14 letter from Senator Roy Ashburn, from Congressman --
15 new elected Congressman Kevin McCarthy, from Supervisor
16 Jon McQuiston. I assume you have received all of these
17 letters. I got these faxes. This is really -- it's a
18 tragedy, and I have to ask you, beg you for your help
19 on this one because we just fouled up. We just screwed
20 up.

21 And so what we would like to do is see if you
22 can get the points of project number one go up to 30
23 points on that; on number two, go to 25; number three
24 go to 15; and number four to go to ten for a total of
25 80. I know, Mr. Willard, that goes totally contrary to
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1 everything that you believed in, but what can I say?
2 We are sorry. We screwed up, and we cannot let a
3 forest and the users of the Sequoia National Forest go

4 downhill, especially we cannot let the trails be
5 impacted without the proper maintenance and the proper
6 policing. That would be criminal if we did that. So I
7 please ask for your forgiveness, and I hope you will
8 help us. Thank you.

9 CHAIR BRISSENDEN: Thank you. Other public
10 comment? Commissioners?

11 COMMISSIONER THOMAS: I think we have to do
12 staff on this one. It's too far to move. I would move
13 staff.

14 CHAIR BRISSENDEN: We have a motion.

15 VICE-CHAIR ANDERSON: I'll second that.

16 CHAIR BRISSENDEN: It's been moved and seconded.
17 Any discussion? All those in favor?

18 (Commissioners simultaneously voted.)

19 CHAIR BRISSENDEN: Opposed?

20 COMMISSIONER SPITLER: (Absent.)

21 CHAIR BRISSENDEN: So that's unanimous, so the
22 motion passes.

23 OHMVR STAFF ROACH: Next project, Plumas
24 National Forest with a request amount of \$173,000.
25 Division score of 35 at zero percent would be zero

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1 fundi ng.

2 FRED KRUEGER: Good evening, Commissioners, my
3 name is Fred Krueger. I'm the public service staff
4 officer for the Plumas National Forest. In summary, we
5 have also submitted information requesting that our
6 score be changed, and we'd appreciate your
7 consideration very much. The fact is in summary for

8 evaluation criteria, number one, we do work
9 collaboratively with the local law enforcement
10 agencies, Plumas County Sheriff's Department. We have
11 worked actively in signing and patrolling the
12 wilderness in the winter to almost eliminate
13 intrusions. These were demonstrated in the
14 application, and we have worked with barriers,
15 et cetera, and signage, and informal education with our
16 users, and it's been very helpful with them.

17 For criteria number two, main fact, the team
18 that I'm leading has completed our step two of our
19 route designation project. The Forest Order has been
20 signed by the forest supervisor, and was signed
21 December 1st, last Friday. It's going into effect
22 December 31st. That restricts motorized wheel vehicles
23 to routes, trails and areas as shown on the new maps
24 that have been published and are currently being
25 distributed through three public meetings that we've

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1 held this week and accepted by the public. That gives
2 them almost 7,000 miles of route they're riding in over
3 about 700,000 acres on Plumas National Forest, and we
4 can use your help in now being able to educate them and
5 enforce that new order until we get the routes
6 designated.

7 For number three, we're matching in the grant
8 providing \$37,800 for that. We've used volunteers and
9 that was demonstrated in the application.

10 And number four, while we haven't been funded in
11 law enforcement in the last few years, the rest of our
12 grants have been timely, accurately billed, et cetera.

13 So in summary, we would request that for item number
14 four, evaluation criteria number four, that we have 15
15 total points, 16 total points for number three, 30
16 points for number two based on the fact that our step
17 two in route evaluation is signed and in place, and 21
18 points for number one. And I would be more than glad
19 to answer any questions that you might have. Thank you
20 for your time this late evening, I do appreciate it.

21 CHAIR BRISSENDEN: Thank you. Any other public
22 comment?

23 SYLVIA MILLIGAN: Yes, I'm Sylvia Milligan, and
24 I'm with Recreation Outdoors Coalition and also the
25 California Nevada Snowmobile Association. And I can

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1 tell you, California does not end out here at the
2 county line. We have an obligation to the north part
3 of the state that I'm not seeing here today as being
4 fulfilled at all. This is an exemplary forest. It
5 works very well with its public. They have an FPO
6 officer that goes out. And I've been out riding; I've
7 spent the whole day riding with this man to see what he
8 does and what's happening on the forest. And I can
9 tell you, I have been absolutely amazed. This man,
10 this FPO that I rode with, showed me all of the signs.
11 They have the signs up. They show people where to go.
12 He works so well with the public. He is not the kind
13 of man that goes out to punish people that break the
14 law. He is the kind that very kindly tells them, you
15 know, this is what happened and this is what you need
16 to do in the future. And the public looks very, very

17 highly on the Plumas. I would hate to think that
18 because they no longer have law enforcement that this
19 relationship with the public could start to go away. I
20 would like to see you do something about the scores
21 here and give somebody in the north state some
22 recognition and some law enforcement money. Thank you.

23 CHAIR BRISSENDEN: Thank you.

24 DON KLUSMAN: Don Klusman, California 4-Wheel
25 Drive Association. Sylvia said it all, basically.

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1 This forest has worked with the users. They don't sit
2 there and demand or tell us what we're going to do.
3 They come and asked for us to come to them. I received
4 a phone call directly from this forest saying we're
5 going to sign this. We wanted to let you know, to give
6 you a heads up to let your constituents know what's
7 going on. The Plumas has been excellent over the
8 years, and they keep getting slapped in the face. And
9 I don't know what else to say. Thank you.

10 CHAIR BRISSENDEN: Thank you. Other comments?

11 OHMVR STAFF ROACH: Commissioner Brissenden, can
12 I make a comment?

13 CHAIR BRISSENDEN: Kelly.

14 OHMVR STAFF ROACH: I just wanted to advise all
15 of the Commissioners that this was another application
16 that included a law enforcement plan which was part of
17 last year's criteria instead of directly entering some
18 of the criteria. Also, it referenced to the comment
19 about volunteers, there was little factual detail as
20 stated in the factual findings, and they didn't fill
21 out the PAR or reference the PAR so we could go there.

22 So this was another really difficult one to score. The
23 public comments, my comment back would be, please help
24 them write their application.

25 CHAIR BRISSENDEN: Okay. Thank you.

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1 COMMISSIONER WILLARD: I move to approve staff
2 scoring.

3 COMMISSIONER THOMAS: This is a difficult vote.
4 I'm not going to support the motion.

5 CHAIR BRISSENDEN: We have a motion. Do we have
6 a second so we can go to discussion?

7 COMMISSIONER McMILLIN: I'll second it.

8 CHAIR BRISSENDEN: Discussion.

9 COMMISSIONER THOMAS: The Plumas is a good
10 forest, and I hear from people in my office who ride
11 snowmobiles up there. It's one of the best run winter
12 recreation areas around. Yet we're now sitting here
13 with a 35 scored grant. It almost puts us in a
14 position that's untenable, the gap between reality and
15 the grant. So if this is truly a grant-driven program,
16 somebody is going to have to provide some logic. This
17 is third from the bottom.

18 COMMISSIONER WILLARD: Chair.

19 CHAIR BRISSENDEN: Yes.

20 COMMISSIONER WILLARD: Very difficult to make
21 these motions, and it certainly is not an indictment
22 against the forest. I'm sure your forest is very well
23 run.

24 FRED KRUEGER: Thank you.

25 COMMISSIONER WILLARD: This is just extremely

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1 difficult, and I've got to look at the scores that
2 staff has come up with. And you're just so far away
3 from getting in the money that I just -- I can't see
4 going through trying to jump the scores up. It just to
5 me would be more like just try to manipulate things to
6 get it in the money. So, again, I'd like to leave my
7 motion up for vote.

8 CHAIR BRISSENDEN: Call for the question? Any
9 further discussion? All those in favor?

10 (Commissioners simultaneously voted.)

11 CHAIR BRISSENDEN: Opposed?

12 COMMISSIONER THOMAS: No.

13 FRED KRUEGER: Thank you.

14 OHMVR STAFF ROACH: Final project, Yucca Valley
15 Police Department with a request amount --

16 RICK COLLINS: Good evening, Commissioners,
17 Richard Collins, County of L.A. Police Department, OHV
18 coordinator. Obviously, this is my first year with the
19 grant application process. I have some things to
20 learn.

21 COMMISSIONER McMILLIN: So what were you doing
22 with last year's application then?

23 RICK COLLINS: All I can do is throw myself on
24 the mercy of the Commission and say this grant is badly
25 needed. We have a lot of illegal OHV activity in our

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1 area. It's only increasing with the loss of use in
2 Riverside County. We are adjacent to Riverside County,
3 and I'll ask the Commission for their consideration in

4 increasing my visible score.

5 CHAIR BRISSENDEN: Thank you.

6 COMMISSIONER SPITLER: Do you have specific
7 information for the Commission?

8 RICK COLLINS: I did provide some additional
9 information. One error I made on my grant was I
10 combined the equipment and enforcement grant into one
11 and cheated myself out of half the pages. So I overly
12 edited the information I provided. So I do have a
13 supplement to add to that to clarify each area. I can
14 go over that if you prefer or.

15 COMMISSIONER SPITLER: I think it would be
16 helpful if you did that briefly. Walk us through which
17 criteria you think warrant changes and why.

18 RICK COLLINS: Okay. Under 1(a), the applicant
19 uses education, patrol and law enforcement to protect
20 resources. I added the applicant will focus a
21 voluntary compliance via public service announcements,
22 OHV information pamphlets, schools, signing, and public
23 contacts followed by selective enforcement based upon
24 calls for service.

25 Under 1(b) addressed applicant will use

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1 education to direct enthusiasts to legal riding areas.
2 The applicant would protect private property at Joshua
3 Tree National Park. I'd like to add to that that we
4 would use signing and barriers to protect Joshua Tree
5 National Park, Nature Conservancy Lands, Big Morongo
6 Canyon Reserve, and Cleghorn Wilderness Area, the Sheep
7 Hole Wilderness Area, and any other federal, state and

8 county lands in our area.

9 Under reducing conflict, I failed to address
10 that, if you'd like me to elaborate on that?

11 CHAIR BRISSENDEN: You're in the red zone, so be
12 very brief.

13 RICK COLLINS: I don't know how detailed you
14 want me to get into this. I'll just summarize.

15 CHAIR BRISSENDEN: A Commissioner did ask you
16 the question. So if the Commissioner needs more
17 information, he can let you know.

18 RICK COLLINS: I'll address another one under
19 2(b). It says applicant mentions 1222 calls for
20 service last year, but does not specify if those were
21 emergencies. Those were not emergencies. Those were
22 calls for service made into dispatch by various people,
23 but the applicant will respond to emergencies and
24 assist other agencies such as BLM, CHP, code
25 enforcement, and the National Park Service. The

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1 funding from this grant provides additional resources
2 to respond to remote areas of the Morongo Basin where
3 OHV activities occur. These law enforcement personnel
4 are trained in all aspects of emergency response.

5 CHAIR BRISSENDEN: Does that get you what you
6 need?

7 COMMISSIONER SPITLER: I think so. Are you
8 going to pass that out to the Commission?

9 RICK COLLINS: I did. I supplied copies of this
10 at both meetings.

11 OHMVR STAFF STALLCOP: It's in your Commission
12 binder, under tab 31.

13 CHAIR BRISSENDEN: Thank you. Any public
14 comments?

15 BRENT SCHORADT: I'm Brent Schoradt with the
16 California Wilderness Coalition. I would just like to
17 add our support to this grant. And one important piece
18 of information to add is the fact that they've really
19 done a great job with their public outreach efforts.
20 They've come out with a brochure and public education
21 campaign that the local residents that we've worked
22 with down in the Morongo Basin and Yucca Valley have
23 actually helped to distribute the brochure. And it
24 clearly displays where it's okay to ride and where it's
25 not okay to ride. So I think it's a good example of

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1 the good work that this Commission funds, and we hope
2 you can support the rescore that they've submitted to
3 you. Thanks.

4 CHAIR BRISSENDEN: Further public comment?

5 JOHN STEWART: John Stewart, California
6 Association of 4-Wheel Drive Association and United
7 4-Wheel Drive Association. Law enforcement is a touchy
8 issue, and you have to look at these grants and look at
9 the criteria for grants that have been put in place,
10 and I know it's been a tough process to put an
11 objective criteria in place. And I believe this is an
12 objective criteria system we have here. And when you
13 look at this is a 33, yes, that's an extremely low
14 score, but I think trying to rescore this and being --
15 finagling around, I think it stretches the level of
16 credibility and it really starts to look at damaging

17 the credibility of the objective criteria and the
18 competitive process. So I'm in support of the staff's
19 scoring on the objective criteria as it stands. Thank
20 you.

21 CHAIR BRISSENDEN: Thank you. Commissioners?

22 VICE-CHAIR ANDERSON: I have a question, maybe
23 somebody can help me. I saw this brochure, but I'm not
24 sure. Is this brochure being funded under this grant
25 or reprint of it?

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1 RICK COLLINS: Under the previous grant, and
2 this grant would provide additional reprints, equipment
3 portion of it anyway.

4 VICE-CHAIR ANDERSON: Did this program get
5 credit for that funding on the brochure?

6 RICK COLLINS: I'm not sure what you mean.

7 VICE-CHAIR ANDERSON: Well, you know, thank you
8 for financial assistance in printing, kind of thing.

9 RICK COLLINS: That previous grant was under a
10 previous administrator, so I'm not sure what all was
11 done as far as that goes.

12 VICE-CHAIR ANDERSON: Okay. I'm just trying
13 scratch my memory, and I don't remember whether the
14 program logo was on the previous version of the
15 brochure. I thought the brochure was very good and
16 want to commend you for it. Was that brochure
17 submitted as a part of your application?

18 RICK COLLINS: This year?

19 VICE-CHAIR ANDERSON: Yes.

20 RICK COLLINS: Didn't put a copy of the
21 brochure, I used a map out of the brochure for one of
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22 the areas, but I made mention to it that we have the
23 brochure. That's in the equipment grant, though.

24 VICE-CHAIR ANDERSON: Okay. So that was in the
25 equipment grant where you asked for the money for the
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1 brochure?

2 RICK COLLINS: Yes.

3 VICE-CHAIR ANDERSON: It's no wonder that was
4 hard to score. I find a lot of sympathy for this.
5 There is also another situation certainly which is
6 going to stretch the reserves of the police department
7 being that you've had a recent fire run through the
8 area --

9 RICK COLLINS: Yes.

10 VICE-CHAIR ANDERSON: -- through Pi oneertown
11 which is right next to Yucca Valley.

12 RICK COLLINS: In the wilderness area, as well.

13 VICE-CHAIR ANDERSON: In the wilderness area.
14 And it's going to make patrolling that area much more
15 di ffi cul t.

16 That new information, from my perspective,
17 warrants an increased score for demonstrating
18 sustaining long-term OHV use. I'd like to increase
19 that score based on reducing intrusion into wilderness,
20 closed areas, and private property based on the results
21 of the fire, and I'd like to put that at 25.

22 Demonstrating how it will address OHV-related
23 public safety issues, what I saw in the brochure was a
24 lot of code regulations. There was a fairly
25 comprehensive list of what the compliance requirements
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1 are and the various regulations; am I correct?

2 RICK COLLINS: Yes.

3 VICE-CHAIR ANDERSON: So I'd like to increase
4 that score to 25 because I think that that brochure in
5 terms of education outreach, being proactive, and
6 enforcing laws and regulations is certainly all
7 incorporated within that brochure. And I'm sorry if it
8 wasn't presented with this grant, but it certainly was
9 a part of the funds -- need to go.

10 In category three, demonstrating the efficient
11 use of OHV Trust funds, the reducing future costs,
12 although you did not address it, I can see that this
13 kind of forward thinking is going to be helpful, and
14 I'd like to increase your score from seven to 12. I
15 don't know where I am, and I don't know if my efforts
16 are even going to get you any money, but I think your
17 project warrants these scores.

18 COMMISSIONER THOMAS: You need nine more.

19 VICE-CHAIR ANDERSON: Well, I don't know.

20 COMMISSIONER THOMAS: Go to the next category.

21 VICE-CHAIR ANDERSON: I'm looking, I'm looking.

22 COMMISSIONER SPITLER: May I offer some
23 assistance?

24 VICE-CHAIR ANDERSON: Sure.

25 COMMISSIONER SPITLER: I'm looking here at the
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1 spreadsheet that the applicant has provided where he
2 walks through every single criteria that the
3 application categories contain and provides pretty

4 extensive information on why the scores should be
5 increased. I scored this grant under the first
6 category of sustaining long-term OHV use as a 35, and
7 that's based on -- partly based on the information in
8 the application, but certainly based on the information
9 the applicant passed out at this meeting documenting
10 how they're reducing intrusion into wilderness,
11 enclosed areas including Joshua Tree, Nature
12 Conservancy Lands, Big Morongo Canyon Preserves, Sheep
13 Hole Wilderness, Cleghorn Wilderness Area, and other
14 lands. And regarding the second criteria, I scored the
15 applicant a 30. I think the 1200 calls for emergency
16 service is a pretty phenomenal number that the
17 applicant responded to. And under information here
18 that the applicant provided I think is pretty strong
19 considering the partnerships with San Bernardino County
20 enforcement of CVC and other related codes. And
21 regarding the third -- I scored that as a 30.

22 And the third category I scored as a 20. For
23 efficiency, applicant mentions 9,000 of volunteer time,
24 and this application would be based on volunteer
25 patrols. To me that's exactly what we're looking for

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1 with efficiency. So I, based on that, and the last
2 category I would leave alone, I would propose a score
3 of 87. I'm not sure Commissioner Anderson, if you're
4 making a motion, or if you'd consider that as part of
5 the motion.

6 VICE-CHAIR ANDERSON: Do you want my second to
7 your motion? I'll do that.

8 COMMISSIONER SPITLER: Sure, that would be good.

9 CHAIR BRISSENDEN: So we have a motion and a
10 second. And under discussion --

11 COMMISSIONER THOMAS: The Commissioner may not
12 have got it quite right, 2(b) is not emergency
13 response. There were not 1200 calls of emergency
14 response, there were 1200 service calls. Perhaps you
15 can adjust your 2(b) number to reflect -- adjust it
16 downward from 30 to reflect that.

17 COMMISSIONER SPITLER: I'm sorry, from 30 down
18 to?

19 COMMISSIONER THOMAS: Whatever you believe the
20 evidence shows, counsel.

21 COMMISSIONER SPITLER: I'll adjust it downward
22 to 27, which is what the applicant suggested. If the
23 second of the motion will accept, that would be a final
24 score of 84.

25 COMMISSIONER THOMAS: There you go.

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1 CHAIR BRISSENDEN: We have an adjusted motion
2 and second.

3 VICE-CHAIR ANDERSON: All right.

4 CHAIR BRISSENDEN: So further discussion? We're
5 on our last item. Commissioner Willard.

6 COMMISSIONER WILLARD: I'm sorry, I just can't
7 hold my tongue here. This just wouldn't be fair to all
8 of the other applicants. How can we even consider
9 doing something like this? This is supposed to be
10 objective. It's supposed to be based on the facts that
11 we hear, not conclusory statements. And there have
12 been so many other grants that have come before here

13 where we could have done the same thing, and now with
14 the last grant that scored the lowest, we're going to
15 just go in and mark up the scores. I'm sorry, I just
16 don't see the fairness and the logic in that.

17 CHAIR BRISSENDEN: Any other comments?

18 COMMISSIONER McMILLIN: I agree with you, Gary,
19 wholeheartedly. You ought to go buy a lottery ticket.

20 CHAIR BRISSENDEN: Any other comments?

21 VICE-CHAIR ANDERSON: I would just say that my
22 personal concerns are related to the situation on the
23 ground that has changed since this application was
24 submitted. In particular, the really acute problems of
25 enforcement of the wilderness and protected areas, and
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1 right around Pioneertown and to the east and west. And
2 I think that this is a fairly small grant, and we're
3 not talking about a lot of money here, and I think
4 it's -- I think it's justified on the basis of the
5 change on the ground, and that's --

6 CHAIR BRISSENDEN: That's helpful, Commissioner
7 Anderson. The question has been called for, so those
8 in favor?

9 COMMISSIONER SPITLER: Do a roll.

10 MS. ELDER: Anderson.

11 VICE-CHAIR ANDERSON: Aye.

12 MS. ELDER: Brissenden.

13 CHAIR BRISSENDEN: Aye.

14 MS. ELDER: McMillin.

15 COMMISSIONER McMILLIN: No.

16 MS. ELDER: Pri zmi ch.

17 COMMISSIONER PRIZMICH: No.
18 MS. ELDER: Spittler.
19 COMMISSIONER SPITLER: Aye.
20 MS. ELDER: Thomas.
21 COMMISSIONER THOMAS: Aye.
22 MS. ELDER: Willard.
23 COMMISSIONER WILLARD: No.
24 MS. ELDER: The ayes have it.
25 CHAIR BRISSENDEN: Thank you. Is that a

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1 statement? So we're at the end of the law enforcement
2 projects.
3 RICK COLLINS: Thank you.
4 DEPUTY DIR. GREENE: Commissioner Brissenden,
5 was public comment taken on that particular
6 application?
7 COMMISSIONER THOMAS: Yes.
8 DEPUTY DIR. GREENE: It was, I'm sorry.
9 CHAIR BRISSENDEN: It seemed like a long time
10 ago, but I believe we did. There was at least the CWC
11 commented.
12 MS. ELDER: John Stewart.
13 CHAIR BRISSENDEN: John Stewart.
14 We are at eight o'clock, which we said we would
15 adjourn at this time. Is there any unfinished business
16 from this last round that we should address?
17 COMMISSIONER McMILLIN: When do we know how this
18 all adjusted out?
19 CHAIR BRISSENDEN: Aaron is working on it right
20 now.
21 COMMISSIONER McMILLIN: I have a question.

22 (Discussion held off the record.)

23 CHAIR BRISSENDEN: So there is a question
24 pending.

25 COMMISSIONER THOMAS: I just have a question

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1 about how the tie breaker goes. When is that
2 determined?

3 DEPUTY DIR. GREENE: That could be determined as
4 soon as, if there is, in fact, a tie, which I believe
5 there is, and we have a coin, that the Chief of the
6 Division will flip, and we will have that.

7 COMMISSIONER McMILLIN: As comical as this is,
8 we might as well end the night on a coin toss.

9 DEPUTY DIR. GREENE: On the flip of a coin.

10 CHAIR BRISSENDEN: It's been recommended by one
11 Commissioner.

12 COMMISSIONER McMILLIN: Check that coin. It
13 could be a double-headed coin.

14 VICE-CHAIR ANDERSON: I think they have things
15 to look at first.

16 COMMISSIONER McMILLIN: So that's the way it's
17 determined, huh?

18 DEPUTY DIR. GREENE: Chapter two. We have to
19 find out. Aaron, how many ties?

20 CHAIR BRISSENDEN: Quiet in the room.

21 OHV STAFF FREITAS: There are two ties between
22 El Centro and Pacific Southwest Region.

23 COMMISSIONER McMILLIN: That's one tie, two
24 applicants.

25 (Informally simultaneously speaking, inaudible.)

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1 CHAIR BRISSENDEN: I need counsel on this since
2 this is territory we've not gotten to, at least in my
3 time.

4 COMMISSIONER SPITLER: BLM is heads and Forest
5 Service tails.

6 DEPUTY DIR. GREENE: Just if I may for one
7 moment, just chapter two -- for the record, chapter two
8 indicating under funding cutoff and ranking of the
9 projects, after the final Commission allocation in the
10 event multiple projects have the same score at the
11 cutoff line, the Division will utilize a random
12 selection to break the ties and determine which
13 projects will receive funding.

14 VICE-CHAIR ANDERSON: Okay. The Division gets
15 to do this.

16 CHAIR BRISSENDEN: Clarification, though,
17 because there are two very different amounts involved,
18 if, for example, the BLM wins the coin toss, they will
19 only receive what is left; is that correct?

20 VICE-CHAIR ANDERSON: That's correct.

21 CHAIR BRISSENDEN: 387,349.

22 DEPUTY DIR. GREENE: I don't have those numbers
23 in front of me, Chairman Brissenden.

24 CHAIR BRISSENDEN: So they're really tossing for
25 that amount.

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1 COMMISSIONER McMILLIN: Yes.

2 CHAIR BRISSENDEN: I just wanted to make certain
3 the applicants and the audience knew this. This is not

4 an insignificant coin toss for \$387,000, so be careful.

5 CHIEF JENKINS: So who's heads?

6 COMMISSIONER SPITLER: BLM is heads; Forest
7 Service is tails.

8 COMMISSIONER THOMAS: Hang on a second, before
9 we do that, the stakes are very high for one and not so
10 high for the other. It may be possible to just
11 reconsider one of the grants rescore and effectively --
12 well, in fairness -- well.

13 COMMISSIONER McMILLIN: So it can be done in
14 public.

15 COMMISSIONER THOMAS: Well, one could be
16 equitable and one could be brutally fair.

17 (Inaudible, Reporter interrupted.)

18 COMMISSIONER THOMAS: Strike the last statement.
19 Well, that's very good without it. I took it off the
20 record. Thank you.

21 CHAIR BRISSENDEN: So you're not suggesting at
22 this point that we have a reconsideration. You've
23 taken that off. So there is shaking of heads. I'm not
24 getting any conversation.

25 So we have a heads BLM and tails the Forest

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1 Service, and I have one person at the podium that
2 really wants to speak his piece and I think --

3 DON KLUSMAN: I have a question of counsel and
4 probably the Division. Just because you passed motions
5 today, and that's what is currently on, you're assuming
6 that there are no mistakes, you're assuming that this
7 is not the end of this grant session, I don't see how

8 you can flip a coin yet until all of the figures have
9 been double checked and until the Division says this is
10 what you did.

11 VICE-CHAIR ANDERSON: I would tend to agree with
12 you.

13 COMMISSIONER THOMAS: I think that's very well
14 put.

15 CHAIR BRISSENDEN: We don't need to do the toss
16 at this point?

17 DEPUTY DIR. GREENE: No, not at all. We can
18 confirm the numbers and do it tomorrow.

19 (Simultaneously speaking, inaudible.)

20 CHAIR BRISSENDEN: But I think we will postpone
21 that.

22 COMMISSIONER WILLARD: Chair, I would like to
23 hear if the applicants have anything to say about maybe
24 talking to one another about some other type of an
25 outcome.

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1 CHAIR BRISSENDEN: I think that would just
2 ruin -- the criteria would really be blown out of the
3 water at that point, and so would the scoring.

4 COMMISSIONER SPITLER: I would like to hear from
5 the applicants if they want to decide this now or wait
6 until later.

7 KATHLEEN MICK: We would prefer to decide it
8 now. We've talked and I've talked to the deputy
9 regional forester. We believe that whatever the coin
10 tells us, we'll have a suggestion once the decision has
11 been made and the allocation has been made so we're not
12 outside of a process.

13 CHAIR BRISSENDEN: All right. So you're back in
14 the field, Mr. Jenkins. I'm okay with that, if the
15 Commission is okay with that.

16 COMMISSIONER SPITLER: BLM El Centro, would you
17 prefer to decide this now or later?

18 DEPUTY DIR. GREENE: Regardless of what they
19 decide, we still have to confirm the numbers tonight,
20 obviously.

21 CHAIR BRISSENDEN: It won't affect too much in
22 the end.

23 Sir, we're not taking comment from the public
24 right now.

25 NEIL HAMADA: El Centro agrees with that

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1 recommendation that she just made. Neil Hamada, BLM
2 El Centro.

3 CHAIR BRISSENDEN: Okay. So Phil.

4 COMMISSIONER SPITLER: BLM is heads, Forest
5 Service is tails.

6 CHIEF JENKINS: I'll flip it, let it land, and
7 we will see it on the floor.

8 (Coin tossed in front of Commission podium.)

9 CHAIR BRISSENDEN: It's under the stage. That's
10 no fair.

11 CHIEF JENKINS: Heads. It was heads.

12 CHAIR BRISSENDEN: All right. There you go,
13 BLM.

14 This has been a long time. I'm amazed at how
15 many have remained. Thank you. We will be here at
16 8:30 tomorrow morning, and we'll start with restoration

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17 grants.

18 (Meeting adjourned at 8:04 p.m.)

19 Respectfully submitted,

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21

22

23 Cheryl Kyle, CSR No. 7014

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