

STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

REGULAR MEETING

Saturday, December 9th, 2006

8:29 a.m. to 4:05 p.m.

held at

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

Reported by CHERYL L. KYLE, CSR No. 7014

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1 (Sacramento, California, Saturday, December 9, 2006.)

2 --oOo--

3 CHAIR BRISSENDEN: So welcome back for many of  
4 you, not all of you. We have a full day ahead of us.  
5 We'll begin by asking the retiring sheriff --

6 COMMISSIONER PRIZMICH: It's been the longest  
7 retirement I've ever had.

8 CHAIR BRISSENDEN: When did it start?

9 COMMISSIONER PRIZMICH: It's been ongoing for a  
10 year.

11 CHAIR BRISSENDEN: Party after party. So if you  
12 could just lead us in the Pledge of Allegiance.

13 COMMISSIONER PRIZMICH: Would be honored to.

14 (Pledged the Flag.)

15 COMMISSIONER PRIZMICH: I think before we get  
16 started, I made a reference to Calaveras County  
17 yesterday, and I kept trying to remind myself to  
18 correct the record. I meant to say Alpine County  
19 versus Calaveras. It was early on, and it was during a  
20 Calaveras presentation. And I'll try to remember to  
21 correct that in the record next time. I inadvertently  
22 said the wrong county. So I just wanted to correct it  
23 now, and I'll try to do it again when the report comes  
24 out.

25 CHAIR BRISSENDEN: So noted.

1           We have a couple of housekeeping items to take  
2   care of, and then we will get right into the  
3   restoration schedule. We need to set our calendar for  
4   this coming year, and I'm suggesting late January. And  
5   there is, if you haven't noticed, in the back of the  
6   binder there is a calendar for next year if you want to  
7   reference those dates. So we could do the 25th, 26th.

8           COMMISSIONER SPITLER: Just looking at one day,  
9   I assume.

10          CHAIR BRISSENDEN: We have to do the annual  
11   public workshop slash planning meeting, and it's a good  
12   long afternoon typically. And we had a few suggestions  
13   for agenda items yesterday. So I would hope one day.  
14   There are some great facial remarks at the other end of  
15   the dais over there. So shall we say the 25th,  
16   Thursday?

17          COMMISSIONER SPITLER: So are we talking two  
18   days?

19          CHAIR BRISSENDEN: I would hope one day.

20          COMMISSIONER SPITLER: If we're doing one day,  
21   it's better for me to do a Friday. So I would prefer  
22   Friday, the 26th, Friday.

23          CHAIR BRISSENDEN: Friday is my wife's birthday.  
24   What trouble that could be. Let's schedule two, shoot  
25   for one and we'll start on Thursday.

1           COMMISSIONER McMILLIN: I've been to three  
2 meetings and we've been pushing agenda items off every  
3 meeting, and I think we should try to wrap all that up  
4 if we can.

5           COMMISSIONER THOMAS: What are your days again?

6           COMMISSIONER SPITLER: So typically we do the  
7 public workshop on a Saturday, so are we looking at a  
8 Friday, Saturday?

9           CHAIR BRISSENDEN: Okay. So we're looking at  
10 26, 27.

11          COMMISSIONER SPITLER: How does that work for  
12 your --

13          CHAIR BRISSENDEN: Well, if I celebrate for the  
14 week before, I'm okay.

15          VICE-CHAIR ANDERSON: What are celebrating?

16          CHAIR BRISSENDEN: My wife's birthday.  
17 Otherwise, I don't come to these things. Some of you  
18 would wish that I wouldn't celebrate my wife's  
19 birthday. So the 26th, 27th, okay. Does that work?

20                 Then moving forward.

21          VICE-CHAIR ANDERSON: Mr. Willard and I both  
22 have birthdays around that time, too.

23          COMMISSIONER WILLARD: We could have a party.

24          CHAIR BRISSENDEN: So I'll bring Patty here,  
25 she'll love that.

1           And then I'd ask Judith to get together with the  
2 BLM to set up a tour in the south towards the end of  
3 March looking at maybe 29th, 30th.

4           VICE-CHAIR ANDERSON: 29, 30.

5           CHAIR BRISSENDEN: Of March, won't work for you?

6           COMMISSIONER WILLARD: The only weekend in  
7 March would be the 23rd, 24th, 25th is open.

8           CHAIR BRISSENDEN: Will the flowers be okay?

9           VICE-CHAIR ANDERSON: That's okay.

10          CHAIR BRISSENDEN: 23rd, 24th?

11          VICE-CHAIR ANDERSON: I'm trying to get  
12 Dr. Weigand's attention. That's okay, too.

13          JIM WEIGAND: Yes.

14          DEPUTY DIR. GREENE: Chairman Brissenden, so  
15 you're looking for us to set up the tour on the 23rd?

16          CHAIR BRISSENDEN: On Friday.

17          COMMISSIONER SPITLER: And then a meeting on  
18 Saturday.

19          CHAIR BRISSENDEN: Well, you didn't notice it as  
20 a meeting because we'll probably be talking riparian as  
21 we're out in the desert, so it has to be noticed.

22          And then there has been some discussion about  
23 the subcommittee meetings not being a necessary item,  
24 given the amount of material that we review --  
25 re-review at these meetings. So we won't schedule

1 those this next year unless I have a great human cry.  
2 So scheduling a grants series of meetings in early  
3 November, like 1st and 2nd, 2nd and 3rd.

4 COMMISSIONER WILLARD: I'm not available that  
5 weekend, those dates.

6 DEPUTY DIR. GREENE: I think on the calendar,  
7 Chairman Brissenden, from the 1st to the 16th, when we  
8 tried to cross-reference with everybody, all of the  
9 Commissioners, plus then events date for all of the  
10 communities, I think the 1st through the 16th most  
11 Commissioners had problems with schedules for the  
12 Commissioners. The 19th through the 29th seem to be  
13 open, but I know that's Thanksgiving.

14 VICE-CHAIR ANDERSON: Thanksgiving week,  
15 November?

16 CHAIR BRISSENDEN: What was the first date that  
17 won't work for Gary, 1st and 2nd, 2nd, 3rd? So you're  
18 saying cross out basically November, other than we're  
19 doing Thanksgiving Day here that would be appropriate.

20 COMMISSIONER McMILLIN: Daphne, I could be  
21 flexible on the two weeks they told you I wasn't going  
22 to be there.

23 COMMISSIONER WILLARD: What about the 9th, 10th?

24 COMMISSIONER THOMAS: These are subcommittee  
25 meetings?

1           VICE-CHAIR ANDERSON: No, talking  
2 two-and-a-half.  
3           COMMISSIONER THOMAS: Two-and-a-half days.  
4           CHAIR BRISSENDEN: This is helpful, the sixth  
5 hour.  
6           COMMISSIONER McMILLIN: If I was the only one  
7 that was unavailable on the 9th and 10th, I'll make  
8 that work.  
9           COMMISSIONER SPITLER: How about the 9th and 10?  
10          COMMISSIONER WILLARD: Yes.  
11          VICE-CHAIR ANDERSON: Was that a problem?  
12          CHAIR BRISSENDEN: There are two of us that are  
13 gone at that time, it looks like.  
14          COMMISSIONER SPITLER: Pay attention, Mardi.  
15          DEPUTY DIR. GREENE: Just looking at the  
16 possibility of not getting through everything today,  
17 would you be interested in three days so that we can  
18 get all of it taken care of.  
19          CHAIR BRISSENDEN: No, I think as you suggested  
20 early, we're going to a coin toss for all of them, and  
21 so it's only really a half day.  
22          COMMISSIONER SPITLER: We will get it done in  
23 two days.  
24          CHAIR BRISSENDEN: I'll work around the 9th,  
25 10th if we have agreement there.

1           COMMISSIONER McMILLIN: How are we going to get  
2 it all done in two days without the subcommittee  
3 meetings, because there were a substantial amount of  
4 these that were on the Consent Calendar.

5           COMMISSIONER SPITLER: Still do a Consent  
6 Calendar.

7           COMMISSIONER McMILLIN: Still do a Consent  
8 Calendar without hearing from the applicant and without  
9 hearing from the public? That doesn't sound right.

10          COUNSEL LaFRANCHI: You could do the chair, as  
11 they did this year, could set up a Consent Calendar,  
12 distribute that, and then the public would have an  
13 opportunity to request that it be pulled off Consent,  
14 so it could work that day.

15          CHAIR BRISSENDEN: And the second or third year  
16 is a charm for many of the staff. So we will really  
17 have it down for next year exactly what we want and  
18 they want, right? So the 9th and 10th, okay. Okay.  
19 We will look at perhaps a June meeting, at the  
20 January meeting.

21          VICE-CHAIR ANDERSON: If we have a meeting in  
22 September also this year.

23          CHAIR BRISSENDEN: I would prefer to get it down  
24 to four.

25          VICE-CHAIR ANDERSON: Okay. June or September,



1 something like that I think.

2 CHAIR BRISSENDEN: What's in September?

3 VICE-CHAIR ANDERSON: In terms of getting the  
4 strategic planning done, putting up the January, as it  
5 were.

6 COMMISSIONER McMILLIN: It's not going to be  
7 January.

8 VICE-CHAIR ANDERSON: No, it's not going to be  
9 January, absolutely.

10 CHAIR BRISSENDEN: We could do it, according to  
11 the green on this calendar, I could do a 13, 14. Look  
12 at the 14th this month.

13 VICE-CHAIR ANDERSON: Which month?

14 CHAIR BRISSENDEN: September.

15 COMMISSIONER WILLARD: What are we looking at?

16 CHAIR BRISSENDEN: 14th of September.

17 COMMISSIONER WILLARD: That works.

18 CHAIR BRISSENDEN: So the 14th of September.  
19 Just reviewing, the 26th, 27th of January; 23rd, 24th  
20 of March; 14th of September; and the 9th and 10th of  
21 November. Okay. Thank you.

22 COUNSEL LaFRANCHI: Chair Brissenden, may I just  
23 ask is the March tour going to be considered a full  
24 meeting?

25 CHAIR BRISSENDEN: Yes, as I indicated earlier.

1           COUNSEL LaFRANCHI: I just wanted to point out  
2 that the Commission is obligated to meet at least four  
3 times at various locations to take input from the  
4 public. So that's why I was asking if the --

5           CHAIR BRISSENDEN: We satisfied it.

6           COUNSEL LaFRANCHI: -- 14th meeting would be for  
7 that purpose, also.

8           CHAIR BRISSENDEN: Yes.

9           COMMISSIONER WILLARD: Where will that be?

10          CHAIR BRISSENDEN: We are trying to do  
11 north/south, north/south.

12          COMMISSIONER THOMAS: Some desert riparian wet  
13 spot.

14          VICE-CHAIR ANDERSON: That's in March.

15          CHAIR BRISSENDEN: That's March.

16          VICE-CHAIR ANDERSON: That is March that we're  
17 going to have a wet spot in the desert.

18          CHAIR BRISSENDEN: January obviously will be  
19 here. March in the south, and will be September in the  
20 south. We'll discuss that off-line. Thank you.

21                 I've been reminded by the notetaker that there  
22 is still way too much conversation out there, so please  
23 take your conversation to the back of the room outside.  
24 Thank you. So moving right along.

25                 I've been reminded that we will be adjourning

1 today at 3:00 p.m. to accommodate travel schedules and  
2 staff getting home to see their families and other such  
3 things. And if we don't quite make the cutoff of all  
4 of the grants, we will roll them into the  
5 January meeting. So we'll try with your great help out  
6 there to get through most of it, if not all, and try  
7 and get the essential ones done prior to 3:00.

8 COMMISSIONER WILLARD: For the Chair, there  
9 ought to be a point deduct if the red light comes on  
10 for the applicant talking minus ten points.

11 COMMISSIONER THOMAS: Are you asking to rerate  
12 the regs?

13 CHAIR BRISSENDEN: Obviously brevity is scored  
14 high, so thank you for that suggestion. There also was  
15 a suggestion due to the lateness of the hour last  
16 night, and I don't think we'll be able to do it today,  
17 but to start at the bottom on some of these, meaning  
18 starting at the zeros and going up, and I think that  
19 has some problems, but I just wanted to pass that  
20 suggestion along.

21 And also just a reminder, if you have items that  
22 you wish to talk about that are not on the agenda, we  
23 will have public forum at 11:00, or approximately 11:00  
24 this morning. John, are you up?

25 OHMVR STAFF PELONIO: Yes, John Pelonio,

1 Division staff, I'll be introducing the restoration  
2 projects. We have 27 restoration projects. Total  
3 request amount is \$6,980,079. We were generally  
4 disappointed with some of these projects with the lack  
5 of specific factual detail. We would have liked to  
6 have been able to -- since the request amounts are  
7 lower than the allocated amount, which is \$7,500,000,  
8 we would have liked to have had them score higher, but  
9 we just weren't able to find the factual details to  
10 support higher scores.

11 CHAIR BRISSENDEN: Is that because we've worked  
12 out a fairly new process, and it's a new bucket to  
13 many? Is it not practiced in the field enough?

14 OHMVR STAFF PELONIO: It may be that there is a  
15 misunderstanding on the need for factual details. We  
16 received a lot of general, broad statements. We tried  
17 to make it clear at the workshops, however, that we  
18 needed specific factual details in order to award  
19 points.

20 CHAIR BRISSENDEN: Okay.

21 VICE-CHAIR ANDERSON: We need to sort out which  
22 ones are on the Consent Calendar.

23 CHAIR BRISSENDEN: That's true. At this point  
24 it's been suggested that we sort those that are on  
25 Consent, and at this moment we have --

1 VICE-CHAIR ANDERSON: Three.

2 CHAIR BRISSENDEN: -- four I see on Consent, all  
3 of which have the possibility of comment because they  
4 didn't get an opportunity at the subcommittees. Any  
5 suggestions?

6 COMMISSIONER SPITLER: I would make a motion  
7 that we approve the Consent items.

8 COMMISSIONER THOMAS: Second.

9 CHAIR BRISSENDEN: It's been moved and seconded  
10 for the Consent items. I notice we have public  
11 standing to comment on perhaps one of them.

12 LESTER LUBETKIN: Lester Lubetkin, Eldorado  
13 National Forest. I'd like to request that OR-2-E-75,  
14 number line 19, be removed from the Consent. Thank  
15 you.

16 JACK HORNER: Jack Horner, Mendocino National  
17 Forest. I'd like to request that line item 21-ME-53 --  
18 53 or 63, didn't back up far enough -- be pulled off of  
19 Consent.

20 MARTY HORNICK: Marty Hornick from the Inyo  
21 National Forest, I'll jump on that bandwagon, too,  
22 number 13, that's I-76 please remove from the calendar.

23 LARRY ANDERSON: Larry Anderson,  
24 Humboldt-Toiyabe National Forest, line item 25,  
25 OR-2-18-16.

1 COMMISSIONER SPITLER: I withdraw my motion.

2 COMMISSIONER THOMAS: Let's start at the top and  
3 go.

4 CHAIR BRISSENDEN: So there have been some  
5 discussions with regards to this pot of money, and I'm  
6 just going to beg some direction from the Commission in  
7 terms of which way they wish to go. Some have  
8 suggested that we just prorate all of them and just  
9 fund them all. And then there's always been a  
10 suggestion that there is some planning for restoration  
11 that's rather critical that needs to be coming from  
12 this particular pot. So shall we discuss that?

13 COMMISSIONER SPITLER: I think we should just  
14 start going through them in order, top to bottom.

15 COMMISSIONER THOMAS: Let's just do the funding  
16 to get through it.

17 CHAIR BRISSENDEN: I tried to simplify it.  
18 Okay. Ready, begin.

19 OHMVR STAFF PELONIO: Line number one, BLM  
20 Bishop Field Office, Restoration, request amount  
21 \$204,516, received a score of 89 for 80 percent  
22 funding, which would be \$163,613.

23 RICHARD WILLIAMS: Good morning, Richard  
24 Williams, Bureau of Land Management, Bishop. My middle  
25 name is brevity.

1           While the application wasn't perfect, I do  
2 believe through factual statements in the application  
3 that deserves a 96 out of 100. I can go through that  
4 point by point if the Commission would so like.

5           CHAIR BRISSENDEN: Prefer not, unless you have  
6 particular questions.

7           COMMISSIONER SPITLER: I'd like to hear, if you  
8 could just very briefly, go through why you think you  
9 warrant an increased score.

10          RICHARD WILLIAMS: Well, let me start out with  
11 this application, and these restoration projects are a  
12 direct result of the Restoration Environmental  
13 Assessment that was funded by this Commission, and  
14 these are priority restoration projects that affect  
15 soil, water, wildlife, wildlife habitat, view shed,  
16 cultural resources, and very sensitive cultural  
17 resources.

18          COMMISSIONER SPITLER: Mr. Brevity, can I just  
19 ask you, one, just specifically in regards to specific  
20 scores that you received by the staff, can you just  
21 comment specifically which scores you think should be  
22 increased and why?

23          RICHARD WILLIAMS: Sure. Yes, number one, 38  
24 out of 40, I'm requesting two more points on that.

25          COMMISSIONER THOMAS: Why?

1           RICHARD WILLIAMS: Like I was saying, there's  
2 some cultural issues that weren't as specifically  
3 mentioned because of the fact that they are a  
4 significant site that we would like to close and  
5 protect. The soil, water, wildlife, protection of  
6 songbirds, migratory birds, the sage grouse habitat,  
7 the rare alkali plant community.

8           Number two, 15 out of 15. As we stated on page  
9 three, the initial cost is a little bit high with the  
10 fencing and the barriers, however, maintenance in the  
11 long run is greatly reduced because vehicles will not  
12 trespass after we're done with this project. This will  
13 be a permanent closer, and the maintenance cost would  
14 be next to nothing.

15           Number three, 20 out of 20. That's an increase  
16 of two, and we are repairing illegal OHV activity, and  
17 we have a proven track record in our repair.

18           And the last one would be 12 out of 15, and  
19 that's the fourth one. There is one where we had  
20 received a higher score on the conservation grant,  
21 previous projects completed with OHV Trust fund, I  
22 mentioned environmental assessment, that was completed  
23 on time. I believe we should receive a four as opposed  
24 to the two. And then the second one, the fiscal  
25 accountability, similar grants, on the conservation



1 grant, I did receive a four on that, and I believe I  
2 deserve a four on this one, also.

3 CHAIR BRISSENDEN: Any other comments or  
4 questions? Thank you.

5 Any public comment?

6 PAUL McFARLAND: Paul McFarland, Friends of the  
7 Inyo. Yes, I also think that this grant score should  
8 be raised. In item number one, the Volcanic Table  
9 lands is designated critical habitat for the fish  
10 slough milk-vetch and the pupfish, so I think that  
11 should go up to 40 out of 40.

12 For number two, the Bishop BLM does a phenomenal  
13 job using partners and bring in other leveraged  
14 dollars. For example, this grant will be matched with  
15 a \$25,000 grant just received from the Fish and  
16 Wildlife Service. It also includes an extensive amount  
17 of volunteer time by my organization, Friends of the  
18 Inyo, as well as Quail Unlimited, California Native  
19 Plant Society, Range of Light, Sierra Club, and the  
20 Mule Deer Foundation. So you can see everybody all  
21 across the board gets out and helps out on the Bishop  
22 BLM.

23 For number three, I think that should also be 20  
24 out of 20. This area I have worked on some volunteer  
25 closures with. They've done some -- just the minimal

1 attempts that you can do on a weekend. It's time to  
2 really get in and do a great job here, and that's what  
3 this job will do, is finally close it off.

4           And then for number five, the final one, I think  
5 they should be raised up to at least 13 out of 15  
6 because again this is an area where history of fiscal  
7 accountability, they were scored at least a four on  
8 their conservation grant, but here a three. No real  
9 explanation was given. Also, one of the things that  
10 this office has done, that I hope to see other BLM and  
11 forest offices do, is a problematic restoration EA that  
12 covers restoration activities across their field area,  
13 which really cuts down on the amount of time it takes  
14 to do the NEPA to get these projects going. So it's a  
15 great program. And hope we can see the score raised  
16 up. Thanks very much.

17           CHAIR BRISSENDEN: Thank you. Commissioners?  
18 Commissioner Willard.

19           COMMISSIONER WILLARD: I'm going to need to hear  
20 factual statements, new information that's factual, not  
21 conclusionary statements, not they're doing a good job,  
22 or they did this or that. It has to be something  
23 that's a real hard fact because otherwise I'm going to  
24 always assume that staff did their job, and the scores  
25 are correct, unless I hear something that's different,

1 that's a new factual finding that could allow me to  
2 raise the scores. As much as I want to because we have  
3 money left over in this category, we certainly can, but  
4 again, I think it's the system that we have in place;  
5 I'm going to want to abide with it because those are  
6 the rules that we're all playing with. And so it's  
7 going to be really hard for me to vote for increasing  
8 scores unless I hear some new information.

9 On this particular grant, I think I heard in the  
10 second category that perhaps there was some new  
11 information that I could see raising it by two points.  
12 But other than that, that's about as far as I could do.

13 CHAIR BRISSENDEN: Commission Spitler.

14 COMMISSIONER SPITLER: I think that the -- I  
15 think this applicant warrants a higher score, as I'm  
16 sure will be no surprise to anyone here, and I think  
17 many of the restoration applicants warrant higher  
18 scores.

19 Under the first item, no question that this  
20 applicant warrants a score of 40 out of 40. They talk  
21 about an area of critical environmental concern,  
22 sensitive species habitat, archeological sites,  
23 et cetera. I would increase that score to 40.

24 Under the second item regarding efficiency,  
25 applicant lists the partnerships, Point Reyes

1 Birdatory, et cetera. A member of the public mentioned  
2 the amount of money coming into the project from Fish  
3 and Wildlife Service. I would move that score to 15.

4 And under the final category, completion of  
5 prior projects within time frame provided, I'm looking  
6 at page 287 of the application which lists the prior  
7 project, and their time frame. And I think that  
8 warrants a score of five out of five. So I would move  
9 the application for a final score of -- I think that  
10 adds up to 96.

11 CHAIR BRISSENDEN: We have a motion.

12 OHV STAFF FREITAS: Do you mean 15 out of five,  
13 the last one.

14 COMMISSIONER SPITLER: Excuse me?

15 OHV STAFF FREITAS: Do you mean 15 out of five?

16 COMMISSIONER SPITLER: Five out of five on the  
17 first, on item 5(a), so the total score would be 13 out  
18 of 15.

19 OHV STAFF FREITAS: Thank you.

20 COMMISSIONER SPITLER: I would move that.

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

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

23 Discussion?

24 VICE-CHAIR ANDERSON: Just before you get to the  
25 public comment.

1 CHAIR BRISSENDEN: We've already done that.

2 You're now the commenting public.

3 VICE-CHAIR ANDERSON: I was just going to say  
4 that I heard applicant explain why there were no  
5 additional details on the sensitive cultural site. I'm  
6 satisfied that that rationale works for me.

7 COMMISSIONER WILLARD: Chair, I'd like to ask  
8 staff on 1(a), we heard some information about some  
9 species and critical habitat. Was that in the original  
10 application or is that new information?

11 OHMVR STAFF PELONIO: We had some of that  
12 information, but there was some new information  
13 provided on that today. Also, the dollar amount on the  
14 U.S. Fish and Wildlife funds was additional  
15 information. There seems to be some misunderstanding  
16 on time frame. What we are looking for was specific  
17 projects by name or number with a start date and end  
18 date of contract and the completion date. The time  
19 frame, not necessarily a time line. We got a lot of  
20 time lines and other things. But we were looking for a  
21 very specific time frame. A general statement like the  
22 statement that was made about lots of volunteer hours  
23 was not considered worthy of many points. If we were  
24 provided with specific hours of volunteer time, how  
25 that converts to a dollar amount, what the duties would

1 be, that would be -- that sort of factual information  
2 would be worth a lot of points.

3 COMMISSIONER WILLARD: Thank you.

4 CHAIR BRISSENDEN: There is a motion and a  
5 second on the floor. Yes.

6 OHMVR STAFF GLASPIE: Can I back up on the  
7 volunteer time? This is Kenny Glaspie with OHV staff.  
8 A lot of the applicants put the same volunteer time for  
9 every project. They had a blanket 1500 hours, 700  
10 hours, whatever for the whole project, but they didn't  
11 break them down that on this restoration project these  
12 volunteer hours applied and on through. They just had  
13 a boilerplate statement on what was on their forest or  
14 what was on their area. So we gave them points for  
15 that, but they also got a lot more points if they broke  
16 it down, that we had this many restoration hours  
17 specifically on this for volunteers, and also when they  
18 differentiated on the partnerships, as well.

19 CHAIR BRISSENDEN: Thanks for clarifying the  
20 process. Is that specificity called out in the  
21 workshops?

22 So I have a motion and a second.

23 COMMISSIONER THOMAS: Second.

24 VICE-CHAIR ANDERSON: I did.

25 CHAIR BRISSENDEN: I said I had one.

1           COMMISSIONER THOMAS: Oh, I thought you were  
2 asking for one, I apologize.

3           CHAIR BRISSENDEN: We're still getting up this  
4 morning, aren't we, Commissioners?

5           COMMISSIONER THOMAS: I haven't had coffee.

6           CHAIR BRISSENDEN: So all those in favor?

7           (Commissioners simultaneously voted.)

8           CHAIR BRISSENDEN: Opposed?

9           COMMISSIONER WILLARD: No.

10          COMMISSIONER McMILLIN: No.

11          COMMISSIONER PRIZMICH: No.

12          CHAIR BRISSENDEN: So while I'm looking down  
13 this august body, I realized I missed one housekeeping  
14 item, and that was roll call. I think I can dispense  
15 with that, since we're all here. Thank you. So next.

16          OHMVR STAFF PELONIO: Line number two, BLM  
17 Ridgecrest Field Office restoration project requested  
18 amount \$831,144. They received a score of 87. Their  
19 funding level of 80 percent, which would be \$664,915.

20          RON GARTLAND: Ron Gartland, California Desert  
21 District Office for BLM. I would respectfully ask for  
22 a score increase based on the following additional  
23 information taken directly from the text of the grant.

24          For criteria on 1(c), cultural resources, the  
25 text, it says proposed activities include supporting

1 archeological inventories prior to site restoration.  
2 In criteria 2(c), use volunteers, we did mention that  
3 we had past restoration crews, provided a consistent  
4 source of volunteers for BLM. But we didn't mention  
5 the 16,000 hours per year posted to workers.

6 In criterion 3(a), the application identifies  
7 how available maintenance and conservation practices  
8 were exhausted. We mentioned signing closed trails  
9 with red flexible posts, maps to the Ridgecrest  
10 Resource Area were printed and distributed to identify  
11 the designated route system. Temporary closures and  
12 fencing have been used. And trail maintenance alone  
13 has not deterred many users from staying off designated  
14 closed trails. It's unrealistic to demand all riders  
15 memorize legal routes. The BLM should not expect them  
16 to stop frequently and refer to the map in order to  
17 conform to the land use plans. And temporary closure  
18 is not the goal of the BLM Ridgecrest Field Office.  
19 All of this is from the text of the grant.

20 In criterion four, no change.

21 In criterion five, completion of prior projects  
22 within time frame provided. Since 2002, BLM Ridgecrest  
23 has contracted with restoration crews to achieve large  
24 scale closed trail restoration. The accumulative total  
25 of restored areas during those project years is 79



1 acres of actively restored closed areas, 2,000 miles of  
2 closed trails effectively removed from the route  
3 network, ten miles of protective fencing erected, 1800  
4 sites restored, and 200 closed trails barricaded.

5 Also under criterion 4(c).

6 CHAIR BRISSENDEN: Please summarize.

7 RON GARTLAND: I would ask for additional  
8 raising of the score from an 87 to a 97.

9 CHAIR BRISSENDEN: Thank you.

10 RON GARTLAND: Thank you.

11 CHAIR BRISSENDEN: Other public comment?  
12 Commissioners?

13 COMMISSIONER McMILLIN: I would support staff's  
14 recommendation.

15 CHAIR BRISSENDEN: Please come to the podium  
16 much quicker. Thank you.

17 BRENT SCHORADT: Brent Schoradt with the  
18 California Wilderness Coalition. I think one thing  
19 you're going to hear me say repeatedly and point out  
20 repeatedly is that the application consistently on  
21 several different criteria requests one or more of the  
22 following to be addressed, and the applicant would  
23 sometimes address three of the four, two of the three,  
24 depending on the number, and yet they would be docked  
25 for apparently not filling out the one that they didn't

1 fill out when really they only needed to fill out one.

2 And so you're going to hear me say that repeatedly.

3 For this particular application, criteria one,  
4 we think they should get a full score. They got 38 out  
5 of 40. There is really no reason to dock them the two  
6 points. There is a lot of environmental benefits to  
7 the project. They mentioned -- there's areas of  
8 critical environmental concern. There is California  
9 Desert Tortoise, Mojave ground squirrel, LeConte's  
10 thrasher and burrowing owl. So no reason to dock them  
11 those two points.

12 Criteria two, again, they answered all of the  
13 criteria. They only had to do one. We think they went  
14 above and beyond. They should get 15 out of 15.

15 And number three, this says they should answer  
16 one of the following three. And I think maybe they  
17 didn't provide detail on one, but they did provide  
18 detail on the rest of them, so they should again get  
19 full scoring.

20 And then on 5(a), another thing to point out is  
21 that when you get to the fifth criteria, there's  
22 actually a breakdown. It's 15 points, and there's five  
23 for each A, B, and C. And then it will show you where  
24 they were given points and where they were docked  
25 points. But one through four in the criteria, they

1 don't do that. They only do that on number five. So  
2 we feel like that's a little bit inconsistent. I don't  
3 know why if they can do it on number five, why they  
4 couldn't do it on one through four.

5 But 5(a), we think they should get five out of  
6 five. The application states that prior restoration  
7 projects were completed within the time frame provided.  
8 And when they're asked if previous projects were  
9 completed on time, and they say, yes, they were since  
10 1977, we feel that's an adequate answer; they should  
11 get five out of five.

12 CHAIR BRISSENDEN: Please summarize.

13 BRENT SCHORADT: In summary, 97 would be the new  
14 score. We found ten new points. That's our  
15 recommendation. Thank you.

16 CHAIR BRISSENDEN: Thank you.

17 JAY WATSON: Thank you, members of the  
18 Commission. My name is Jay Watson. I'm the Regional  
19 Director the Student Conservation Association, or SCA,  
20 in the west. And one thing that's unclear from  
21 actually a number of applications, number line items  
22 two, three, six, eight, nine, 11, and 15, all of those  
23 grants are in part underwriting student intern crews in  
24 the desert who are undertaking the restoration efforts.  
25 And three things, we bring matching funds to each of

1 those line item grants, about ten percent of certain  
2 costs that are in those grants for a total of maybe  
3 \$80,000 on the year across all of those lines. Each of  
4 those teams, while their food is covered and their  
5 housing is covered, their time is essentially volunteer  
6 time. They receive a small stipend for food when  
7 they're on their days off. But each team is  
8 accomplishing in excess of 8,000 hours of essentially  
9 volunteer labor. They are not paid an hourly wage for  
10 that work.

11 While I don't have specific numbers on volunteer  
12 recruitment, we also do work with locally-based citizen  
13 volunteers that we then help supervise in the field,  
14 but I don't have any specific numbers on those. But on  
15 the dollar ones, those are real numbers. So thank you.

16 COMMISSIONER THOMAS: Sir, give me those numbers  
17 again on all of the Student Conservation in lieu.

18 JAY WATSON: The line items were two, three,  
19 six, eight, nine, 11 and 15. There's two others, 13  
20 and 18, which are a different -- a different level of  
21 match, much higher, and I'll touch on those when we get  
22 to them. What I've just said applies to those that I  
23 just enumerated.

24 CHAIR BRISSENDEN: Are you suggesting that these  
25 were not called out in those applications?

1           JAY WATSON: I don't think it's quite clear that  
2 we bring matching funds. Our line item, it says  
3 contracts, because that's the arrangement that we work  
4 with with the bureau, but it's unclear that those are  
5 actually volunteer hours.

6           COMMISSIONER THOMAS: Let me ask, in this grant,  
7 2(c), it indicates, "Volunteers would be involved but  
8 no details were provided." Now we're getting  
9 supplemental details on the nature of the volunteers,  
10 and that would constitute the factual information that  
11 can form the basis of this Commission's opinion. Thank  
12 you.

13          CHAIR BRISSENDEN: Any other public comment?

14          KAREN SCHAMBACH: Karen Schambach, Center for  
15 Sierra Nevada Conservation and PEER, and I'm just going  
16 to start by summarizing. I support the score of 97  
17 that Mr. Schoradt suggested and for the same reasons.

18          CHAIR BRISSENDEN: Thank you. Points are  
19 scored. Commissioners?

20          COMMISSIONER SPITLER: I'll move the grant with  
21 the following score: In the first category, 40 out of  
22 40. I won't repeat all of the testimony that was  
23 given, but certainly the application documents the  
24 ACEC, the sensitive species, habitat fragmentation,  
25 et cetera. I think it warrants a higher score.

1           Category two, 15 out of 15, I think we heard  
2 ample information here today about the use of the SCA  
3 crews and the volunteers.

4           Category three, 20 out of 20. The applicant  
5 provided a lot of information on signing, maps,  
6 temporary closures, and fencing, and how those  
7 practices were exhausted.

8           In category five, under the first item of prior  
9 projects within time frames completed -- or excuse me,  
10 provided the fact that the applicant has completed  
11 every restoration project within the time frame  
12 provided since 1997, I think that warrants a score of  
13 five out of five, increasing that overall score under  
14 that item to 13 out of 15, for a total score of  
15 somewheres in the 90s.

16           OHV STAFF FREITAS: 98.

17           VICE-CHAIR ANDERSON: 98.

18           COMMISSIONER SPITLER: A total score of 98, and  
19 I would make that motion.

20           COMMISSIONER THOMAS: I'll second that motion.

21           CHAIR BRISSENDEN: It's been moved and seconded.  
22 Discussion?

23           COMMISSIONER McMILLIN: Well, I'm sensing a  
24 trend here. Maybe we can shorten things up, but I  
25 think staff has done a decent job. And if there is new

1 information, we'll certainly consider it. But I think  
2 I would still stick with staff recommendation.

3 COMMISSIONER WILLARD: Chair, I heard some new  
4 things that I may make some adjustments, but I don't  
5 think I could get to 97. I could get to probably 91,  
6 92, and I think the end result ends up being the same.  
7 But I think on principle if the motion was made for 96,  
8 I would vote against it, even though I could see a  
9 higher score, slightly higher than was given to us  
10 based on what was heard.

11 CHIEF JENKINS: Chair, if I may, one point of  
12 clarification because I imagine it's going to be coming  
13 up all day long. There was new information that was  
14 being given, and that's excellent. However, the  
15 misunderstanding that I think we keep hearing over and  
16 over is when you only have to answer one of the below,  
17 it's like the wording is, the project must address one  
18 or more of the following, we did not take points away  
19 if they did not answer certain questions. So there was  
20 no penalty for not answering a particular question.  
21 It's a very important principle to get through because,  
22 for instance, a restoration project may have no bearing  
23 on a cultural resource, and so we would not expect you  
24 to answer the cultural resource. So if the score is  
25 less than full scoring for that particular criteria,

1 it's not because they didn't answer one of the A, B, C  
2 questions. It's because the answers they did give for  
3 whichever ones they addressed deserve that score we put  
4 on there. So we just want to make sure that that is  
5 clear.

6 And also just the difference between when they  
7 say must answer all of below and those have points and  
8 then others don't, two things were going on there. One  
9 was that if we consider that all of the A, B, C items  
10 are absolutely essential to get that information to be  
11 able to score the grant, then we assigned points to  
12 those, and that was also an effort to meet what we  
13 heard from the Commissioners as we were developing the  
14 criteria where some of the Commissioners indicated they  
15 wanted specific points assigned to the sub, you know,  
16 A, B, C, D. Other Commissioners indicated they would  
17 like more latitude and just to assign the block of  
18 points. So we tried to kind of meet both ends and  
19 where appropriate allow some latitude just assigning a  
20 block of points to the general group. No penalty for  
21 not answering them all. And in other cases, it's very  
22 specific about we really do need answers to all of the  
23 A, B, Cs.

24 CHAIR BRISSENDEN: Thanks for the clarification.  
25 Obviously the Commission, in the trend that Mark is



1 identifying is obviously, you didn't go far enough to  
2 meet the needs of the Commission, but anyway.

3 We have a motion and a second. All those in  
4 favor?

5 (Commissioners simultaneously voted.)

6 CHAIR BRISSENDEN: Opposed?

7 COMMISSIONER WILLARD: No.

8 COMMISSIONER McMILLIN: No.

9 COMMISSIONER PRIZMICH: No.

10 CHAIR BRISSENDEN: Motion carries.

11 OHMVR STAFF PELONIO: Next project, line three,  
12 BLM Palm Springs South Coast Field Office. Request  
13 amount \$618,376. They received a score of 86 for 80  
14 percent funding, which would be \$494,701.

15 MONA DANIELS: Hi my names is Mona Daniels. I'm  
16 an outdoor recreation planner with the Palm Springs  
17 Office. After that discussion, this is kind of hard to  
18 follow, but the restoration project that we're  
19 requesting is within the Meccacopia area, and most of  
20 our history applies to fabulous amounts of resources  
21 out in that area and the fabulous job that the SCA  
22 crews have done.

23 The information we've gotten out of the area  
24 allows us to address all of the A through whatever  
25 categories to their fullest. If we were to look at the

1 fact that we did outstanding on addressing one and  
2 added the extras, I would hope that we could pick up  
3 the extra points for it, not deductions. So we're  
4 asking for 40 out of 40 in the A section -- or the  
5 section part one.

6 Part two, we're not asking for any points.  
7 Again, like I said, our SCA crews went far and beyond  
8 there, and we're okay with the points there.

9 Section three, again, there's that one or more,  
10 and our office with all of the information we had and  
11 your resources and what the crews have done for us, we  
12 were really able to address all of the categories, and  
13 I thought we addressed them quite well. So we're  
14 asking for 18 out of 20 in section three.

15 In section four, we're asking for a one point  
16 raise. In monitoring, very often we think of  
17 monitoring as just resource monitoring. And monitoring  
18 can be anything from a park tech driving by the site to  
19 see that we've got some damage starting or it can be  
20 actually contact and outreach by our volunteers. We  
21 feel that in this instance, it was not clear as to the  
22 fact that monitoring starts from the field tech up to  
23 the biologist or resource specialist.

24 CHAIR BRISSENDEN: Please summarize.

25 MONA DANIELS: Overall, we feel that the last

1 column that we hired, produced, completed and went far  
2 beyond the requirements. We'd like an additional of --  
3 we'd like 15 out of 15 points in number five. Thank  
4 you.

5 CHAIR BRISSENDEN: Thank you.

6 JIM WEIGAND: My name is Jim Weigand, I'm the  
7 ecologist at the California State Office in Sacramento  
8 for BLM. I just wanted to add one technical fact that  
9 isn't mentioned in the text, and that is that BLM and  
10 its restoration ecologist at the Palm Springs Field  
11 Office with other funds, that is non-OHMVR funds, has  
12 undertaken research in habitat distribution and  
13 conservation biology for the Mecca woody aster, one of  
14 the critically rare plants in the area, and that that  
15 information is part of the restoration planning and  
16 actions that are in this grant. Thank you.

17 CHAIR BRISSENDEN: Thank you. Public comment.

18 DON AMADOR: Don Amador, Blue Ribbon Coalition,  
19 and we support staff recommendations.

20 CHAIR BRISSENDEN: Thank you.

21 BRENT SCHORADT: Brent Schoradt with the  
22 California Wilderness Coalition. And, again, if you  
23 look at criteria number one, they scored 39 out of 40.  
24 They did an excellent job of answering it, 39 out of 40  
25 is a good score, but there is no reason to dock them

1 even the one point. And there is really no  
2 justification given for a lot of the times when points  
3 are docked. There is no rationale, and I think the  
4 burden of proof sort of shifts to the applicant, oh,  
5 we're going to dock you and not tell you why we're  
6 docking you, and then you have to come prove otherwise.

7 So number two, again, they answered to  
8 everything more than sufficiently. We think it should  
9 be 15 out of 15. One point was deducted for no reason.

10 And then if you go to number four, it says the  
11 application when it talks about monitoring, there is a  
12 history of 65 citations for closed areas, and I think  
13 that's best evidence that they're doing a good job on  
14 the ground of actually monitoring their restoration  
15 projects and enforcing closures and restorations where  
16 resources have been restored.

17 And number 5(a), completion of prior projects,  
18 in the application they list the projects that were  
19 previously completed on time, but apparently they  
20 didn't list the exact start date and the exact end  
21 date, which it never says in the application, please  
22 list the exact start date and please list the exact end  
23 date. It says please list the prior projects that were  
24 completed on time. So we believe they should get a  
25 five out of five. That's 11 new points for a total

1 score of 97. Thank you.

2 CHAIR BRISSENDEN: Thank you.

3 KAREN SCHAMBACH: Karen Schambach, support the  
4 agency's request for a rescore.

5 CHAIR BRISSENDEN: Thank you.

6 JAY WATSON: Jay Watson, Regional Director for  
7 SCA. I just wanted to make clear procedurally, my  
8 statement earlier applied to all of those grants that I  
9 stated. Do I have to come up on each one? Then I will  
10 do so.

11 CHAIR BRISSENDEN: I would prefer not, but I'm  
12 seeing nods on the other side, just for factual  
13 support.

14 (Simultaneously speaking, Reporter interrupted.)

15 JAY WATSON: Again, ten percent match and on a  
16 nine-month crew approximately 8,000 hours of volunteer  
17 time.

18 COMMISSIONER THOMAS: That's good because you've  
19 now given us specific numbers, whereas before you just  
20 said there was volunteer hours. Now we have 8,000  
21 hours. The more specificity on your data the better we  
22 can --

23 JAY WATSON: Actually, on each team there is  
24 actually 8,000 hours of volunteer labor.

25 COMMISSIONER THOMAS: On this particular grant,

1 there is about 8,000 hours?

2 JAY WATSON: Yes.

3 COMMISSIONER THOMAS: Thank you, because that's  
4 not noted in our records, so it's helpful information.

5 CHAIR BRISSENDEN: Further public comment?  
6 Commissioners? Commissioner Willard. There is almost  
7 a tie, but I'll go with Commissioner Willard.

8 COMMISSIONER WILLARD: The only real new factual  
9 information that I heard that would cause me to change  
10 staff's score would have been the last comment on the  
11 hours, so I would move that we increase item two to 15  
12 out of 15, raising the score by one point. That's a  
13 motion looking for a second.

14 COMMISSIONER PRIZMICH: Second that.

15 CHAIR BRISSENDEN: It's been moved and seconded  
16 for a rescore of one point under item two, category  
17 two. Discussion.

18 COMMISSIONER SPITLER: I'd like to propose an  
19 amendment.

20 VICE-CHAIR ANDERSON: I have some additional  
21 rationale first.

22 COMMISSIONER THOMAS: Let's hear that.

23 CHAIR BRISSENDEN: Okay.

24 VICE-CHAIR ANDERSON: I also heard mention of a  
25 woody aster, and maybe I'm wrong, but I don't think the

1 woody aster was mentioned in -- was it mentioned in  
2 your application?

3 MONA DANIELS: It was in the Fish and Wildlife  
4 grant. And I'd like to also add that the volunteer  
5 hours were all accounted for under the PAR. There is a  
6 number of information there that supported that number  
7 to column considerably.

8 VICE-CHAIR ANDERSON: Okay. The woody aster was  
9 one. The other one is that protection of the bighorn  
10 sheep for a number of years has been attempted to be  
11 protection for them -- attempted to be through seasonal  
12 closure on this route.

13 MONA DANIELS: Correct, on the Meccacopia Trail.

14 VICE-CHAIR ANDERSON: So the seasonal closure,  
15 total closure of this route, requires a fair amount of  
16 monitoring to make sure that there is a seasonal  
17 closure.

18 MONA DANIELS: That's correct.

19 VICE-CHAIR ANDERSON: And that that seasonal  
20 closure is enforced. So I didn't see mention of that.

21 MONA DANIELS: Probably an oversight.

22 VICE-CHAIR ANDERSON: Okay. I was aware of  
23 that. And I know having driven that route myself that  
24 there are many opportunities for straying in places  
25 along the Meccacopia route.

1           MONA DANIELS:  Yes.

2           VICE-CHAIR ANDERSON:  With this restoration, I  
3 think, and the type of restoration that's being planned  
4 for here is most effective and most efficient use of  
5 funds.

6           CHAIR BRISSENDEN:  So we have a motion and a  
7 second on the floor.

8           COMMISSIONER SPITLER:  I'd like to propose an  
9 amendment.  I haven't heard any reason to reduce the  
10 score on item one from 40 to 39, and I think there is  
11 ample reasons cited even in the staff review here  
12 regarding wilderness, special status species, desert  
13 tortoise, et cetera, to score that that a 40 out of 40.

14           Regarding the third item, addressing one or more  
15 of the following three categories, I think the  
16 applicant demonstrated why that score should be  
17 increased to 18 out of 20.

18           And under the fourth item, demonstration that  
19 the site be monitored and adequately maintained, the  
20 fact that there is 63 citations really demonstrates an  
21 effective law enforcement presence, which is really  
22 mandatory to ensure that these restoration sites are  
23 protected over the long-term.  I would suggest  
24 increasing that score to 10 out of 15.

25           And under the 5(a), again, I think the applicant



1 provided sufficient information on prior projects and  
2 completion within the time frame provided, just by  
3 increasing that score to five for a final score in that  
4 category of 11 out of 15. I don't know what that did  
5 to the overall score.

6 COMMISSIONER THOMAS: The amendment would be  
7 one, three, six -- no, what was item four? What was  
8 your increase in four?

9 COMMISSIONER SPITLER: To ten.

10 COMMISSIONER THOMAS: So that's three, so the  
11 amendment is nine. The underlying motion was one, the  
12 amendment is nine.

13 COMMISSIONER SPITLER: I would move that as an  
14 amendment.

15 CHAIR BRISSENDEN: The staff has proposed as 11  
16 on your criteria five, is that correct? I thought you  
17 said...

18 VICE-CHAIR ANDERSON: I'll second the amendment.

19 COMMISSIONER SPITLER: Under criteria five, the  
20 total score there would be 13.

21 CHAIR BRISSENDEN: So we have a motion and  
22 second on an amendment to amend the final score to 95.

23 OHV STAFF FREITAS: That's not right.

24 CHAIR BRISSENDEN: All those in favor?

25 (Commissioners simultaneously voted.)

1 CHAIR BRISSENDEN: Opposed?

2 COMMISSIONER McMILLIN: No.

3 COMMISSIONER WILLARD: No.

4 COMMISSIONER PRIZMICH: No.

5 OHMVR STAFF BELLUCCI: I believe that's 96.

6 CHAIR BRISSENDEN: Again, our staff  
7 mathematician comes through. So with that minor  
8 correction, if it's 96.

9 COMMISSIONER SPITLER: We have a small problem  
10 here.

11 COMMISSIONER THOMAS: On item five, would the  
12 maker of the motion increase 5(a) by three?

13 COMMISSIONER SPITLER: Small problem, I think we  
14 have a problem with the numbers here. If you add up  
15 the staff scores, they add up actually to 105. The  
16 total available here adds up to 105.

17 CHAIR BRISSENDEN: I'm counting 110. We're over  
18 the top anyway. So we are in the middle of a  
19 discussion of a motion that needs to be revised or no.

20 COMMISSIONER McMILLIN: Make it 96 of 110 and  
21 divide it.

22 OHMVR STAFF GLASPIE: Criteria number four  
23 should have a maximum of ten points.

24 COMMISSIONER SPITLER: So that would be a score  
25 of ten out of ten instead of ten out of 15.

1 CHAIR BRISSENDEN: So clarify it for me,  
2 Mr. LaFranchi, whether we need to redo this motion with  
3 the corrected scores. I would believe so.

4 COMMISSIONER THOMAS: Let's vote on the  
5 amendment, Mr. Chairman. We know the underlying motion  
6 was for an increase of two by one point.

7 CHAIR BRISSENDEN: We did vote on the amendment.

8 COMMISSIONER THOMAS: And the amendment, if we  
9 redo the amendment, that way the record will be clear.

10 CHAIR BRISSENDEN: Okay. So if the maker of  
11 motion of the amendment would restate that, that would  
12 be great.

13 COMMISSIONER SPITLER: Item one, the score is 40  
14 out of 40. Item two remains as proposed by the  
15 original motion, 15 out of 15. Item three, 18 out of  
16 20. Item four, ten out of ten. Item five, 13 out of  
17 15.

18 CHAIR BRISSENDEN: And I believe, Commissioner  
19 Anderson, you seconded that.

20 VICE-CHAIR ANDERSON: Yes, that's fine.

21 COMMISSIONER SPITLER: Final score of 96.

22 CHAIR BRISSENDEN: So as it's restated, all  
23 those in favor?

24 (Commissioners simultaneously voted.)

25 CHAIR BRISSENDEN: Opposed?

1 COMMISSIONER McMILLIN: No.

2 COMMISSIONER WILLARD: No.

3 COMMISSIONER PRIZMICH: No.

4 CHAIR BRISSENDEN: Motion carries on the  
5 amendment. Back to the original motion. All those in  
6 favor?

7 (Commissioners simultaneously voted.)

8 CHAIR BRISSENDEN: Opposed?

9 COMMISSIONER WILLARD: No.

10 COMMISSIONER McMILLIN: No.

11 COMMISSIONER PRIZMICH: No.

12 CHAIR BRISSENDEN: Four ayes, three noes, motion  
13 carries.

14 CHIEF JENKINS: I just want to point out that  
15 you were pointing out the math error. That was in the  
16 errata sheets that we had found that and made the  
17 correction. We should have pointed that out to you  
18 when we moved into this application. Our apologies.

19 CHAIR BRISSENDEN: Thank you. I have a request  
20 or comment.

21 COMMISSIONER McMILLIN: I've got a question,  
22 just a general statement. I just want to go on the  
23 record asking the Chairman if we started at 8:45, we've  
24 got through three grants, we have 27, 24 to go, and if  
25 we're going to -- if we're going to end the meeting at

1 three o'clock or just a couple of members leaving at  
2 three o'clock?

3 CHAIR BRISSENDEN: Well, I think out of fairness  
4 to the three that I know of that have to leave, we  
5 would need to adjourn at that time.

6 COMMISSIONER McMILLIN: Okay. That's in  
7 fairness for three of us, and I want to go on the  
8 record asking then if we can allocate this six hours,  
9 half to the restoration and half to the non-CESA  
10 grants, so that at the end of our six hours, we are  
11 some percentage complete with both of those, and we  
12 haven't just allocated restoration dollars today and  
13 have ignored completely acquisition, development, trail  
14 maintenance, and operations money. I think that's out  
15 of fairness for people that have been here for two  
16 days.

17 CHAIR BRISSENDEN: Other comments?

18 COMMISSIONER SPITLER: Well, we can certainly do  
19 that, but I don't think that would provide any benefit  
20 to any of the applicants because the problem is unless  
21 we fully get through any one of these funding  
22 categories, no money will be allocated, so.

23 COMMISSIONER McMILLIN: Maybe, can I ask then  
24 that we go to the non-CESA stuff? Just a request,  
25 maybe we should have flipped a coin on which one we

1 were going to do today.

2 COMMISSIONER THOMAS: There was an agenda that  
3 we're following. I tried to change the agenda  
4 yesterday and didn't get much support. I think I got  
5 one vote, my own.

6 COMMISSIONER McMILLIN: Does the agenda state  
7 which group we're going to do first? I think it just  
8 says we're going to go through the grants process. I'm  
9 just asking, and if I get a no --

10 COMMISSIONER THOMAS: Page three is generally in  
11 front of page four.

12 CHAIR BRISSENDEN: We are doing it as presented  
13 in the binder. Just a minor of correction, Mr. Thomas,  
14 you did get a couple of changes yesterday.

15 COMMISSIONER THOMAS: But the agenda --

16 CHAIR BRISSENDEN: That's not germane, but what  
17 I'd like to do is follow through with Mark's  
18 suggestion. And my sense is that none of the  
19 restoration monies will go on the ground until late  
20 spring anyway, so we could go half and half, and I  
21 think that's probably a fair approach, but I would look  
22 to staff, with some help from others, to see which ones  
23 of non-CESA really make sense to address today and then  
24 postpone the rest of it.

25 COMMISSIONER SPITLER: The reality, Mr. Chair,

1 is that if we don't finish any funding category, it  
2 doesn't matter which grants we address today because no  
3 money will be allocated to any applicant until we  
4 complete that category in January.

5 CHIEF JENKINS: Commissioner Spitler is correct  
6 because there could be a grant further down the list  
7 that you don't get to hearing that moves somebody off  
8 the cut line.

9 CHAIR BRISSENDEN: Understood. So no matter  
10 what direction we go, January will finalize the -- at  
11 this pace --

12 CHIEF JENKINS: If you're just looking for  
13 efficient use of time, if you can at least complete one  
14 category, then that one is able to be funded.

15 COMMISSIONER THOMAS: Let's move along. Maybe  
16 we can make some progress instead of talking about it.

17 CHAIR BRISSENDEN: I think it was a fair  
18 suggestion to think about how to progress.

19 COMMISSIONER THOMAS: I'm not disagreeing.

20 COMMISSIONER McMILLIN: Well, I just again want  
21 to go on the record stating I have a problem as a  
22 commissioner allocating the restoration dollars and not  
23 putting any money on the ground.

24 COMMISSIONER THOMAS: Moving right along.

25 CHAIR BRISSENDEN: Okay. Next, John.

1           OHMVR STAFF PELONIO: Line number four, BLM  
2 California State Office requested amount \$212,314,  
3 received a score of 79 for a 70 percent funding, which  
4 would be \$148,620.

5           JIM WEIGAND: Good morning, Commissioners,  
6 members of the Division and the public. My name is Jim  
7 Weigand. I'm at ecologist at the BLM California State  
8 Office, and I would be glad to answer any questions you  
9 have. In terms of additional new information, I did  
10 want to let people know that the Hollister Field Office  
11 has just hired a botanist soil scientist whose  
12 specialty is serpentine soils, and he will be a great  
13 addition I think to the BLM staff in Hollister and to  
14 the statewide expertise in serpentine ecosystem  
15 management on BLM lands.

16           I am asking that the Commission raise the score  
17 of the grant from a score of 79 to 86 points in the  
18 following categories. Number one, I would recommend 40  
19 out of 40. I included in the grant, but included it in  
20 the environmental assessment under D, this is a  
21 wilderness or other environmentally sensitive area.  
22 We're talking about the San Benito Mountain Research  
23 Natural Area, which has been designated a Wilderness  
24 Study Area, and it is also part of the larger  
25 serpentine area of critical environmental concern in



1 the Clear Creek Management Area.

2 I would not request any additional points for  
3 items two and three or four.

4 And five, I would just request an increase of  
5 four points as I needed to add information about the  
6 completion of prior projects within the time frame  
7 provided. In 2006, the Hollister Field Office has  
8 completed its grant, its first restoration grant that  
9 our manager, Brian White, had undertaken, and that  
10 funding has now been expended and accomplished  
11 considerable restoration.

12 CHAIR BRISSENDEN: Please summarize.

13 JIM WEIGAND: And I realize that I paid a lot of  
14 attention here to the technical structure of the  
15 restoration and didn't always answer some of the other  
16 requirements, so I would appreciate a small increase.  
17 Thank you.

18 CHAIR BRISSENDEN: Thank you. Public comment?  
19 Commissioners?

20 COMMISSIONER SPITLER: I know this area,  
21 personally having been there and having been involved  
22 in it for a number of years and intimately familiar  
23 with the management issues there, and I think this is a  
24 really important project. I also think that the  
25 resources there, including the primrose and the endemic

1 serpentine plants that the applicant describes are  
2 important and need protection. And I think this  
3 application warrants the higher score that the  
4 applicant suggested.

5 In the first category, I would move to increase  
6 that score to 40 out of 40. I won't address the other  
7 categories. I think the staff recommendations there  
8 are fine, for a final score of 82 out of a 100, and I  
9 would so move.

10 COMMISSIONER THOMAS: Would the maker of the  
11 motion consider adding points at 5(a) and if, in fact,  
12 the new information that the 2006 grant was  
13 appropriately completed, there is no reason to dock the  
14 applicant for anything at that point.

15 COMMISSIONER SPITLER: Sure, happy to include  
16 that.

17 COMMISSIONER THOMAS: That would be a total of  
18 five new points.

19 COMMISSIONER SPITLER: Final score of 84.

20 COMMISSIONER THOMAS: Second.

21 CHAIR BRISSENDEN: So it's been moved and  
22 seconded for an adjustment to 84, item four. All those  
23 in favor?

24 (Commissioners simultaneously voted.)

25 CHAIR BRISSENDEN: Opposed?

1 COMMISSIONER McMILLIN: No.

2 COMMISSIONER WILLARD: No.

3 COMMISSIONER PRIZMICH: No.

4 CHAIR BRISSENDEN: Motion carries.

5 OHMVR STAFF PELONIO: Line number five, U.S.  
6 Forest Service, Tahoe National Forest. Request amount  
7 \$37,156, score of 76 for 70 percent funding, which  
8 would be \$26,009.

9 MARY FURNEY: Good morning, I'm Mary Furney.  
10 I'm a district assistant public service officer on the  
11 Tahoe National Forest. And just to summarize, we  
12 believe that the criteria was covered very well in our  
13 grant request, and we'd like to see the score bumped up  
14 from 76 to 95, and I'll go through each of the  
15 criteria.

16 We feel that number one should be moved up by  
17 six points from 31 to 37. One oversight that I did  
18 happen to catch was that apparently we put not  
19 applicable for an environmentally sensitive area;  
20 however, there is a meadow, areas that we would be  
21 blocking off that illegal motorcycle trails go through  
22 right now. And it's also spotted owl habitat in that  
23 area, too, and we've paid specific attention to illegal  
24 routes that go through those areas.

25 Number two, we believe that we have again

1 addressed that very well. We believe that we should  
2 get 15 points out of 15. We're very lucky to have the  
3 Nevada County Woods Riders helping us in that area, and  
4 that we've also had their help in helping us monitor  
5 and police the area and notify us when there are  
6 illegal trails, and they actually help us block off  
7 those illegal trails.

8 For number three, we believe that we should get  
9 20 out of 20. We believe that's been very well spelled  
10 out in the grant application. Our methods are very  
11 well proven that they work, using the double berms to  
12 keep out the jeeps, as well as obliterating the single  
13 track trails.

14 Number four, we believe that should be bumped to  
15 ten by one more point. We have lots of FPOs that are  
16 patrolling out in that area, and as well as the local  
17 motorcycle groups.

18 Number five, we believe that that should be  
19 bumped up by six points to 13. Again, we have always  
20 met or exceeded our deliverables.

21 CHAIR BRISSENDEN: Please summarize.

22 MARY FURNEY: Demonstrated ability to address  
23 both the needs of the resource as well as our users.  
24 So again we appreciate 95 points. Thank you.

25 COMMISSIONER SPITLER: Just one quick question,

1 I wouldn't mind hearing under item five there  
2 specifically why you think those scores should be  
3 increased, and which scores specifically should be  
4 increased.

5 MARY FURNEY: We've had a proven track record of  
6 being able to meet or exceed our deliverables in pretty  
7 much all of the rest of our grant requests.

8 CHAIR BRISSENDEN: Public comment.

9 BRENT SCHORADT: Brent Schoradt, California  
10 Wilderness Coalition. And under criteria one, where I  
11 think it's obvious there is critical environmental  
12 resources that would be benefitted by this project, it  
13 lists spotted owl habitat, there's an illegal single  
14 track going through an archeological site within a  
15 meadow, I think that in and of itself, those two,  
16 warrant a full score of 40 out of 40. They were given  
17 31, so that's nine points.

18 Under criteria two, the application must address  
19 one or more of the following, and we feel they did an  
20 adequate job of addressing at least like four out of  
21 the five, and so we think they should get a 15 out of  
22 15 of the 11 total additional points, which would bring  
23 the total score to 87. Thank you.

24 CHAIR BRISSENDEN: Thank you. Commissioners?

25 COMMISSIONER SPITLER: I think based on the

1 testimony here today, I think this applicant warrants a  
2 higher score. I'll move the following under category  
3 one, score of 37 out of 40.

4 Category two, 15 out of 15. I can go through  
5 the reasons for each of these in category one, the  
6 spotted owl site, the meadow, spotted owl habitat,  
7 protecting historical resources. Under category two,  
8 the variety of recreation groups provided over 1600  
9 hours of volunteer time each year.

10 Category three, a proposed score of 20 out of  
11 20. I think the applicants described effectively their  
12 techniques that prevent recurrence of illegal activity  
13 with the obliteration and the barriers.

14 Category four, score of 10 out of 10. I think  
15 the monitoring and law enforcement the applicant is  
16 providing is great.

17 And under five -- under 5(a) and (b), I'd  
18 increase the scores to five and five based on the  
19 applicant's testimony that they've adequately completed  
20 all of their projects within the time frame provided  
21 and their excellent history of fiscal accountability,  
22 for a final score of 13. I don't know what that adds  
23 up to.

24 OHV STAFF FREITAS: 95.

25 COMMISSIONER SPITLER: Final score of 95.

1           COMMISSIONER THOMAS:  Second.  This issue of  
2  items, criteria 5(a) and (b), if an applicant comes in  
3  and says they're meeting all of the deliverables or  
4  they're meeting their accountability standards and no  
5  information is provided from staff that they're not, my  
6  question to staff is why wouldn't we just -- they get  
7  the full score?  What's the decision?

8           OHMVR STAFF PELONIO:  Because it's a broad  
9  general statement, and chapter two states that we need  
10 specific factual information in order to assign points.  
11 So in that case we would need to know the projects and  
12 the start date, end date, and the completion date in  
13 order to establish time frame.

14          COMMISSIONER THOMAS:  But the request deals with  
15 past activity.  If you're saying in order to apply, I  
16 would have to detail all of my history in order to get  
17 a full five points, is that the way you have it?

18          OHMVR STAFF PELONIO:  No, just a few projects  
19 would have been probably adequate to get full points.  
20 We just need to show something on a similar project  
21 that establishes that they completed it in the time  
22 frame provided.  A simple statement to that fact does  
23 not establish points.

24          COMMISSIONER THOMAS:  But isn't that a fact?  If  
25 I say, if I make the statement I have complied

1 adequately, it's either true or it's not true. If it's  
2 not true, I would expect you, the staff, would say zero  
3 points, not true. Or it's only half true, three  
4 points. But why would you just say not enough data,  
5 three points?

6 OHMVR STAFF PELONIO: If I submitted a crime  
7 report into your court and said that this defendant  
8 committed the crime, that is a fact, it is true; but it  
9 doesn't help you to determine whether or not that  
10 actually took place. I need to establish the elements  
11 of the crime and probable cause that that defendant  
12 committed a crime. We're looking for the specific  
13 factual information. That's what's required by chapter  
14 two.

15 COMMISSIONER THOMAS: I would hesitate to apply  
16 the criminal justice standard and burden of proof that  
17 people carry on applicants from the civil system.

18 OHMVR STAFF PELONIO: Just an analogy to explain  
19 the information you're looking for.

20 COMMISSIONER THOMAS: I understand.

21 CHAIR BRISSENDEN: I thought it was fair.

22 COMMISSIONER THOMAS: I tend to not think  
23 they're all guilty. When I bring my case, I tend to  
24 think that they're honorable, and that's why we're  
25 here.



1           OHMVR STAFF BUCKINGHAM: Jennifer Buckingham,  
2 with the OHV Division. I wanted to clarify again,  
3 especially as John has stated, actually it is on the  
4 applicant to provide the information we have requested.  
5 For example, under 5(b), we are asking for a history of  
6 fiscal accountability. The statement reads, "We  
7 believe the forest to have in place an exemplary  
8 process." That is their statement of belief. There  
9 are no facts, provides no numbers, provides no dates,  
10 provides no monetary numbers for us whatsoever. Later  
11 on in that paragraph, it states again, "The forest is  
12 led to believe that except for a few items they have  
13 been generally successful." Unfortunately, we are  
14 unable to make a determination as to whether or not  
15 they have been successful because we have absolutely no  
16 tangible documentation of numbers in front of us. It's  
17 very difficult when other applicants have provided time  
18 frames we've requested, start dates, stop dates,  
19 numbers, previous grants.

20           We don't expect by any means that they list all  
21 of the last grants they received in 15 or 20 years, and  
22 we don't deny that they haven't completed those grants.  
23 But if they don't give us that information, we cannot  
24 and did not give them points. So unfortunately and, of  
25 course, this was in many of the other categories, not

1 just restoration.

2 COMMISSIONER SPITLER: I think that's a fair  
3 comment. I'm actually going to -- if the second of the  
4 motion will accept it, reduce the score back on 5(b)  
5 down to the original staff score of two, for the final  
6 score of 92.

7 COMMISSIONER THOMAS: I'll accept it, but I  
8 don't accept the premise that a statement that I have  
9 demonstrated as an applicant, an accurate grant,  
10 ability to track an accurate grant, is, per se, a  
11 defective statement and thereby disqualifies me from  
12 actually having to be rewarded for having done so. The  
13 statement that you do it, is your evidence that you do  
14 it. If, in fact, you're saying the burden is on the  
15 applicant to provide two, one, three, five years of  
16 track record history, that's an unbelievable amount of  
17 unreasonable red tape. I will accept the amendment as  
18 the second. Thank you.

19 CHAIR BRISSENDEN: Without belaboring the point,  
20 unless someone else wants to comment, I that think it's  
21 a fair request of the Division to have specific  
22 information, so.

23 DEPUTY DIR. GREENE: And I think clearly we see,  
24 Chairman, that this is an area and the criteria that  
25 needs to be addressed. Again, it's something that we

1 can continue to make clear. But I think that it is, as  
2 we go back and look at the videotapes from the  
3 workshops, from the information that we've tried to  
4 provide to the applicants, and I think as Jennifer  
5 said, and John as well, there are applicants who have  
6 done that. So, again, when we're looking at  
7 \$40 million worth of requests and \$18 million to  
8 allocate, that is where it gets a little bit difficult.

9 CHAIR BRISSENDEN: Understood.

10 COMMISSIONER WILLARD: Chair.

11 CHAIR BRISSENDEN: Commission Willard.

12 COMMISSIONER WILLARD: I can sympathize with  
13 wanting to get the available funds allocated and spent.  
14 I think that's definitely a worthy undertaking;  
15 however, a lot of time, effort, and trouble has gone  
16 into creating a system. And it just seems to me that  
17 it's a system that tries to be very objective dealing  
18 with facts, and we have Division staff that have spent  
19 a tremendous amount of time and effort reviewing this,  
20 and it's not our job to just, you know, give that a  
21 blanket stamp of approval. I understand and appreciate  
22 our responsibility to the public to hear new  
23 information and then to make sound judgments based upon  
24 the facts, not conclusionary statements, they're doing  
25 a good job, they're doing this, we've done this. It

1 needs to be based on facts.

2           So, again, I think by just shifting over even  
3 slightly from objectivity to subjectivity, we end up  
4 disregarding all of the work that's gone into creating  
5 a system that's created a playing field for everyone to  
6 deal with. And the applicants have worked -- all of  
7 them have worked very hard to look at the rules, to  
8 play by the rules. And so it just doesn't seem fair to  
9 the public for us then to sit up here and impose our  
10 subjectivity upon what is supposed to be a very  
11 objective undertaking by the applicant.

12           So while I would like to see the money spent, I  
13 would like to see all of the scores increased, unless I  
14 hear -- and I think we all should act that way --  
15 unless we hear factual information that makes sense  
16 that perhaps if staff would have heard at the time  
17 would have raised the scores, then I, for one, cannot  
18 vote to increase scores.

19           CHAIR BRISSENDEN: Thank you. Commissioner  
20 Prizmich.

21           COMMISSIONER PRIZMICH: I'd like to echo what  
22 Gary just said also. In this particular case as in  
23 several other cases, I agree with some of the increased  
24 scores because I do hear and did hear, particularly in  
25 category number one, adequate validation to increase

1 that score. I agree with the recommended proposed new  
2 score, but in some of the other areas I, too, feel that  
3 there's just not enough factual evidence for me to vote  
4 totally for the package, so.

5 CHAIR BRISSENDEN: Thank you. There is a motion  
6 and a second on the floor to increase the score now to  
7 92. All those in favor?

8 (Commissioners simultaneously voted.)

9 CHAIR BRISSENDEN: Opposed?

10 COMMISSIONER WILLARD: No.

11 COMMISSIONER PRIZMICH: No.

12 COMMISSIONER McMILLIN: Abstain.

13 CHAIR BRISSENDEN: Motion passes.

14 OHMVR STAFF PELONIO: Item number six, BLM  
15 California Desert District restoration, request amount  
16 \$350,219, score of 75 for 70 percent funding to be  
17 \$245,154.

18 RON GARTLAND: Ron Gartland, California Desert  
19 District BLM. I have this justification that you have  
20 in your binders for an increase to 90 from 75. But  
21 after everything that has been said, I'm going to go  
22 ahead and accept Division's recommendation. The Deputy  
23 Director and staff both did an excellent job under  
24 impossible circumstances. Bottom line is restoration  
25 of closed trails is imperative to long-term sustainable

1 OHV use. Everybody agrees with that, so this is money  
2 well spent. Thank you.

3 CHAIR BRISSENDEN: Public comment?

4 BRENT SCHORADT: Brent Schoradt, California  
5 Wilderness Coalition. And I just want to thank the  
6 staff, and I know that it's a tough job they have, and  
7 I hope that critiquing the scores is not construed as  
8 critiquing the good work that they've done, but I think  
9 we can have honest disagreements on the objective  
10 scores that have been laid out, and we can objectively  
11 look at the facts here and change scores without  
12 undermining the good work that the Division does.

13 So under category one, which is the project  
14 benefits critical environmental resources, the  
15 wilderness areas, which constitute the project area,  
16 contains some of the best habitat for more than 15  
17 federally listed and 15 state listed species. I think  
18 that statement in and of itself, let alone the next,  
19 you know, part B, which says it would address the  
20 California Desert tortoise and peninsular bighorn  
21 sheep, I think that's more than enough to give full  
22 scoring to say that this project is going to benefit --  
23 it's going to have important environmental benefits.  
24 So we give 40 out of 40 on that category.

25 And then on category two, they did more than an

1 adequate job. They were scored 14 out of 15. We think  
2 there's really no justification for the one point being  
3 docked, so we give them another point there, which  
4 would be a total of seven, plus eight -- plus one,  
5 which is eight.

6 And then under three, we think they were  
7 supposed to do one or more of the following, and  
8 3(b)(1), we think it satisfied that requirement, so  
9 we'd give them full scoring on that for another seven  
10 points, which would be 15 additional points for a total  
11 new score of 90. Thank you.

12 CHAIR BRISSENDEN: Thank you. Further comments?

13 DON AMADOR: Don Amador, Blue Ribbon Coalition.  
14 I have a comment on this particular grant. If the  
15 grant applicant will accept staff recommendations, what  
16 role does the public have in asking for more or an  
17 adjustment if the agency just said they can work with  
18 the grant amount that's been approved. Thank you.

19 CHAIR BRISSENDEN: Thank you.

20 JAY WATSON: Jay Watson, SCA. Again, on this  
21 grant, we'll bring 10 or 11 percent in matching monies,  
22 and approximately 8,000 hours of volunteer time. Thank  
23 you.

24 KAREN SCHAMBACH: Karen Schambach, I support the  
25 funding at the level that Mr. Schoradt recommended.

1           But I also want to address the discussion that  
2 the Commissioners just had regarding the criteria. And  
3 I appreciate how, you know, hard the staff has worked  
4 on these, and I appreciate that this criteria is still  
5 a work in progress. But because of last year, there  
6 were problems with what some of the sheriffs understood  
7 was said at the workshop and what staff believed was  
8 said; this year I made a point of attending every  
9 minute of both days of the workshop. And the way the  
10 criteria is being applied was not explained like that  
11 at the workshop, nor is it in the instructions.

12           So I can understand in grants where there's  
13 limited, it's not enough money to fund them all, to  
14 prioritize by how much detail they gave. On the other  
15 hand, in this category there is excess money. It  
16 doesn't do anybody any good to have it sit in the bank  
17 when it could be out on the ground doing restoration  
18 work. So at least in this particular category, I think  
19 that if we request full funding for that specific  
20 criteria where people thought they were doing what they  
21 were asked, I see no reason not to give them that  
22 scoring. Thanks.

23           CHAIR BRISSENDEN: Thank you. Commissioners?

24           VICE-CHAIR ANDERSON: Just kind of to put this  
25 on the record. For this particular grant, and some of



1 the others that the Student Conservation Services are  
2 involved in, I was involved in part of the training for  
3 the students. I'm aware of the efficiency of their  
4 work.

5 CHAIR BRISSENDEN: You were the teacher or the  
6 student?

7 VICE-CHAIR ANDERSON: I was a lecturer one  
8 evening.

9 CHAIR BRISSENDEN: Thanks for contributing in  
10 that way. Any other comments or motions?

11 COMMISSIONER WILLARD: Yes, having heard the  
12 applicant say that he's satisfied with the score, I  
13 move to accept the staff's scoring recommendation.

14 COMMISSIONER PRIZMICH: Second.

15 CHAIR BRISSENDEN: It's been moved and seconded  
16 at staff recommendations. Do I have -- well any  
17 discussion under that? All those in favor?

18 (Commissioners simultaneously voted.)

19 CHAIR BRISSENDEN: Opposed? Moving along.

20 OHMVR STAFF PELONIO: Item number seven, U.S.  
21 Forest Service, Mendocino National Forest, Sled Ridge  
22 Middle Creek restoration. Requested amount, \$48,532,  
23 received a score of 74 for 70 percent funding which  
24 would be \$33,972.

25 MIKE BURMANN: Mike Burmann, Mendocino National

1 Forest. Good morning, Commissioners. On this project  
2 we respectfully request that you rate the score from a  
3 total of 74 to 91. We're basing this on criterion  
4 1(c)(d). For that one we would like to consider  
5 raising the score from 28 to 38, based on the fact that  
6 we mentioned in our application there are several  
7 heritage sites in this area, and also that it is a  
8 potential habitat for the California red-legged frog  
9 and also the Clear Lake hitch, which is also a fish.  
10 It's considered a California species of concern. It's  
11 endemic to Clear Lake, so that's why we would like to  
12 have that score raised from 28 to 38.

13 We agree with the Division score of 14 for  
14 criterion two.

15 For a criterion 3(c), I think we adequately  
16 addressed what our intentions were as far as closure  
17 due to management action. We mentioned additional  
18 signing, barriers, law enforcement patrols, so we would  
19 like to raise that score from 16 to 17.

20 For criterion four, application demonstrates the  
21 site will be monitored and can be adequately maintained  
22 until the restoration process is successful. We submit  
23 an annual monitoring program report to the Division  
24 staff each year, so we feel for that criterion we would  
25 like to have it raised one point from a seven to an 8.

1           For a criterion five, history of fiscal  
2     accountability, again, we didn't provide specific  
3     details for each grant. But since 1982, the Mendocino  
4     National Forest has applied for and received 51  
5     assistance grants, and we have met all of the project  
6     deliverables, and also have met all of the project  
7     performance periods. Thank you. Any questions?

8           CHAIR BRISSENDEN: Thank you. Public comment?  
9     Commissioners? Just a reminder that if you're really  
10    planning to comment, to get lined up.

11          BRENT SCHORADT: My brain was telling my legs to  
12    move and I'm kind of slow this morning.

13          Category one, I think what we just heard about  
14    the red-legged frog and the fact that the application  
15    mentions other species, such as the Clear Lake hitch,  
16    is enough evidence that this is going to provide  
17    critical environmental -- benefit critical and  
18    environmental resources. So we recommend a score of 40  
19    under category one.

20          And then another one point, at least one point,  
21    for category two, which is an additional 13 points,  
22    which brings the score up to 87. Thank you.

23          CHAIR BRISSENDEN: Thank you. Commissioners?

24          COMMISSIONER SPITLER: I think the information  
25    that the applicant, testimony today, demonstrates a

1 score on the first category is too low. I would  
2 recommend a score of 38 in that category based on the  
3 information on the red-legged frog and the hitch. And  
4 I move a final score of 84 out of a hundred.

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

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

8 COMMISSIONER THOMAS: Would the maker of the  
9 motion increase the 5(a) criteria two and the 5(b)  
10 criteria by one. If someone has gotten 52 assistance  
11 grants properly managed over time, I would think that  
12 we would know that they have complied with their  
13 project performance time frames. I would add three  
14 points because of that.

15 COMMISSIONER SPITLER: I'll accept that, if the  
16 second will accept it.

17 VICE-CHAIR ANDERSON: Okay.

18 CHAIR BRISSENDEN: Any further discussion? All  
19 those in favor?

20 (Commissioners simultaneously voted.)

21 CHAIR BRISSENDEN: Opposed? Motion carries.

22 COUNSEL LaFRANCHI: Mr. Chair.

23 OHV STAFF FREITAS: Commissioner Brissenden, can  
24 you please repeat those numbers?

25 CHAIR BRISSENDEN: Could the maker of the motion

1 repeat those adjusted scores, please.

2 COMMISSIONER SPITLER: Category one score is 38  
3 out of 40. Category two through four remain the same.  
4 Category 5(a), five out of five, 5(b) five out of five,  
5 and 5(c) remains the same for a score in category five  
6 of 12 out of 15; final score of 87.

7 OHV STAFF FREITAS: Thank you.

8 DEPUTY DIR. GREENE: Chairman Brissenden, the  
9 court reporter needs a break.

10 CHAIR BRISSENDEN: You do look miserable.

11 Ten minutes. We will be back at 10:15.

12 (Break taken in proceedings.)

13 CHAIR BRISSENDEN: So we will begin again, John.

14 OHMVR STAFF PELONIO: Line number eight,  
15 El Centro Field Office restoration project. Requested  
16 amount \$477,459. Received a score of 70 for 70 percent  
17 funding, which would be \$334,221.

18 NEIL HAMADA: Good morning, Neil Hamada from  
19 El Centro Field Office.

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

22 NEIL HAMADA: Commissioners, we'd like to have  
23 you take a look at revising our score. For the first  
24 section, we believe that we should receive a higher  
25 score because the grant application addresses a

1 flat-tailed horn lizard and keeps us in compliance with  
2 the flat-tailed horn lizard management strategy.

3           JIM WEIGAND: Also, there are additional species  
4 in the West Mesa Flat-Tailed Horn Lizard Management  
5 Area, the area under consideration for restoration that  
6 include the Colorado fringed-toed lizard, desert  
7 pupfish, and numerous plants, including milk-vetch, not  
8 Pierson's milk-vetch as well as crucifixion thorn.  
9 Again, all cultural resources will be protected. That  
10 information is included. There are areas of critical  
11 environmental concern, San Sebastian Marsh and San  
12 Philippe Creek, which we will be visiting in March, as  
13 examples of riparian areas. And, again, this helps BLM  
14 fulfill its obligation to U.S. Fish and Wildlife and  
15 Department of Fish and Game for long-term conservation  
16 of the flat-tailed horned lizard and to meet our  
17 obligations to keeping these areas accessible to the  
18 OHV recreating public.

19           NEIL HAMADA: This is also one of the projects  
20 where SCA is utilized extensively, and they've done a  
21 good job. I think you've all seen the work that  
22 they've done in the Yuha Desert.

23           JIM WEIGAND: In section three, we're requesting  
24 eight out of 20 points; in section four, 10 out of 15;  
25 in section five, nine out of 15. And you have before

1 you the request for increase, but we'd be glad to  
2 provide you any details in addition.

3 CHAIR BRISSENDEN: Thank you for summarizing.  
4 Other public comments?

5 COMMISSIONER THOMAS: Tell us your numbers.

6 COMMISSIONER SPITLER: Can you walk through  
7 those numbers one more time.

8 NEIL HAMADA: For the first category, 40 out of  
9 40; for the second category, 15 out of 15; for the  
10 third category, 15; and for the fourth category, 15;  
11 and for the fifth category, 15.

12 COMMISSIONER SPITLER: Just a point of  
13 clarification, despite what it says on the score sheet  
14 here, the fourth category is only 10 points total.

15 CHAIR BRISSENDEN: Do you have further questions  
16 of the applicants? Public comment, please.

17 BRENT SCHORADT: Brent Schoradt, California  
18 Wilderness Coalition. For the first category, we  
19 recommend a score of 40. As we heard, there's ACECs at  
20 stake, areas of critical environmental concern.  
21 There's the flat-tailed horned lizard in this area, and  
22 I think that's more than enough to justify that there's  
23 critical environmental benefits, so 40 out of 40 on  
24 category one.

25 And then we recommend 15 out of 15 on category

1 two. That says they should answer one or more of the  
2 following, and there's in-depth answers discussing the  
3 signing and various -- you know, other ways they're  
4 efficient in using funds.

5 And then under category three, we recommend a  
6 score of 20 out of 20. The project would use barriers  
7 such as rocks, straw bales, and berms to maintain  
8 closures. And there was again one out of three that  
9 they had an answer. We felt that was an adequate  
10 answer.

11 And then for category four, the in-depth -- they  
12 do a good job at describing the monitoring process, so  
13 we recommend giving them a 15 out of 15 for a total  
14 score of 94. Thank you.

15 CHAIR BRISSENDEN: Thank you.

16 KAREN SCHAMBACH: Karen Schambach, Public  
17 Employees for Environmental Responsibility. I would  
18 just echo Mr. Schoradt's comments on this grant,  
19 support his recommendation.

20 JAY WATSON: Jay Watson, Student Conservation  
21 Association. We too would support the higher score.  
22 We work under the direction of the BLM. And in order  
23 for SCA to put our crews on the ground, bring our  
24 match, bring our volunteer hours, the agency needs to  
25 do a lot of advance work. And they are not -- they



1 will not be able to do that full complement of advance  
2 work in as many areas as they would like without the  
3 higher score, so we would support the higher score that  
4 Mr. Schoradt just suggested because it will allow a  
5 fuller, more complete restoration process over time.  
6 Thank you.

7 COMMISSIONER THOMAS: Just a question: Are you  
8 saying that's your additional volunteer hours at the  
9 2(c) criteria in this proposal?

10 JAY WATSON: Thank you. In this proposal,  
11 again, we have a 10 or 11 percent match, and  
12 approximately 8,000 hours of volunteer work over a  
13 nine-month period.

14 COMMISSIONER THOMAS: Thank you.

15 CHAIR BRISSENDEN: Commissioners? Commissioner  
16 Prizmich.

17 COMMISSIONER PRIZMICH: The applicant and a  
18 couple of speakers requested that criteria number 3 be  
19 dramatically increased from the Division score of eight  
20 to 20. If I could get both the applicant and the  
21 Division to explain why they -- or if they can, the  
22 discrepancy between the Division's giving them an eight  
23 and the applicant requesting the full 20.

24 OHMVR STAFF BUCKINGHAM: Sure, Jennifer  
25 Buckingham, OHV Division. Under section 3, yes, it

1 does ask for criteria in one of the following three  
2 categories. They answered 3(a) sub three, instead of  
3 one, two, and three. They have provided three  
4 sentences explaining how law enforcement officers will  
5 be assigned to the area where the restoration is  
6 occurring and that route markers and directional  
7 signage, et cetera, will tell people what can and  
8 cannot be done in these areas. Which for us  
9 unfortunately did not demonstrate how these devices are  
10 going to actually protect the restoration area, explain  
11 what the restoration area is, and therefore they were  
12 unable to obtain additional points; (b) was not  
13 answered; and 3(c)(i)(1) was again two sentences, and  
14 it stated that during the restoration process, some  
15 closed routes may need physical barriers. The best  
16 results are found when restoration eliminates the  
17 closed route. However, this is true, again, lacked  
18 significant detail for us to give them any adequate  
19 points. And in comparison to other grants in this  
20 competitive process, the answer wasn't able to receive  
21 anywhere near the full funding that it could have,  
22 whereas other people answered the question with enough  
23 detail for us to allow points to be given.

24 COMMISSIONER PRIZMICH: Did you hear anything  
25 today that would change your opinion of your score?

1           OHMVR STAFF BUCKINGHAM: Personally, no, I did  
2 not. And, again, it's not that staff doesn't agree  
3 that these projects are fantastic statewide and the  
4 funding is necessary; however, this is a competitive  
5 process. We are given criteria in which to score, and  
6 the applicants must meet the criteria by giving  
7 detailed answers. So, unfortunately, again, we just  
8 couldn't give them the points that they could have been  
9 allocated.

10           COMMISSIONER THOMAS: Mr. Chairman.

11           CHAIR BRISSENDEN: Mr. Thomas.

12           COMMISSIONER PRIZMICH: Can I finish?

13           COMMISSIONER THOMAS: I'm sorry.

14           COMMISSIONER PRIZMICH: Does the applicant have  
15 any -- where did he go? Is there any commentary  
16 relative to that that might relieve the Division and  
17 help us out? We would really like to give out the  
18 money, but as stated before, I'm really caught in the  
19 horns of a dilemma. I'm not just not hearing the kind  
20 of information that would increase a Division score  
21 from eight to 20, as you requested.

22           NEIL HAMADA: Neil Hamada, Imperial Sand Dunes.  
23 Unfortunately the project manager is not here today.  
24 However, I do know on the areas that he did address for  
25 3(a)(3), one of the -- use of appropriate law

1 enforcement. In addition to the law enforcement  
2 patrols that occur in that area, on the holiday  
3 weekends, we have the SCA crew out there, and they're  
4 not law enforcement officers; however, they're out  
5 there building relationships with the OHV community.  
6 In addition to the law enforcement patrols, the SCA  
7 crews are there with them in handing out information in  
8 asking the OHV public to stay off of the closed routes  
9 and actually have had a great response from the OHV  
10 community in that area.

11 On 3(c)(i) or (1), for closures due to  
12 management actions, it says the project leaves barriers  
13 such as rocks, straw bales, and berms. Also, in  
14 addition to that, those areas have been signed quite  
15 heavily and have been used as an example for signing of  
16 the BLM route management system in our area. So the  
17 OHV riders have an opportunity to stay on the right  
18 trails and not go onto the closed and rehabbed routes.

19 JIM WEIGAND: This is Jim Weigand. I think that  
20 oftentimes we write down specific actions, and we  
21 assume that because we've been doing these actions for  
22 so long, people understand the purposes of them. And  
23 we try to keep our grants economical in terms of  
24 length. So, again, if we've not done that correctly,  
25 it is our fault, but again we were trying to be

1 economical in text.

2 COMMISSIONER THOMAS: Mr. Chairman?

3 CHAIR BRISSENDEN: Mr. Prizmich, you're  
4 satisfied? Okay, Mr. Thomas. Mr. Thomas.

5 VICE-CHAIR ANDERSON: I'd like to kind of second  
6 what Mr. Weigand was saying because when I was looking  
7 through this grant and reading it, I was hearing echos  
8 of a field trip that we had in the Yuha Desert where  
9 there were several Commissioners present, and things  
10 that were -- that I read in this grant kind of echo  
11 back to what I had seen on the ground, and that is a  
12 difficulty. So some of these concepts and the language  
13 meant more because I understood what was going on on  
14 the ground.

15 COMMISSIONER THOMAS: Let me try to inquire of  
16 the staff, and I respect the staff's effort greatly,  
17 but I'm trying to understand how one would score the  
18 highest in a fact pattern similar to what we have,  
19 where somebody says -- your question is what is the  
20 appropriate law enforcement and traffic control devices  
21 to protect restoration area. The answer we have is  
22 patrol and signs. Now, that seems to me to be the only  
23 thing you can do, patrol and signs. But what would be  
24 the perfect answer so that I understand you're  
25 thinking.

1           OHMVR STAFF BUCKINGHAM:  Actually, first and  
2  foremost, the one most important thing to look at is  
3  that under 3(a), they actually needed to answer one,  
4  two, and three.  So they could have selected 3(a),  
5  3(b), or 3(c), or all three to answer, but they needed  
6  to answer that completely.

7           And then in terms of looking at appropriate law  
8  enforcement, yes, they did provide an answer.  They  
9  didn't tell us how many patrols, how often those  
10  patrols would occur, things of that nature.  And  
11  Mr. Weigand is right in that oftentimes many grant  
12  applicants have been applying for grants for years, so  
13  they assume that we may just know what their law  
14  enforcement program may be or certain restoration  
15  efforts, and, of course, we're looking for more detail  
16  when we can find it.

17           COMMISSIONER THOMAS:  Let me one more time, and  
18  I'll stop.  Is it realistic to focus on a restoration  
19  area which is a discrete subset of a piece of public  
20  land and ask somebody to do a specific patrol and  
21  signage schedule for just that piece of land, when, in  
22  fact, you do the patrol, you do the patrol by the  
23  region.  You have a cop or an FPO, and he's got a  
24  truck, and he drives from one end of the sand dunes to  
25  the other, or if he's got an off-road vehicle, he

1 drives up and down, he's got a route, or he responds on  
2 a call basis, called out when there is an incident.  
3 How would you -- if I were to restore 150 acres of the  
4 sand dunes by putting up rocks, how would I write a  
5 patrol plan for that 150 acres? Would you expect that?

6 CHIEF JENKINS: If I may?

7 COMMISSIONER THOMAS: No, I'm asking the staff  
8 who did the analysis, if I may, because we'd like to  
9 know what these rules are so that we can analyze more  
10 fully.

11 OHMVR STAFF BUCKINGHAM: Well, if you are  
12 requesting funding for a specific project, then, yes,  
13 we are going to assume that you will dedicate a certain  
14 amount of time, that money, and staff to protect and  
15 ensure that that restoration project is successful. In  
16 terms of an actual law enforcement route plan, I am not  
17 probably likely the best person to answer that. John  
18 may want to, but, nonetheless, we still need to know  
19 how often that site will be visited, is it on a  
20 regularly patrolled route, or do they actually have to  
21 dedicate someone to come off of that route to make sure  
22 that that project is still intact. We need to know  
23 that information.

24 COMMISSIONER THOMAS: Okay. I appreciate your  
25 answer. And perhaps later on we can have the staff go

1 out on patrol with somebody and see how the real patrol  
2 works, and that way we make an adjustment over time.  
3 Thank you.

4 OHMVR STAFF PELONIO: John Pelonio, Division  
5 staff. I have been out on patrol with a lot of these  
6 applicants. And what we're looking for is not specific  
7 dates and times of patrols or exact numbers, but many  
8 of the applicants provided us information such as  
9 monthly or weekly, approximately 12 times over the  
10 course of the year, sometimes it was once a year, but  
11 it depends on the nature of the site. If it's  
12 particularly remote and doesn't get much use, then  
13 maybe once a year would be adequate. They just need to  
14 explain why.

15 COMMISSIONER THOMAS: Thank you.

16 CHAIR BRISSENDEN: Any other comments? I have  
17 one follow-up. Was that kind of specificity brought  
18 out in your workshops that that was what you really  
19 were looking for in terms of really pinpointing this  
20 kind of information for these applications? Because  
21 I'm getting side conversations that that was not the  
22 case.

23 OHMVR STAFF PELONIO: Each of the grant  
24 administrators as we were discussing the analysis  
25 project needs and benefits, for each project type, we



1 addressed that we needed specific facts and we gave a  
2 few examples. We've been discussing that perhaps we  
3 need to give more examples next year.

4 CHAIR BRISSENDEN: Specific to restoration. I  
5 mean it seems like particularly restoration didn't get  
6 the specificity that the others did, perhaps because  
7 it's the second year and it's not as thoroughly thought  
8 out. Is that possible? You sound like you're  
9 addressing this for the next year, and I hope that  
10 that's the case.

11 OHMVR STAFF PELONIO: We're continually trying  
12 to look at the process and improve it from previous  
13 years, so we've been taking notes on what additional  
14 information we need to provide at the workshops and  
15 what information we need to provide in greater detail,  
16 and further examples was one of the things that we  
17 talked about.

18 CHAIR BRISSENDEN: Okay. Thanks John, thanks  
19 Jennifer.

20 DEPUTY DIR. GREENE: Chairman Brissenden, just  
21 for clarification, it is not specific to restoration.  
22 This goes across the board because restoration has been  
23 an area where people have applied for for many years.  
24 There has always been the discussion of whether or not  
25 law enforcement and maintenance was appropriate to be

1 paid for out of restoration, but it has for many years  
2 been this discussion. I think where we see, in all of  
3 the different categories, particularly in certain areas  
4 of the criteria, where we do need to try and tighten it  
5 up and improve it for next year and then provide that  
6 clarification to the public when they're applying for  
7 application.

8 CHAIR BRISSENDEN: Thank you. Further questions  
9 of the applicant? Thank you. Public comments that  
10 haven't been.

11 MS. ELDER: You had it already.

12 KAREN SCHAMBACH: Public Employees for  
13 Environmental Responsibility. I'm supporting the  
14 applicant's request for a higher score, and my comments  
15 are in defense of that. On 3(a) what their application  
16 said was, "Law enforcement officers who are assigned to  
17 areas where restoration is occurring have been directed  
18 to increase patrols of these areas. Additionally BLM  
19 park rangers keep a close eye on these areas, as well.  
20 Route markers, directional signs, and signs explaining  
21 what can and cannot be done in these areas have been  
22 and will continue to be installed as needed."

23 Now, again, as I said earlier, I can appreciate  
24 that, you know, this is a work -- these criteria are a  
25 work in progress. But not only wasn't this amount of

1 specificity explained at the workshops, but what was  
2 said in the workshops, and what is in the regs, is that  
3 the regulations -- the application guidebook is the  
4 final authority, and it's not spelled out in that  
5 either.

6           So I know these are just, you know, sort of  
7 unintended things that we're learning as we go along,  
8 but that lack of specificity and direction shouldn't --  
9 the applicant shouldn't be penalized because there was  
10 this lack of specificity. We'll all learn from it,  
11 but, again, the money is just going to sit on the table  
12 because directions weren't clear. And I think that in  
13 these cases that we should give the applicants the  
14 benefit. Thanks.

15           CHAIR BRISSENDEN: Thank you.

16           JOHN STEWART: Good morning, Commissioners, John  
17 Stewart, California Association of 4-Wheel Drive Clubs  
18 and United 4-Wheel Drive Associations. Looking at this  
19 particular restoration grant, in fact, looking at  
20 several of these restoration grants, I find a troubling  
21 trend here. There is an overreliance on the law  
22 enforcement component on items 3 and 4 to raising the  
23 scores. This reliance on the law enforcement component  
24 seems to indicate that these applicants are doing an  
25 excessively outstanding job and receiving extremely

1 high scores because of that. And yet when you compare  
2 that with the law enforcement grants that have already  
3 been awarded, these same applicants were denigrated  
4 within the law enforcement grants saying that they're  
5 doing a poor job and their scores and the grant awards  
6 at that point did not reflect the fact that they were  
7 doing such an outstanding job in restoration. I think  
8 we have something here that is -- and especially very  
9 evident with this particular grant -- is staff scores,  
10 as done by the competitive criteria, is adequate and it  
11 reflects the existing conditions on the ground. So we  
12 support the staff scores. Thank you.

13 CHAIR BRISSENDEN: Thank you. For the comment.  
14 Commissioners.

15 COMMISSIONER WILLARD: Through the Chair, we've  
16 heard a couple of comments now of, you know, the  
17 process wasn't clear or it wasn't fair. And while it  
18 may not have been clear and it may not have been fair,  
19 it was the same for every applicant. And I think the  
20 bottom line is it's a competitive situation, and so I  
21 think we all have to assume that all of the grants were  
22 scored basically the same. And so if that's the case,  
23 then any claim that it was unclear, ambiguous, really  
24 shouldn't be considered because all applicants had the  
25 same set of criteria to work from.

1           I think the last speaker's comment about the law  
2 enforcement grants is interesting in that if they did  
3 not score well on the law enforcement grants, then how  
4 can we then say they receive additional or more points  
5 than staff is scoring in that particular area. Thanks.

6           CHAIR BRISSENDEN: Thank you. Further comments?  
7 Commissioner Spitler.

8           COMMISSIONER SPITLER: I want to bring this  
9 discussion back to the specific grant that's before us  
10 here, not any other law enforcement or other grants or  
11 any other problems that applicants, this applicant or  
12 any other applicant might have with the evaluation  
13 process.

14           Getting back to the specific objective facts  
15 before us here, I'm recommending a score of 40 out of  
16 40 in the first category. I think the applicant did an  
17 excellent job describing the areas that would be  
18 protected, the two areas of critical environmental  
19 concerns, sensitive species, et cetera. And I think  
20 the discussion we just had here warrants an increase in  
21 score in the third criteria from eight to 16 out of 20,  
22 and I won't reiterate that discussion. I think it's  
23 already put into the record.

24           Finally, I'll just note, just a correction on  
25 category four, the uncorrected form I'm looking at -- I

1 don't know if a correction was put out. It says the  
2 score is 10 out of 15. I'll just note the correction,  
3 that should be 10 out of 10, based on the applicant's  
4 information on photo documentation, restoration --  
5 photo documentation before and after patrols,  
6 et cetera. So the final score I would recommend would  
7 be -- excuse me, I skipped one item.

8 I skipped item two, efficient use of funds. The  
9 application documents the outreach volunteer hours. I  
10 think the extra testimony here today documents the  
11 extent of the use of volunteers and I note the  
12 significant agency contribution. I think that warrants  
13 a score of 15 out of 15 for a total score of 90 out of  
14 a hundred, and I will so move.

15 COMMISSIONER THOMAS: Second.

16 CHAIR BRISSENDEN: It's been moved and seconded.  
17 Do we have a final tally, Aaron? Did you get all of  
18 the scores?

19 OHV STAFF FREITAS: Yes, we got them.

20 CHAIR BRISSENDEN: So we have a final tally of  
21 90; is that correct?

22 OHV STAFF FREITAS: That's correct.

23 CHAIR BRISSENDEN: So all those in favor?

24 (Commissioners simultaneously voted.)

25 CHAIR BRISSENDEN: Opposed?

1 COMMISSIONER WILLARD: No.

2 COMMISSIONER PRIZMICH: No.

3 CHAIR BRISSENDEN: Motion carries. John, next.

4 OHMVR STAFF PELONIO: Next project is line  
5 number nine, BLM Hollister Field Office, San Benito  
6 Mountain restoration. Request amount is \$179,410. The  
7 score received was 69 for a determination of 60 percent  
8 funding, which would be \$107,646.

9 GEORGE HILL: George Hill, Assistant Field  
10 Manager for the Hollister Field Office. I would like  
11 the Commission to raise our score. On item one, we  
12 would request a score of 33. Basically, we recently  
13 completed a restoration project similar to this within  
14 the San Benito Mountain RNA. We also recently  
15 completed our route designation, and so this project  
16 focuses on closed routes and barriers within the RNA.  
17 Specific techniques to be used include, wattle, straw  
18 bales, woody debris, and soil stabilization techniques  
19 to reduce erosion and restore habitat. This project  
20 will focus on an additional ten barren complexes and  
21 associated trails. This area does include the  
22 federally listed San Benito evening primrose. Under  
23 1(d), our recently completed resource management plan  
24 expanded the RNA to over 4,000 acres. This includes a  
25 1800-acre wilderness study area. It's within the

1 serpentine ACEC, which is over 30,000 acres. This  
2 includes an area with unique serpentine soils and  
3 vegetation communities.

4 Under number two, request a score of 13.  
5 Basically this past year, volunteers provided over 450  
6 hours of labor between October 15th, 2005 and June 1st,  
7 2006 on restoration projects and closed route  
8 eradication, over 23 trails and signing of trails. We  
9 partnered with the SCA this summer on restoration  
10 projects and seed collection for June through August.  
11 This was over 1200 hours.

12 On number three, we request a score of 15. In  
13 addition to repair of gullying, erosion from past use,  
14 specific measures to repair past unauthorized use would  
15 include physical barriers, fences, obscuring of trails,  
16 brochures, and visitor education. Under 3(c).

17 COMMISSIONER SPITLER: Question for you, I'm  
18 sorry. Item 3, your recommended score was?

19 GEORGE HILL: 11 and the request, a score of 15.

20 COMMISSIONER THOMAS: That's item two. We have  
21 16.

22 COMMISSIONER SPITLER: Item three, your score is  
23 16 out of 20. Do you want us to go down to 15?

24 GEORGE HILL: I think I might have the wrong  
25 sheet. We have two restoration projects.



1 COMMISSIONER SPITLER: Are you OR-1-H-20?

2 GEORGE HILL: I don't want to request a score,  
3 I'm sorry.

4 COMMISSIONER THOMAS: So you're saying never  
5 mind, and you'll start again?

6 GEORGE HILL: No, I apologize. The figures I  
7 have on the sheet don't match up.

8 Anyhow, under number three, we would like to  
9 request an increase in score because we have identified  
10 the specific measures that we would use to restore past  
11 illegal activity. As I mentioned here, recently  
12 completed resource management plan expanded the RNA to  
13 over double its size. The RNA was effectively closed  
14 to OHV use in January of 2006.

15 Number five, would request a score of ten. As I  
16 mentioned, a previous restoration grant was recently  
17 completed within the performance period in June of  
18 2006. This project focuses on restoration of ten  
19 barren complexes, restoration of 23 trails and  
20 installation of over half a mile of fence to further  
21 protect these areas. And there is an addition error on  
22 the sheet I have also. The total score I would request  
23 is 84 out of a hundred.

24 COMMISSIONER SPITLER: Just to make sure, the  
25 numbers that you were reading for the first few

1 categories were for grant OR-1-H-20?

2 GEORGE HILL: That's correct.

3 COMMISSIONER THOMAS: And the volunteer hours  
4 that you identified were for H-20?

5 GEORGE HILL: Right.

6 COMMISSIONER THOMAS: The 1200 hours in 2(c) and  
7 the 450 hours in 2(d)?

8 GEORGE HILL: Correct.

9 CHAIR BRISSENDEN: Any questions of the  
10 applicant, other than those we've already had? So go  
11 to public comment.

12 GEORGE HILL: Thank you for your consideration.

13 CHAIR BRISSENDEN: Thank you.

14 PAUL MCFARLAND: Paul McFarland for Friends of  
15 the Inyo. This area is a little bit out of my  
16 traditional area, but I've become aware of it as a  
17 member of the Central California BLM Advisory Council.  
18 Over the last two years, Hollister has continually come  
19 to this body informing us as to what they've been doing  
20 in Clear Creek. As anybody in this room knows and  
21 sitting up there, this areas been a site of a lot of  
22 contention over a long time, and it really looks like a  
23 lot of that is clearing up, so much so to the point  
24 that a lawsuit against the BLM for failure to manage  
25 serpentine soils in this area was dropped because

1 things have really turned the corner and are getting a  
2 lot better. And this grant is critical in implementing  
3 that.

4           So for number one, project benefits critical  
5 environmental resources, I think that goes without  
6 saying. This place would not be such a hotbed if it  
7 didn't have those resources with the rare serpentine  
8 soils. There is over 440 miles of existing trail in  
9 this area, but only 242 are designated open under the  
10 current ROD. To ensure sustainable management in this  
11 place, we need to get that back into alignment and  
12 clean up the past, especially these barrens, and get  
13 this place workable.

14           For number two, go up to a 15 out of 15. I  
15 think that just the fact that SCA is here, the use of  
16 volunteer labor, and the use of partnerships. There is  
17 a phenomenal amount of partners here everywhere from UC  
18 Davis, Sierra Club to OHV enthusiasts. One of the  
19 things that the past manager in this area, Mr. White,  
20 was able to do was really effective use of volunteers  
21 to bring what was an out-of-control area back into  
22 compliance. So this area is really a model for  
23 cleaning some of that stuff up.

24           And then for number five, I suggest raising the  
25 score to a 10 out of 15. Past grants by this field

1 office have included restoration projects and have been  
2 completed in a very timely manner. So thank you very  
3 much. This is a good area, and this will do a lot to  
4 clean up the past mess. Thanks.

5 CHAIR BRISSENDEN: Thank you.

6 KAREN SCHAMBACH: Karen Schambach, Center for  
7 Sierra Nevada Conservation and PEER. Without repeating  
8 all of his remarks, I would like to reiterate what the  
9 previous speaker just said. Clear Creek has been an  
10 area of controversy for -- I won't say how many years  
11 I've been involved with OHV, but this is finally  
12 turning it around. This is a very important project.  
13 So I'd like to see it get the higher score. Thanks.

14 COMMISSIONER THOMAS: Ms. Schambach, is it your  
15 testimony that the applicant has a proven track record  
16 in addressing the problems in a timely manner, is that  
17 5(c), if that's what you're saying; and if so, why.  
18 We're not aware of the problems of the area as you are.

19 KAREN SCHAMBACH: Well, this goes back over 20  
20 years, as a lot of people in this room can attest. And  
21 it's been, you know -- the first several years were not  
22 good, but there's been a turnaround in this last couple  
23 of years, and with the ROD that was signed that was  
24 mentioned. And, you know, there wasn't restoration  
25 money available for most of those 20 years, now there

1 is, and that will go a long way to help them implement  
2 the ROD.

3 COMMISSIONER THOMAS: Thank you.

4 JAY WATSON: Jay Watson, Regional Director, SCA.  
5 The Hollister is a relatively new site for us. It's  
6 our second year there. We have two projects, like the  
7 gentleman from the area so stated. But on this  
8 specific piece of those two projects, again, we'll  
9 bring a 10 percent match, and about 2500 hours of  
10 student time, volunteer time on this particular  
11 project.

12 CHAIR BRISSENDEN: Thank you. Commissioners?

13 COMMISSIONER PRIZMICH: I've heard three  
14 different things with regard to volunteers. I heard  
15 the applicant say they provided 450 hours. I heard  
16 that corrected by Commissioner Thomas to include 1250  
17 hours on top of the 450, and then I just heard 2500  
18 hours of volunteer time donated. So I'm a bit confused  
19 as to how many hours volunteers are providing.

20 COMMISSIONER McMILLIN: What was turned in on  
21 the application?

22 OHMVR STAFF BUCKINGHAM: Jennifer Buckingham,  
23 OHV Division. What was stated, volunteer efforts and  
24 Student Conservation Association crew have been  
25 utilized. They did mention the use of volunteers a

1 number of times. Unfortunately, I did see no hours or  
2 cost associated with it.

3 CHAIR BRISSENDEN: Thank you. Can you clarify  
4 that?

5 GEORGE HILL: The 450 hours are volunteer hours.  
6 The SCA hours are partnership hours, and so they're  
7 different. They're actually not considered volunteer  
8 hours. We provide funding for the SCA.

9 COMMISSIONER PRIZMICH: Could you repeat. I  
10 didn't quite understand.

11 GEORGE HILL: The 450 hours are volunteer hours.  
12 The hours identified with the SCA are considered  
13 partnership type hours because we actually include  
14 funding for them.

15 CHAIR BRISSENDEN: Does that help you at all?

16 JAY WATSON: SCA receives funding for all of  
17 these restoration projects, but it's not for salary for  
18 our interns. It's hard fixed costs like vehicles,  
19 food, housing, health insurance, and all those sorts of  
20 things. But the actual time spent on the ground is not  
21 compensated.

22 COMMISSIONER THOMAS: And it's your testimony  
23 that there are 2500 hours of volunteer time from the  
24 Student Conservation Association in this project?

25 JAY WATSON: Yes.

1 COMMISSIONER THOMAS: Thank you.

2 CHAIR BRISSENDEN: And that is in addition to  
3 the 450 that the --

4 JAY WATSON: It would be my guess that they are  
5 counting other volunteers that come to the project.  
6 They sort of set us in a separate category because  
7 we're working under a contractual basis. But the  
8 actual labor that our teams do is not compensated.

9 CHAIR BRISSENDEN: Thank you. Does that help  
10 some? That's an indication of some. Obviously, we  
11 need more specificity all the way around, so.

12 Any further public comments? Commissioners?  
13 Don't all jump in. I have an analysis of where we are  
14 in time by Aaron, our technical assistant, and we are  
15 now 15 minutes per application. And we need to speed  
16 this up. So I really need some help from the  
17 Commission.

18 COMMISSIONER SPITLER: I'll move this along.  
19 Item one, I move an increase of the score to 40 out of  
20 40. The project is within the San Benito Mountain  
21 Research Natural Area. This is an area that was  
22 designated due to the critical environmental resources.

23 Item number two, I would propose a score of 15  
24 out of 15. I think we heard a lot of testimony here  
25 today about the use of partnerships to reduce reliance

1 on OHV Trust funds, volunteers and other low-cost  
2 labor. I'll stop there, and propose a final score of  
3 84 out of 100; make that motion.

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

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

6 Discussion? All those in favor?

7 (Commissioners simultaneously voted.)

8 CHAIR BRISSENDEN: Opposed?

9 COMMISSIONER McMILLIN: No.

10 COMMISSIONER WILLARD: No.

11 COMMISSIONER PRIZMICH: No.

12 CHAIR BRISSENDEN: Motion carries.

13 OHMVR STAFF BELLUCCI: Excuse me, I believe the  
14 score is incorrect again. If criteria three, four, and  
15 five don't change from what they are up there.

16 OHV STAFF FREITAS: It's a score of 82.

17 CHAIR BRISSENDEN: Aaron, did you miss some?

18 OHMVR STAFF FREITAS: The scores that Chairman  
19 Spitler proposed, the final score is 82, I think.

20 COMMISSIONER SPITLER: Fine.

21 CHAIR BRISSENDEN: So are you adjusting those to  
22 match the 84 that the motion was, or do you want to  
23 remake the motion?

24 COMMISSIONER SPITLER: Do you need me to remake  
25 the motion?



1           COMMISSIONER THOMAS: Well, if the motion was  
2 for 84, and the math is for 82, somebody has to remake  
3 the motion.

4           COMMISSIONER SPITLER: I'll move the same  
5 numbers, which add up, in fact, to 82 instead of in  
6 fact 84.

7           VICE-CHAIR ANDERSON: Okay.

8           CHAIR BRISSENDEN: So it's been moved and  
9 seconded, once again, for 82 for this grant  
10 application. All those in favor?

11           (Commissioners simultaneously voted.)

12           CHAIR BRISSENDEN: Opposed?

13           COMMISSIONER McMILLIN: No.

14           COMMISSIONER WILLARD: No.

15           COMMISSIONER PRIZMICH: No.

16           CHAIR BRISSENDEN: Motion carries.

17           OHMVR STAFF PELONIO: Item number 10, U.S.  
18 Forest Service, San Bernardino National Forest.  
19 Requested amount \$158,475. Score received was 64 for  
20 60 percent funding, which would be \$95,085.

21           CHRIS EVANS: Good morning, Chris Evans, San  
22 Bernardino National Forest. It should come as no  
23 surprise that we'd like to see this score raised a  
24 little bit. Getting straight into the details, which  
25 seems like where we want to be right now, item 1(c),

1 indication was made by the reviewing board that  
2 cultural resources were not addressed. On the original  
3 application, page 91, paragraph F indicates that  
4 heritage resources were not located during surveys.  
5 During a 1988 environmental assessment, the application  
6 also continues to state in the decision memo that  
7 specific locations will be reviewed by an archeologist  
8 to determine the best methods for restoration. They  
9 will be consulted prior to work and impacts to heritage  
10 resources will be avoided. We'd like to see an  
11 increase of three points to bring item one to a total  
12 of 38 based on that.

13           Moving on to number two, efficient use of funds,  
14 under 2(d), there was an indication that partnerships  
15 were not addressed in the application. On the original  
16 application -- I'm sorry, the page numbers don't match.  
17 I didn't reference this back to the staff review. The  
18 original application, page 80, paragraph three,  
19 indicates the Green Thumb volunteers who contribute  
20 4,000 hours annually to projects. It also indicates a  
21 contribution from the SPNFA OHV volunteers of  
22 approximately \$300,000 budget that is proposed for this  
23 project. About \$50,000 of that, around 17 percent of  
24 the total cost of that is being brought through  
25 volunteer and partnership contribution. Based on that,

1 we'd like to see an increase of three points in  
2 category number two, bringing it to a total of 15 out  
3 of 15.

4 In category three, we would like to see an  
5 additional 11 points to bring that to a total of 18 out  
6 of 20. Specifically in 3(a)(3) regarding appropriate  
7 law enforcement and traffic control devices and  
8 barriers, discussed in the application is a full-time  
9 forest protection officer that was recently hired to  
10 patrol this particular district, the Cactus Flat  
11 Stationing Area being a part of that. The application  
12 also discusses specifically barriers and fencing will  
13 be constructed as needed to protect restoration sites,  
14 signing will be installed to inform users that the  
15 affected sites are closed to alert users that they will  
16 be cited if found in violation and that restitution  
17 will be sought for damages.

18 CHAIR BRISSENDEN: You need to summarize.

19 CHRIS EVANS: If I may take just a quick moment,  
20 I'd like to discuss also category five. We were scored  
21 zero out of 15 in that category. We would like to see  
22 some additional points there, and I'd probably like to  
23 introduce a little bit of new information if I may  
24 regarding that category. It was left out of this  
25 particular application. I apologize for that. I

1 believe it may have been an issue of page limitation,  
2 although it could have just been an oversight, but I  
3 would like to interject into that that we have  
4 completed a number of cooperative agreements. Recently  
5 OR-2-SB-81 and OR-2-SB-82, the prior completed in  
6 June 2005, billed in September 2005 complete at a  
7 hundred percent. OR-2-SB-82 completed June 30, 2006.  
8 At the time of application that had not been billed,  
9 its final invoice. That has since been done, and I  
10 believe it was completed around 98 percent. We also  
11 recently had the opportunity to review our agreements  
12 back to the mid '80s. We received a letter from the  
13 Division indicating \$226,000 in possible exceptions.  
14 We were able to go back through our records dating back  
15 to the mid '80s and found documentation to support that  
16 of those \$226,000 in exceptions, we were able to find  
17 documentation indicating that we had in fact returned  
18 money when it was due to be returned, and we had met  
19 the deliverables, and our finding was that we did not,  
20 in fact, actually owe \$226,000.

21 CHAIR BRISSENDEN: Any questions of the  
22 applicant?

23 VICE-CHAIR ANDERSON: Yes, I have one.

24 CHAIR BRISSENDEN: Go ahead.

25 VICE-CHAIR ANDERSON: In this restoration area,

1 does any of it go into the Bighorn Mountains Wilderness  
2 Area?

3 CHRIS EVANS: No, it does not. The Bighorn  
4 Mountains Wilderness is approximately a quarter of mile  
5 away. We don't believe we have any of these impacts  
6 extending into the wilderness area, but they are very  
7 close and creeping towards that direction. So we'd  
8 like to get a handle on that now before it does become  
9 an issue in the wilderness.

10 VICE-CHAIR ANDERSON: Because I was aware of  
11 other people complaining about the fact that there  
12 continued to be intrusions into the Bighorn Mountains  
13 Wilderness Area. I don't know that they were from the  
14 forest side, they may have been from the other side.

15 CHRIS EVANS: Unfortunately, I can't really  
16 speak to that. They don't let me out of the office  
17 very often.

18 VICE-CHAIR ANDERSON: I understand, okay. So  
19 this work is a quarter of a mile to the west of the  
20 Bighorn Mountains Wilderness, okay. Thank you.

21 CHAIR BRISSENDEN: Public comment?

22 COMMISSIONER THOMAS: Just a question, I'm  
23 looking at your application under analysis project  
24 needs and benefits, and you actually talk about the  
25 cooperative agreements that were completed. Was that

1 information provided to staff? This is our page 365 of  
2 402, 365 of 402 provides the history of proper success  
3 in implementing projects, and I'm wondering why.

4 COMMISSIONER PRIZMICH: Would that be under  
5 category five?

6 COMMISSIONER THOMAS: This is category five. It  
7 looks like it's in the application. I'm just wondering  
8 if that's something that the applicant believes was put  
9 in at the time of the application.

10 OHMVR STAFF PELONIO: That's in the trail  
11 maintenance project.

12 COMMISSIONER THOMAS: That's right. Thank you.

13 OHMVR STAFF PELONIO: They would have received  
14 points for --

15 COMMISSIONER THOMAS: What page is the relevant  
16 section for this particular subapplication?

17 OHMVR STAFF PELONIO: That would be page 353.

18 COMMISSIONER THOMAS: So it's the Cactus Flat  
19 Staging Area is not -- okay, that's why I was confused.

20 COMMISSIONER SPITLER: Question for staff, is  
21 the Commission allowed to consider items that are  
22 included in other application categories if they're  
23 brought to your attention today? It seems like pretty  
24 relevant information.

25 DEPUTY DIR. GREENE: Can you expand upon that,

1 Commissioner Spitler.

2 COMMISSIONER SPITLER: Well, this applicant here  
3 received a score of zero for not addressing the item of  
4 completion of prior projects within the time frame  
5 provided but under a separate application he has a list  
6 of all of the projects provided and the time frames.  
7 I'm guessing under that application, he received a high  
8 score. Now, we're looking at his information, I would  
9 assume that we're able to consider that under this  
10 application; is that correct?

11 DEPUTY DIR. GREENE: At the point in time -- and  
12 I'll defer to counsel, but I know that at the point in  
13 time certainly the scoring team didn't because they  
14 didn't have that information.

15 COMMISSIONER SPITLER: I'm not asking the staff  
16 to revise their score. I'm just asking can the  
17 Commission consider that information at this time?

18 COUNSEL LaFRANCHI: Yes, sir, I believe so under  
19 the current process.

20 COMMISSIONER SPITLER: Thank you.

21 CHAIR BRISSENDEN: Further questions of the  
22 applicant? Can we go to public comment?

23 COMMISSIONER PRIZMICH: I have a question of the  
24 applicant and staff, same as I had before. Do you want  
25 me to do it now?

1 CHAIR BRISSENDEN: Go ahead.

2 COMMISSIONER PRIZMICH: On criteria number  
3 three, again, we have a substantial spread between the  
4 Division's recommendation and the possible points and  
5 requested. Can, first of all, Division provide an  
6 explanation as to the low score. And then as a  
7 follow-up to that, I'd like the applicant to provide  
8 their response, if I could briefly.

9 OHMVR STAFF BUCKINGHAM: Jennifer Buckingham,  
10 OHV Division. In terms -- this was an example of an  
11 application that was very difficult for to us read  
12 through. It did not have any actual listed titles  
13 where the applicant was actually providing their  
14 examples and their answers to the questions. We had a  
15 very difficult time finding any solid detail in regards  
16 to section three. We did list what we did find, but  
17 unfortunately the statement was again lacking detail.  
18 Most of the information in the application really was  
19 specific to item number one. So we were able to pull a  
20 few things out, but unfortunately we really didn't find  
21 an adequate answer to any part of three.

22 COMMISSIONER PRIZMICH: I can just ask a  
23 follow-up on that?

24 CHAIR BRISSENDEN: Please.

25 COMMISSIONER PRIZMICH: When the staff has



1 difficulty with a response from an applicant, given the  
2 competitive nature of what we're dealing with here,  
3 what is generally your course of action? What do you  
4 do when you don't have an answer completely or  
5 adequately answered? What steps would you take?

6 OHMVR STAFF BUCKINGHAM: Well, first and  
7 foremost, there are five of us. So we do a good amount  
8 of back and forth in argument. But usually we will  
9 actually backtrack and read the entire section again,  
10 looking specifically for that detail in regards to the  
11 item, whether it be number two, number three, and try  
12 to find sentences in which we feel it addresses any  
13 part of that. So we will actually attempt to cut and  
14 paste as best we can.

15 If we find that there is absolutely no  
16 information, we also make sure that we've gone through  
17 all of the pages that have been provided. Sometimes  
18 they have supplied a success for criteria monitoring or  
19 monitoring criteria. Oftentimes that will actually  
20 have information, although it wasn't part of the  
21 initial response under the analysis of need, it is  
22 found a little later in the documents. So we'll also  
23 look at their PCD and see if their cost deliverables  
24 provided any clues to say volunteer hours, things of  
25 that nature.

1           We honestly look to give them as many points as  
2 we can, but what typically happens is that if it's not  
3 clear in front of us, we will go through looking at two  
4 or three of the different items that they provided to  
5 see if any information is there. And we'll go around  
6 in our circle and present what we have found or what we  
7 have not found, and that makes our determination.  
8 We're not able obviously to ask the applicant after the  
9 fact where the information is.

10           COMMISSIONER PRIZMICH: If the applicant -- and  
11 I don't know if this has happened. I don't want to  
12 belabor this, but with the issues that keep coming up  
13 relative to directions or nondirections or whatever.  
14 If the applicant were to have called you during the  
15 process or written you a question and asked if there  
16 was any further information that they could provide,  
17 how would you respond to that given the fact that say  
18 that applicant was deficient in some area.

19           OHMVR STAFF BUCKINGHAM: Well, first and  
20 foremost their question would be put onto our question  
21 and answer website, so that everybody would see the  
22 question as it was stated. And then we would provide  
23 the most clarity that we could. Obviously, we can't  
24 give them answers, but we can help them to find  
25 examples possibly within their own project that might

1 provide some clarity. I don't know specifically if  
2 we've received questions, you know, from somebody that  
3 says in item three, how should I respond. But we do  
4 definitely have that conversation with the applicant  
5 and again post that.

6 COMMISSIONER PRIZMICH: Do those typically come  
7 after the application has been delivered or prior to  
8 delivery?

9 OHMVR STAFF BUCKINGHAM: They should be prior to  
10 delivery. Once the applications are in hand,  
11 unfortunately we're done, unless they have specifically  
12 not given us something that we absolutely must have,  
13 but in terms of clarity and in any part of their  
14 criteria.

15 COMMISSIONER PRIZMICH: The applicant, I guess,  
16 you heard in terms of the Division they didn't see  
17 enough specificity. Is there something more you're  
18 bringing to the table today relative to number three?

19 CHRIS EVANS: Well, specifically to 3(a)(3), we  
20 felt like the law enforcement program in the area was  
21 pretty well defined. A new employee, actually an FPO,  
22 was hired last year through funding through this  
23 Commission to patrol specifically that district with  
24 emphasis on that staging area. And also the second  
25 paragraph describes, we felt like, in pretty fair

1 detail the use of barriers and fencing and signing to  
2 inform users that the sites are closed, to alert the  
3 users that they will be cited if found in violation,  
4 and so forth. So we believe that based on those two  
5 paragraphs in the 3(a)(3) that that was a pretty fair  
6 amount of detail about what we're doing in that area  
7 with law enforcement and information to alert the users  
8 of what's going on.

9 COMMISSIONER PRIZMICH: Thank you. Thank you,  
10 Chair, for your indulgence.

11 CHAIR BRISSENDEN: Certainly. Further questions  
12 of the applicant? Move to public comment. Thank you.

13 BEN von DIELINGEN: Good morning, Ben von  
14 Dielingen, San Bernardino National Forest Association,  
15 senior OHV program coordinator. I just wanted to  
16 extend our support as well to a higher score of this  
17 grant. I haven't reviewed it. As Chris mentioned, we  
18 do have a partnership with the Forest Service, with OHV  
19 volunteers who commit time and energy to restoration  
20 efforts. We also have our Children's Forest  
21 Environmental program, and these youth volunteers, ages  
22 12 through 17, also participate in the restoration  
23 efforts, both OHV and other restoration efforts, but  
24 they received no OHV funding for the Children's Forest.  
25 This is the partnership that believes in the mission.

1 So we support a higher score of the grant to let our  
2 OHV volunteers, as well as our youth volunteers do this  
3 good work for restoration on the forest. Thank you.

4 CHAIR BRISSENDEN: Thank you.

5 TOM TAMMONE: Tom Tammone, San Bernardino  
6 National Forest Association, Sound Level Monitoring  
7 Coordinator. I'd like to support the score request for  
8 this grant. And I'd like to also point out that I'm  
9 sure John Stewart appreciates this, that Chris Evans on  
10 his request for all of these grants was very consistent  
11 on all of the scoring request increases. And basically  
12 on every category, they're all consistent, and he  
13 didn't just come up here and say, oh, just give me a  
14 hundred percent. He provided good detailed answers as  
15 to why he thinks he deserves a higher score. I support  
16 his information he's added onto criteria five and  
17 criteria three. I also support the idea of the  
18 applicant, the Division, and the Commission working  
19 together to get any misunderstandings cleared up so  
20 that we don't have to come back and meet again later.

21 Also, as far as the archeological stuff, many of  
22 us OHV volunteers are also members of CSAG, which is an  
23 archeological site stewardship program. And a lot of  
24 us work with the archeologist -- the heritage staff  
25 personnel on the forest. We have a very good working

1 relationship with them, and I have the confidence that  
2 Chris Evans can fulfill what he says that he's going to  
3 fulfill for this grant request, and I support his  
4 scoring increase. Thank you.

5 CHAIR BRISSENDEN: Thank you.

6 BRENT SCHORADT: Brent Schoradt, California  
7 Wilderness Coalition. Previous speaker spoke to  
8 numbers three and five in the criteria, so I'll speak  
9 to numbers one and two. I think that the application  
10 states that there are three federally endangered, two  
11 federally threatened, five sensitive, and two watch  
12 list species at stake here. So I think that definitely  
13 satisfies our criteria for critical environmental  
14 benefits. So we would score that 40 out of 40, which  
15 is five points in category one.

16 And then we also feel they adequately answered  
17 category two, which said one or more of the following,  
18 they definitely filled out a lot of information on  
19 category two in terms of the efficient use of funds.  
20 So we give them three more points there to bring it up  
21 to 15 out of 15. Thank you.

22 CHAIR BRISSENDEN: Thank you. Commissioners?

23 COMMISSIONER THOMAS: I'll go ahead and make the  
24 motion on this to increase the ratings in the following  
25 fashions. Category one, I would increase to 40 out of

1 40 given the evidence of the extensive number of  
2 species and testimony to date.

3           And paragraph two, criteria number two, I would  
4 increase to 15, particularly given 4,000 hours of  
5 volunteer labor. It's amazing. There is a lot of  
6 testimony by the -- there is an independent volunteer  
7 and there's the organized volunteer groups, that looks  
8 like an awfully good program for volunteers. I spent  
9 some time looking --

10           Moving to category three, I spent some time  
11 looking for the justification for the seven out of 20  
12 rating, and I would move to increase it by eight for  
13 the following reasons: At page 358 of 402 of the  
14 application there is a two-paragraph discussion about  
15 the appropriate law enforcement and traffic control  
16 devices to protect the restoration area. And I can see  
17 nothing that could be done additional. They've got a  
18 full-time FPO. They're going to fence. They're going  
19 to barrier. They're going to put signs up. I can't  
20 figure out what else you could do if you were available  
21 and had unlimited funds, so an additional eight, which  
22 I suppose respects the staff's view there were  
23 omissions.

24           And then finally criteria number five, we saw  
25 the additional facts provided in the trail application

1 which would give us a completion record that's  
2 adequate. And so criteria 5(a), I would increase by  
3 five. And criteria 5(c), I would increase by three,  
4 for a total of eight increase at that level. So that's  
5 eight, 16, and eight, 24 -- increase of 24, which would  
6 give a total of 88, and that would be my motion.

7 COMMISSIONER SPITLER: Second.

8 CHAIR BRISSENDEN: Motion and a second. Under  
9 discussion? All those in favor?

10 (Commissioners simultaneously voted.)

11 CHAIR BRISSENDEN: All those opposed?

12 COMMISSIONER WILLARD: No.

13 COMMISSIONER PRIZMICH: No.

14 CHAIR BRISSENDEN: Motion carries. We now move  
15 to the public comment period. I have two comment cards  
16 in order of Bruce Brazil and Kathleen Mick.

17 BRUCE BRAZIL: Bruce Brazil, California Enduro  
18 Riders Association. I was wondering if there was only  
19 \$3 million available for the restoration fund, if some  
20 of the Commissioners would be putting in as much time  
21 and energy boosting the scores. It seems, at least  
22 from my viewpoint, that they're utilizing money  
23 available as a criterion for their scoring, thereby  
24 violating the sanctity of the scoring process. I am  
25 all for giving the monies out, but I believe there



1 should be another way of doing it that stays within the  
2 sanctity of the process, rather than a violation of it.  
3 Thank you.

4 CHAIR BRISSENDEN: Thank you. Ms. Mick.

5 KATHLEEN MICK: Good morning, Chair Brissenden,  
6 Commission members, Division staff, and members of the  
7 public, I'm Kathleen Mick, and I'm the U.S. Forest  
8 Service Trail Manager. I would like to share with you  
9 some thoughts on a couple of issues related to OHV  
10 program on Forest Service land within the state that  
11 have come up within the last couple of days.

12 In reference to Claire Brissenden's comments of  
13 forming a group to meet with senators in Congress in  
14 Washington in an effort to increase federal recreation  
15 budgets, this idea is welcomed and applauded. And,  
16 Chair, if you can get this done, I imagine you'll  
17 become a write-in candidate for many elections.

18 For the new commissioners, I'd like to point out  
19 that in regard to the OHV program and the Forest  
20 Service participation, there were a couple of folks who  
21 had some thoughts on this issue. The first were  
22 Mr. Chappie and Mr. Z'berg, who in the '70s crafted and  
23 were instrumental in passing the OHV Act. In summary  
24 of this act, they said we need to manage OHV use in  
25 California, and we need to do so by providing

1 ecologically balanced opportunity sustained for the  
2 long-term, and in addition when you do this, include  
3 the federal agencies.

4           In addition, once the act was in place, the OHV  
5 Division attempting to implement this act that was  
6 passed by the Legislature, approached the Forest  
7 Service and asked us to participate. Furthermore, in  
8 this participation, they joined with us out in the  
9 field by identifying staging areas and trail systems on  
10 the ground.

11           I'd ask the Commission to consider for their  
12 January future priority setting meeting to add to their  
13 agenda a discussion containing the following items:  
14 Division strategic plan; priorities for projects and  
15 funding interests for the future, and then match the  
16 funding allocations in the buckets to those priorities  
17 and interests; the application criteria; the project  
18 types, including which projects are allowed to be  
19 funded and out of which bucket are they appropriately  
20 funded, and have a listing of those so that an  
21 applicant knows, given a particular bucket, which  
22 projects will and will not be funded and the reasons  
23 for that; improvements of transparency in the process  
24 from application submittal to funding allocations.

25           In California, the population is increasing and

1 the lands are being developed at an alarming rate.  
2 Land in California is finite. Approximately 75 to 90  
3 percent of the recreation occurs on federal lands.  
4 There have been very few new allocations of land that  
5 have active opportunity occurring, in other words,  
6 wheels currently turning on the ground. And so I  
7 believe that we all need to work together to figure out  
8 a solution. Thank you.

9 CHAIR BRISSENDEN: Thank you. Don Klusman.

10 DON KLUSMAN: Don Klusman, California 4-Wheel  
11 Drive Association, good morning, probably afternoon,  
12 and all that good stuff.

13 A couple of things I want to bring to your  
14 attention. First is I'm not quite sure when we were  
15 talking this morning about dates, I don't know where  
16 the conversation came in that now we are not going to  
17 have subcommittee meetings. Being that we're having  
18 two days of meetings and where we're at with this  
19 process right now, if you take out the subcommittees,  
20 which actually did make some Consent items that we have  
21 already passed, we're looking at four or five days  
22 meeting, I think. At your current rate, if you get  
23 through -- and I'm giving you the benefit of the  
24 doubt -- through the restoration today, you have gone  
25 through 97 grants. You still have 102 grants in the

1 non-CESA that you're going to supposedly get through in  
2 one day. I would suggest that next year you have a  
3 three-day meeting if this is the pace it's going to  
4 take to get through these grants. And I understand  
5 they're complex anymore.

6           The last item I want to bring to your attention  
7 is, I have to do this kind of every few years, and I  
8 forget about it. When you ask for public comment, you  
9 need to remember that when someone like myself gets up  
10 here, or Karen Schambach, or any of us that are  
11 representing organizations, we're not representing just  
12 one person. When I get up here, I'm representing  
13 10,000, roughly, four-wheel drive enthusiasts. When  
14 Karen gets up here, I'm not positive what numbers, but  
15 it's in the thousands, also.

16           You talked yesterday about the number of letters  
17 you got. The reason that our organization send us or  
18 ask us to be at these meetings is so that we are not  
19 flooding you with a thousand letters. I'm not saying  
20 that I can get 10,000 letters to you, maybe I could,  
21 but you know. But yesterday, there were two comments  
22 made about the number of letters, and those two  
23 particular grants, guess what, got funded at a higher  
24 level.

25           If that's what you want us to do, we can do

1 that. We were trying to keep the amount of paper  
2 coming in your direction down, and we're trying to make  
3 it as easy as possible not only on the Commission, but  
4 the Division, and the organization in letting our  
5 voices be heard by you. So please remember when we get  
6 up here as an organization, we're speaking as the  
7 organization. Thank you.

8 CHAIR BRISSENDEN: Thank you. John Stewart, and  
9 followed by Ed Waldheim.

10 JOHN STEWART: Good morning, Commissioners.  
11 John Stewart, California Association of 4-Wheel Drive  
12 Clubs and United 4-Wheel Drive Associations.

13 We have a program, an OHV recreation program  
14 that was established by some legislators on a  
15 bipartisan basis some 30 years ago. The program is  
16 designed to provide for the growing recreation demand  
17 in the State of California. In the ensuing 30 years,  
18 we have seen that growth in population explode,  
19 significantly more people in the state than there were  
20 30 years ago. The demand for recreation opportunity  
21 has significantly increased, and yet the opportunity  
22 has decreased.

23 The Commission, which is set up to provide for  
24 motorized recreation opportunity for the benefit of the  
25 population of the state, has not provided for

1 recreation opportunity. New opportunities have not  
2 been developed. Closures have resulted. As a result,  
3 you heard Ms. Mick with the Forest Service with the  
4 problems that they're facing, the majority of their  
5 recreation is on Forest Service land. It's on federal  
6 land, BLM land, and as such, we are mired in a grant  
7 process which is highly inefficient and funding -- or  
8 attempting to fund the recreation opportunities.

9 I would propose that as we move forward, we go  
10 back to what the audit of the OHV program said and  
11 actually develop a shared vision and a strategic plan  
12 for addressing recreational opportunities for the  
13 citizens of the state. Progress has started and  
14 stopped, and it is just not progressing. I would also  
15 challenge the agencies to become involved in that and  
16 work with the Division and the Commission to develop a  
17 comprehensive recreation strategy so that the  
18 Commission can turn around and address the recreational  
19 demands for the citizens of the state. Thank you.

20 CHAIR BRISSENDEN: Thank you.

21 ED WALDHEIM: Ed Waldheim for CORVA and all of  
22 the organizations, District 37, et cetera, et cetera.  
23 The reason that we're sending letters to you is because  
24 the folks out there feel frustrated that we're not  
25 getting the job done. The folks -- the reason we get

1 legislators involved, and yesterday I talked about the  
2 three letters that we have already, and we can get  
3 every legislator in the State of California to send you  
4 a letter, they're interested in what we're doing. And  
5 it starts with us riding our motorcycle, our four-wheel  
6 drive, our snowmobile, whatever you ride, as long as  
7 it's got a motor in it, on a particular trail. That's  
8 where it starts.

9           It is our responsibility to maintain those  
10 trails so that our resource doesn't get damaged, so it  
11 stays, we can have a long sustainability of the  
12 recreation. What we've done now in a day and a half,  
13 we haven't even addressed a single trail to be  
14 maintained, not one single trail. You are building the  
15 roof, putting the chimney on, you haven't even laid the  
16 foundation. And then you wonder why we're having  
17 trouble out there. Just think about it, you have it  
18 totally backwards.

19           When you took the oath of office to be a  
20 Commissioner, you took an oath in office that you were  
21 going to serve the public on behalf of the Off-Highway  
22 Vehicle Division and the Commission and et cetera,  
23 et cetera, and your appointing agencies. For you to  
24 decide today to leave at three o'clock is totally  
25 unacceptable. You took the oath of office to be here

1 to do your job. I have moved my calendar, my personal  
2 life every time on behalf of the Commission. The  
3 Commission, that is the number one item that I've  
4 always done for 30 years. And you want to go home at  
5 three o'clock, I'm sorry. Personal life is fine, but  
6 you have made an oath in office to serve this public  
7 and be here. And to cut us out and cut us down, I'm  
8 sorry, that doesn't really cut it.

9           These Commission meetings on the hearing should  
10 be done in July. The money is available July 1 when  
11 the Governor signs the budget, not a year from July 1.  
12 Then you wonder why we have trouble. Please, come on,  
13 let's get real. If you want me to protect the  
14 resources, you got to help us. We and the groups  
15 together, we can't do it by ourselves. You have to be  
16 on our same page. You've got to be part of our team,  
17 not against our team. Thank you.

18           CHAIR BRISSENDEN: Thank you. Take a ten-minute  
19 break. We will break for lunch at one o'clock.

20           (Break taken in proceedings.)

21           CHAIR BRISSENDEN: So we can move this glacier  
22 forward, if you can find your seat or find a  
23 comfortable place to converse outside, that would be  
24 great. In the interest of seeing our families by  
25 Christmas, we want to have a discussion about calendar,



1 once again, so that those comments that were made at  
2 the public forum are somewhat addressed, and also we  
3 can alert staff to the needs of proper decision-making  
4 in a better format, better scheduling.

5           Seeing that we are taking 15 to 20 minutes per  
6 applicant at this time, I see a need for adding the  
7 25th of January to our schedule to properly review the  
8 non-CESA. And I've been assured by counsel that we can  
9 expedite contracts to get those monies on the ground  
10 ASAP after those decisions have been made. I know that  
11 there was an attempt by at least a Commissioner to  
12 expedite today's grant-making process, but we were  
13 informed for the public record that we needed to hear  
14 each one individually as we go forward.

15           So if the Commissioners have their calendars  
16 out, the 25th, and I'm hoping that we can compress the  
17 schedule for criteria setting, grant review, et cetera,  
18 to see us have grant reviews and decisions  
19 September 13th, 14th and 15th, still reserving  
20 November 8th, 9th, and 10th for a possible second set  
21 of dates in case by March we can't foresee that  
22 compression to visit and review and grant by mid  
23 September.

24           VICE-CHAIR ANDERSON: Would you repeat that last  
25 date?

1           CHAIR BRISSENDEN: The September dates are for  
2 grant reviews and decisions, 13, 14, 15; with the  
3 reserve date of 8th, 9th and 10th of November if we're  
4 not able to -- we're just adding a day to the already  
5 selected meeting dates. I, too, like all of you out  
6 there, am extremely frustrated by this process, and I  
7 want to find a way to get this forwarded. Due to a  
8 variety of reasons, as I assume the chair -- well, we  
9 already had the dates already set for this round, I  
10 want to make certain that we move this process forward.

11           Comments from the Deputy Director?

12           DEPUTY DIR. GREENE: Chair Brissenden, we're  
13 going to have to get off line and discuss this with you  
14 because really that time frame by the time to be able  
15 to provide the grant applicants, I think we're  
16 realistically looking at November.

17           CHAIR BRISSENDEN: I would like to suggest  
18 fairly strongly that we move this forward so that we  
19 have adequate review and adequate time for the  
20 applicants to get things out on the ground and get this  
21 thing done before the following year. Because if we go  
22 into November, it's going to go into the following year  
23 again.

24           DEPUTY DIR. GREENE: Absolutely. It's always  
25 been my goal to try to get those monies allocated

1     sometime in September or October, but we have to be  
2     realistic about the schedule that we're asking the  
3     applicants to do, as well as the staff.

4             CHAIR BRISSENDEN:  There was an asterisk in my  
5     suggestion just a moment ago that we would have a  
6     fairly good idea whether we would go into September by  
7     March.  So we will have not a discussion not off-line,  
8     but at our January meeting, and I hope everybody can  
9     meet for those three days in January so that we can  
10    complete this grant review cycle.

11            Do I have any concerns to my left?  Everyone is  
12    okay.  So, Ed, your request was to review those dates  
13    again, we're adding the 25th of January, so we can  
14    complete this grant review, and we will not get to any  
15    non-CESA today.

16            ED WALDHEIM:  Mr. Chairman, we have  
17    January 25th, 26th, 27th; we have March 23rd, 24; we  
18    have September 13, 14, 15; and we have November 8, 9,  
19    and 10.  Is that what you --

20            CHAIR BRISSENDEN:  Very good secretary you are.

21            ED WALDHEIM:  Thank you.

22            CHAIR BRISSENDEN:  Mr. Stewart.

23            JOHN STEWART:  I would like to remind the  
24    Commission that the November date could prove a little  
25    bit problematic because November 11th is a holiday, a

1 federal, state holiday.

2 MS. ELDER: The 12th, Monday.

3 JOHN STEWART: Yes, it's Veteran's Day weekend.

4 VICE-CHAIR ANDERSON: You're suggesting that  
5 Saturday is the problem, impinging on a three-day  
6 weekend?

7 JOHN STEWART: A matter that it being on a  
8 three-day weekend with the fact that you're dealing  
9 with agency personnel that may have travel restrictions  
10 because it is right after the first of the year with  
11 the historic budget cuts and how they have their travel  
12 cut or reduced; there are some extenuating  
13 circumstances that may prove to be not really workable.

14 CHAIR BRISSENDEN: So may I suggest the 7th,  
15 8th, 9th of November. We'll go forward with -- they're  
16 all workdays for innkeepers, so sorry.

17 COMMISSIONER WILLARD: Does that need to be a  
18 three-day? Could that be a two-day?

19 CHAIR BRISSENDEN: Well, if we move the grants  
20 to September and get a little overtime sneakers for all  
21 of the staff, we won't even meet in November.

22 COMMISSIONER McMILLIN: You'll still need your  
23 fourth meeting of the year at some time.

24 CHAIR BRISSENDEN: Thank you.

25 COMMISSIONER McMILLIN: I'm going to have more

1 to say next year.

2 CHAIR BRISSENDEN: I hope so.

3 COMMISSIONER THOMAS: I bet so.

4 CHAIR BRISSENDEN: Thank you, John. Shall we  
5 move forward.

6 OHMVR STAFF PELONIO: The next project is line  
7 11, BLM Barstow Field Office. Requested amount is  
8 \$1,844,247. The score is 63, which a 60 percent  
9 determination, \$1,106,548. And I'd like to point out  
10 on the score sheets, this one also has a typographical  
11 error. On page 178 at the bottom, that should be nine  
12 out of ten.

13 COMMISSIONER THOMAS: I didn't hear that.

14 CHAIR BRISSENDEN: Nine out of ten.

15 OHMVR STAFF PELONIO: Nine out of ten on page  
16 178.

17 COMMISSIONER THOMAS: Thank you.

18 ROXIE TROST: Good morning, Commission. My name  
19 is Roxie Trost, and I'm the Field Manager from the  
20 Barstow Field Office from the BLM. Thank you for the  
21 opportunity to present our grant to you.

22 I handed out this sheet to all of you. There  
23 was a concern regarding our grant program last year,  
24 and that's because we had diversified the program.  
25 Last year, we used the SCA crews, which were the

1 experts in the restoration work, and we also included  
2 an intern program, which was new to our office. We  
3 used a lot of local students, and those are some of the  
4 before and after pictures that you have in front of  
5 you. We still have a lot to learn from the program,  
6 but I'm very proud of the work that the BLM office and  
7 all of the crews have done. And we have a very strong  
8 commitment in the restoration program in our office.

9 All of us would like to increase our scores,  
10 that's no doubt; however, I feel that the Division has  
11 put a lot of effort into the work that they have done,  
12 and I appreciate that, and I support the Division's  
13 recommendation.

14 CHAIR BRISSENDEN: Thank you. Any questions of  
15 the applicant? Public comment?

16 BRUCE BRAZIL: Thank you. Bruce Brazil,  
17 California Enduro Riders Association. And within this  
18 grant, they have got several different projects listed.  
19 They kind of bundled up separate projects, one of which  
20 is for the geographic area for Edwards, Juniper,  
21 Coolgardie, Afton, Calico. The only thing listed on  
22 this is for law enforcement rangers. There is no  
23 on-the-ground work being done. Under California Code  
24 of Regulations 4970.62, it describes the requirements  
25 to go under a restoration grant. Therefore, this one

1 project within the grant does not qualify. I would  
2 like to suggest that the Commission, after they voted  
3 on the grant, that they use their power, that I've  
4 spoken of before, to direct the Division to change the  
5 deliverables and eliminate this project from the grant.  
6 Thank you.

7 CHAIR BRISSENDEN: Thank you.

8 ED WALDHEIM: Ed Waldheim for CORVA, Friends of  
9 El Mirage. That's my other home, Barstow Field Office.  
10 I've got lots of homes. These folks are doing an  
11 incredible job when you look at the pictures there, it  
12 is just mind boggling. This is what's going to help us  
13 with our route designation through the West Mojave  
14 Plan, that we've put up the signs, we've worked so hard  
15 in Jawbone and Dove Springs. We put hay bales to make  
16 sure the people don't get on it. But ultimately  
17 Mr. Spitler has been working with us really hard even  
18 in the Dove Springs Jawbone area, the restoration area.  
19 When you get rid of the thing and no signs, you don't  
20 see it, it's out of mind, nobody attracts it. When you  
21 put a red sign up there, it's almost like a beacon,  
22 come here, I'm here, you know, just tempts me to go  
23 into the area. So what these folks are doing, they're  
24 doing an incredible job. What I love about it, using  
25 kids from the community working, it helps us to keep

1 the local folks involved their own land use issues. So  
2 I strongly approach this thing to get it approved.

3 CHAIR BRISSENDEN: Ed, I always knew you were a  
4 bull.

5 JAY WATSON: Jay Watson, Regional Director of  
6 the SCA. We, too, are proud to continue working with  
7 the Barstow Field Office for several years. We've had  
8 two crews. We're probably looking at one next year,  
9 I'm not quite sure. We have to figure that out. But I  
10 like what Roxie and her crew has done of bringing local  
11 youth into the field. I think we'll maybe be working  
12 more with those kids to impart some of our expertise of  
13 what we have learned over the last six years or so in  
14 the desert.

15 But, again, we will bring a 10 or 11 percent  
16 match to this grant, and our team, if it was won, they  
17 would accomplish about 8,000 hours of volunteer time.  
18 So we support the proposal, as well. Thank you.

19 CHAIR BRISSENDEN: Jay, it concerns me that  
20 other than one grant, they are all 8,000 hours.  
21 Presumably this is a model, and it's replicated.

22 JAY WATSON: The reason -- the desert teams are  
23 all sort of a uniform length of time. And like over in  
24 Hollister there, it's a three-month team. On the Inyo  
25 National Forest, which we'll get to in a few minutes,



1 that was about a four-month team. So they're different  
2 program models, different lengths of time based on the  
3 amount of work that needs to be done and the money is  
4 at hand. And that's why the number is so different  
5 because the length of service is different.

6 CHAIR BRISSENDEN: No, what I was referencing is  
7 they're all the same, except for one.

8 JAY WATSON: In the desert?

9 CHAIR BRISSENDEN: It's a minor point. I was  
10 just concerned that they all round to 8,000 except for  
11 the one that was 2500. Further analysis of volunteer  
12 time --

13 JAY WATSON: That was from Hollister because  
14 it's only a three-month team.

15 CHAIR BRISSENDEN: Right, okay. Commissioners.

16 VICE-CHAIR ANDERSON: I have some additional  
17 information. It says the cultural resources, the  
18 application identified three areas with cultural  
19 resources. I happen to be familiar with Black Mountain  
20 Wilderness Area, and I know that there is a large  
21 number of cultural resources in that area right around  
22 Black Mountain. So I think that that's a piece of new  
23 information that was obvious to me, but may not have  
24 been obvious to the staff or to other readers.

25 CHAIR BRISSENDEN: Commissioner Willard.

1           COMMISSIONER WILLARD: I'm sorry, I missed what  
2 was the applicant requesting as far as a score?

3           CHAIR BRISSENDEN: The applicant requested staff  
4 recommendation.

5           COMMISSIONER WILLARD: Staff recommendation.  
6 Thank you. Then I'll make a motion to accept staff's  
7 recommendations on scoring.

8           COMMISSIONER PRIZMICH: Second.

9           CHAIR BRISSENDEN: It's been moved and seconded.  
10 All those in favor.

11           (Commissioners simultaneously voted.)

12           CHAIR BRISSENDEN: Opposed? Motion carries.

13           OHMVR STAFF PELONIO: Next project, line 12,  
14 U.S. Forest Service, Cleveland National Forest.  
15 Request amount \$77,506. Score of 63 for 60 percent  
16 funding, which would be \$46,504.

17           ANNE CAREY: Good afternoon, Commissioners,  
18 staff, public, my name is Anne Carey. I'm the  
19 Recreation Planner for the Cleveland National Forest.  
20 This is on tab ten of your book. This restoration  
21 grant is for the Wildomar OHV Area. It's one of the  
22 two OHV areas we have on the Cleveland. And I ask that  
23 we increase the score to 90 out of a hundred. I would  
24 like that -- if you're able to follow on tab 10, the  
25 dark text is the additional information that I found in

1 the grant to support my rationale.

2 For point number one, the Division gave me a 23  
3 out of 40, and I'd like to add 17 points to it. It's  
4 in the headwaters of the San Mateo Creek, which is  
5 habitat for the arroyo toad and steelhead trout, and so  
6 minimizing unauthorized routes within that area would  
7 decrease sedimentation and improve the habitat for  
8 those areas. There are no cultural resources that are  
9 known within the Wildomar OHV Area, so we did not  
10 address that. And although the OHV area is adjacent to  
11 a wilderness area, the restoration work has not been in  
12 the wilderness area.

13 For point number two, I would like to add six  
14 points to make it 15 points. And for number 2(c),  
15 where it talks about volunteers and low cost of labor,  
16 part of our cost is the additional use of CDF -- CDC  
17 crews, and so they're very inexpensive. You get a  
18 20-person crew, do a lot of work, they'd do great job  
19 for this type of project.

20 And for point number three, -- no point number  
21 three, I agreed with the Division. Thank you.

22 For point number four, I'd like to add four  
23 points to it to make it ten out of ten. And in there,  
24 one of our monitoring strategies, which wasn't noted in  
25 the report was, we'd also have photo points and we'd

1 keep track of the change of the reclamation project.

2 CHAIR BRISSENDEN: Please summarize.

3 ANNE CAREY: Summarize, we are requesting 90 out  
4 of 100.

5 CHAIR BRISSENDEN: Thank you. We have a  
6 reminder of please no shuffling of papers, no wagging  
7 of tongues, so the clerk can take the record. Thank  
8 you.

9 TOM TAMMONE: Tom Tammone, I'm also a volunteer  
10 on the Cleveland National Forest. I do spend a lot of  
11 time volunteering out in the Wildomar OHV Area doing  
12 sound checks and trail maintenance. And I do want to  
13 say I do support Anne and her request for a higher  
14 score.

15 And I also wanted to address the issue of things  
16 that didn't need to be addressed. The applicant didn't  
17 address it because there simply was no need. There  
18 ought to be something to allow points for a scoring in  
19 those kinds of areas that something is not an issue  
20 because of geographical outlay. Obviously, they've  
21 hired the heritage personnel to go out there and  
22 determine there's not a problem, so in my opinion they  
23 have done something and that ought to be considered.  
24 If it's not a problem, then they don't have an  
25 opportunity to get a score in the category, that's

1 wrong. It should be addressed. Thank you.

2 CHAIR BRISSENDEN: Thank you.

3 BRENT SCHORADT: Brent Schoradt, California  
4 Wilderness Coalition. On category one, the project  
5 benefits critical environmental resources. It states  
6 here that the project would protect the arroyo toad and  
7 steelhead, so we encourage a score of 40.

8 And then under category two, the proposed  
9 project is designed for efficient use of funds. They  
10 had to answer one or more of the following, and they  
11 did a very adequate job that it won't need future  
12 maintenance because the project would use signs,  
13 barriers, education to reduce future maintenance and  
14 law enforcement costs.

15 And then under category three, we're urging a  
16 full score of 20 because we felt they did a great job  
17 of answering, particularly the use of appropriate law  
18 enforcement and/or traffic control devices to restore  
19 the area.

20 And then under number four, we think the  
21 description that's underneath category four is very  
22 adequate. We'd at least give two more points to bring  
23 it up to eight which brings a total score of 91. So  
24 thank you very much.

25 CHAIR BRISSENDEN: Thank you.

1           JOHN STEWART: Good afternoon, Commissioners.  
2 John Stewart, California Association of 4-Wheel Drive  
3 Clubs and United 4-Wheel Drive Associations. There's a  
4 little thing about Cleveland and the Wildomar area that  
5 has not been addressed within this grant, and I think  
6 it's some new information that would have a major  
7 bearing on the score. Wildomar sits in an urban  
8 interface forest area where there is a rapidly  
9 increasing population, and it is a jewel of a  
10 recreational opportunity for the local residents. To  
11 that extent, doing this restoration project will help  
12 protect the boundaries of the OHV area as much and more  
13 so that it will also protect the environment, the  
14 private property in the area, and in addition to the  
15 arroyo toad and steelhead within the downstream area.  
16 So from that, we heartily endorse this effort by the  
17 Cleveland to get the grant funding. Thank you.

18           COMMISSIONER THOMAS: Question of the speaker.  
19 Then you support the additional factual information  
20 that was put into the record by the applicant to  
21 support the higher?

22           JOHN STEWART: Yes, but I also wanted to  
23 underscore the fact that what they did not really  
24 address and was not addressed is that -- you know, an  
25 additional fact that should be noted with this grant is

1 that Wildomar does sit within a urban forest interface  
2 where there is a good close proximity to ground and  
3 private property, and this actually helps protect the  
4 recreational opportunity of that park.

5 COMMISSIONER THOMAS: I know the area. I've  
6 spent years driving my old truck down.

7 CHAIR BRISSENDEN: Thank you.

8 ED WALDHEIM: Ed Waldheim for California Trail  
9 Users Coalition and CORVA. Having been on the  
10 Commission all of these years and working in it, I  
11 finally got to go see Wildomar. I never could find it.  
12 Deputy Director Greene has gone over there, and she's  
13 reviewed it, and it's an incredible site. It's a  
14 postage stamp. If Mr. McMillin turned his car on and  
15 stepped on the gas, he would immediately have to put on  
16 his brakes because you ran out of road, it is that  
17 small. But it is an incredible place for the people to  
18 go to recreate. So when we toured it with the forest  
19 supervisor, there was a lot of things that we need to  
20 do in that area. This is one of the components. We  
21 need to make sure that we protect the area and also  
22 have to work on the trail systems and get all of the  
23 trails fixed that have some washouts and things like  
24 that. But with Anne now in charge, she's an incredible  
25 lady, incredible resource and dedicated to protect the

1 resources and protecting our opportunity. So I fully  
2 support the changes that she's asking for.

3 CHAIR BRISSENDEN: Thank you. Commissioners?  
4 I'm looking at Mr. Thomas.

5 VICE-CHAIR ANDERSON: Hang in, I have a question  
6 for the applicant, please. Can you tell me if any of  
7 this restoration area that you're proposing to work on  
8 overlaps at all with any of the areas where you had  
9 fire damage within the last six months to a year?

10 ANNE CAREY: The fire damage is at Corral  
11 Canyon, and that's on the Descanso District. This is  
12 on the Trabuco District. This is Riverside County, so  
13 no.

14 VICE-CHAIR ANDERSON: So the answer is no, okay.

15 COMMISSIONER THOMAS: All right. I would move  
16 approval with the following changes. I would increase  
17 the rating of the criteria one by 17 points. I would  
18 rely upon the evidence provided in the rescoring  
19 application given to us by the applicant, as well as  
20 review of the extensive numbers of critical habitat,  
21 fish and wildlife impacted species. Anybody that knows  
22 this part of the world knows that urbanization has gone  
23 to the edges of the national forest, and this is the  
24 remaining habitat for most of those various endangered  
25 species that bedevils the developers of Southern



1 California. So the habitat is extremely valuable, and  
2 this is important.

3 Secondly, criteria two, I would increase by six,  
4 particularly given the new information about volunteer  
5 hours provided in the rescope that was CDC crew, and  
6 the number of 2,080 volunteer hours in 2005.

7 I would increase the alternative -- criteria  
8 number three, I would increase by three, again relying  
9 on the rescope and the testimony of the witnesses.

10 And lastly I would increase the criteria four by  
11 two, relying again on the rescope and the testimony of  
12 the three witnesses that have appeared.

13 When Stewart comes up and asks for restoration,  
14 we need to listen. There is consensus in this  
15 community.

16 COMMISSIONER McMILLIN: I'll second that.

17 CHAIR BRISSENDEN: It's been moved and seconded?  
18 Any discussion? All in favor?

19 (Commissioners simultaneously voted.)

20 CHAIR BRISSENDEN: Opposed? Motion carries.

21 Next.

22 OHMVR STAFF PELONIO: Next project is on line  
23 13, U.S. Forest Service, Inyo National Forest, Monache  
24 Restoration Project. \$131,910 was the original  
25 request. The score was 62 for 60 percent funding which

1 would be \$79,146.

2 MARTY HORNICK: Thanks, my name is Marty  
3 Hornick, Inyo National Forest. Let's see, I'll just  
4 jump into this really fast, see how quick we can get  
5 through this.

6 I think that much of the supporting data that  
7 probably should have been in item numbers one through  
8 five ended up in our general project description, and  
9 in our environmental review data sheet for this  
10 project, and the monitoring plan. But it does point  
11 out that we are doing things with heritage protection.  
12 This actually will benefit two wilderness areas where  
13 we're having incursion on old roads that have been  
14 closed for a long time, benefits wildlife habitat, just  
15 in general, but also the willow flycatcher and I'll go  
16 through more quickly in a summarized way.

17 This project addressed three of our remaining  
18 yellow roads in this area, and that information is  
19 actually in the monitoring plan. It was driven by the  
20 specialists who are doing the monitoring.

21 We, in number one, would like to see 39 points  
22 out of 40. We'd accept 40 if you'd agree.

23 But number two, Jay has been talking about these  
24 SCA crews. We've been using them a lot on the Inyo,  
25 and we intend to on this project. We didn't do a very

1 good job in the grant to point this out, but they're  
2 going to be bringing in a financial benefit of between  
3 \$50,000 and \$60,000, above and beyond what we've  
4 properly -- or improperly addressed. And we also have  
5 Cal Trout and other volunteers working in that Monache  
6 area on a whole bunch of things, the golden trout and  
7 such.

8 Number two, we'd like to see 14 out of 15.

9 And, again, in number three, we think the  
10 project description addresses a lot of the things that  
11 maybe should have been in the other place, but we talk  
12 about a major 1997 maintenance project that we had done  
13 in that area that addressed some of the problems, but  
14 not all. Ongoing OHV patrols in that area. We have a  
15 ranger who actually lives in that zone during the  
16 summer, and we tried to talk about that as much as we  
17 could given the page limitations of the total document.

18 CHAIR BRISSENDEN: Please summarize.

19 MARTY HORNICK: In number three, we would like  
20 to see 18 out of 20.

21 In number four, I think if you refer to our WHPP  
22 plan and the monitoring plan, an awful lot of data is  
23 in there, and we're trying to base off of those  
24 recommendations, we think we deserve a full ten out of  
25 ten on number four.

1           And on number five, we'd like to see 14 out of  
2 15. We feel like we did a pretty good job of listing  
3 the grants. We didn't create a big table of the last  
4 20 years of grants and all that, but given page  
5 limitations, we feel like we have a pretty good  
6 history, and we sort of hope, actually, that the  
7 Division would be able to see some of that history in  
8 their records, as well as in ours. We can always say  
9 we did a good job, but we trust them to know that.

10           CHAIR BRISSENDEN: Thank you. Public comment?

11           PAUL McFARLAND: Paul McFarland, Friends of the  
12 Inyo. Again, up the scores, the reason for number one,  
13 environmental resources addressing resource damage, it  
14 is stated that the applicant did not address this item.  
15 One of the things that I think happened with this grant  
16 is that a lot of needed information just didn't get  
17 included. So some new information for that. This area  
18 is home to the golden trout. It's California State  
19 fish endemic to this region. It's a Forest Service  
20 sensitive species and it's also a state specie of  
21 special concern. So restoration in this area will  
22 definitely help out that species, as well as help  
23 protect the South Sierra Wilderness, as well as the  
24 golden trout. So I'd call for 30 out 40 in number one.

25           For number two, go up to 14 out of 15. And the

1 reason is, and again because it's not included in the  
2 grant information, this area has seen a lot of  
3 volunteer labor from a Ridgecrest based all volunteer  
4 fly fishing group, Aguabonita Flyfishers, as well as  
5 California Trout. I called both of those folks during  
6 the break to see if I could get some numbers, so rather  
7 than just saying they're doing a good job, I could have  
8 some factual numbers. I couldn't get anybody. But I  
9 just know that they've done at least four projects up  
10 there in the last two years, and they've done a lot of  
11 outreach and have a lot of people going. So they've  
12 really adopted that place.

13           For number three, I'd like to see 18 out of 20.  
14 As you'll see in the justification that the applicant  
15 handed out, some of the items, especially 3(a) and  
16 3(b), were addressed elsewhere within the document. As  
17 far as for 3(b), application identifies measures that  
18 will be implemented to prevent recurrence of illegal  
19 activity, I think that goes without saying that the  
20 answer to 3(a)(c), use of barriers, signs and patrols,  
21 that's what they would be using, so I think that's  
22 pretty self-evident.

23           For number five, would like to see it raised up  
24 to a 14 out of 15. This grant, the applicant did, as  
25 they just stated, go through all of last years' grants.

1 I think they kept it concise, which is good. You don't  
2 want to see a huge table with everything in the  
3 history. And for part (c) that was scored at four, I'd  
4 like to see it go up to five. This forest has done a  
5 really good job to address problems as they are  
6 arising, and I think their track record is really  
7 improving from where it was a couple of years ago. So  
8 thanks very much.

9 CHAIR BRISSENDEN: Thank you.

10 JAY WATSON: Jay Watson, SCA. I know Marty  
11 referred to this, whereas we normally work on about  
12 a 90/10 cost share with our federal partners, on this  
13 particular project, we structured it completely  
14 different because of grant monies that we had access  
15 to. So on this grant alone, I think our allocation  
16 within the original request was \$45,600. We will match  
17 that dollar for dollar with a grant from the National  
18 Forest Foundation, and then some, including an  
19 individual donor to SCA. So the financial balance is  
20 far even more favorable than our other model, and it  
21 looks like while this crew would be split between two  
22 projects here in the Inyo Mountains, which is a later  
23 project, I'm looking at about 4,000 or so hours in a  
24 six-month period of volunteer time here. So it's a  
25 really favorable partnership between the two entities.

1 CHAIR BRISSENDEN: Thank you. Commissioners?

2 COMMISSIONER THOMAS: I'll go ahead and move  
3 this with the following changes. I would increase the  
4 criteria number one by six, while citing the testimony  
5 and the application general description of threatened  
6 and endangered habitats -- actually, I've lost it.  
7 I'll go back to that.

8 Certainly criteria two, I would move to increase  
9 by five, based on the \$45,000 of Student Conservation  
10 Association assistance and the testimony regarding Cal  
11 Trout volunteers. I would increase -- relying on the  
12 testimony of the last two speakers, I would increase  
13 the application number three as requested. I believe  
14 it was requested to 10.

15 COMMISSIONER SPITLER: 18.

16 COMMISSIONER THOMAS: I'm sorry, my notes were  
17 inaccurate, 18. And I was reviewing the application  
18 quickly, and I would increase 5(a) by one, and 5(b) by  
19 two, and 5(c) by one, particularly at page 80 of 332 of  
20 the applications. Staff says that the Inyo National  
21 Forest has a history of implementing projects within  
22 the time frame allotted on project agreements, and they  
23 seem to have absolutely no problem and are completely  
24 supportive. I see no evidence that applicant -- I'm  
25 sorry, no evidence of the applicant of words that show

1 deficiencies and then that observation of the lack of  
2 deficiencies was supported in the evidence that the  
3 staff awarded a four out of five, a three out of five,  
4 and a four out of five. So there must have been some  
5 understanding that the applicant's statements were  
6 accurate, or the grades would not have been so high.

7 COMMISSIONER SPITLER: Thank you for that  
8 thoughtful motion. Would the maker of the motion  
9 consider an amendment on category one? I actually have  
10 personal knowledge of this area and know about its  
11 environmental sensitivity and also am moved here by the  
12 testimony about the importance of the golden trout and  
13 how this project would protect the golden trout, which  
14 is the state fish, and the South Sierra Wilderness.  
15 Would the maker of the motion consider moving that to a  
16 39, instead of a 30.

17 COMMISSIONER THOMAS: I would do that based on  
18 your evidence. The reason I stumbled was I had  
19 confused in my own mind a different area of the Inyo.  
20 As I was reading the material, I realized my area was  
21 North Inyo, and so my personal knowledge of the south  
22 wilderness is limited. So I would accept your motion  
23 on your evidence.

24 COMMISSIONER SPITLER: I'll second the motion.

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



1           OHV STAFF FREITAS: Commissioner Thomas, can you  
2 repeat what your score was changed to for category  
3 five.

4           COMMISSIONER THOMAS: Criteria five we increased  
5 by five.

6           VICE-CHAIR ANDERSON: They're all fives.

7           COMMISSIONER THOMAS: They're all fives.

8           OHV STAFF FREITAS: A total of 15?

9           COMMISSIONER THOMAS: Yes, it would ultimately  
10 be 15, I increased A by one, B by two, and C by one.

11          OHV STAFF FREITAS: Thank you.

12          COMMISSIONER THOMAS: Plus the 11 of the staff,  
13 which would give 15.

14          CHAIR BRISSENDEN: So that would be a total  
15 score of 96, if I'm reading this correctly.

16          COMMISSIONER THOMAS: Right.

17          CHAIR BRISSENDEN: Aaron, confirmation?

18          OHV STAFF FREITAS: Yes, that's correct.

19          CHAIR BRISSENDEN: You got 95. Aaron, you got  
20 96?

21          OHV STAFF FREITAS: He's right, 95.

22          CHAIR BRISSENDEN: I'll go with yours. It's  
23 been moved and seconded. Any discussion? All those in  
24 favor?

25          (Commissioners simultaneously voted.)

1 CHAIR BRISSENDEN: Opposed?

2 COMMISSIONER PRIZMICH: No.

3 COMMISSIONER WILLARD: No.

4 COMMISSIONER McMILLIN: Abstain.

5 CHAIR BRISSENDEN: Motion carries. John, next.

6 OHMVR STAFF PELONIO: Just to clarify on that

7 previous project, I checked their application, they

8 only used eight of the ten allotted pages. So we think

9 perhaps next time -- the maps do not count in the ten

10 pages, so you had two more pages you could have worked

11 with.

12 COMMISSIONER THOMAS: We look forward to ten of

13 ten next year, sir, and not a page less.

14 CHAIR BRISSENDEN: So going on.

15 OHMVR STAFF PELONIO: Next project, line 14,

16 U.S. Forest Service, Sierra National Forest. Requested

17 amount \$98,077. The score was 62 for 60 percent, which

18 would be \$58,846.

19 SUE WARREN: Sue Warren, Stanislaus National

20 Forest. I was unable to contact the forest yesterday.

21 They tried to get me. I believe that they were unable

22 to attend and had an emergency. And on behalf of them

23 will be accepting, if you will, staff recommendation

24 for their score. Thank you.

25 COMMISSIONER SPITLER: Move staff

1 recommendation.

2 COMMISSIONER THOMAS: Second.

3 CHAIR BRISSENDEN: It's moved and seconded. All  
4 those in favor? All those in favor?

5 (Commissioners simultaneously voted.)

6 COMMISSIONER SPITLER: Public comment.

7 CHAIR BRISSENDEN: Well, we usually do public  
8 comment before the motion, so I was taking the lead of  
9 the Commission to --

10 COMMISSIONER SPITLER: We got to it before or  
11 after.

12 CHAIR BRISSENDEN: It looks like there might be  
13 some public comment, so we retract the motion and --

14 COMMISSIONER SPITLER: We won't retract the  
15 motion, just do public comment now.

16 CHAIR BRISSENDEN: Come forward now.

17 VICE-CHAIR ANDERSON: Then we can reconsider if  
18 we need to.

19 COMMISSIONER THOMAS: If the public comment is  
20 appropriate, we will reconsider it. Good suggestion.

21 NARVELL CONNER: Narvell Conner with the CCQR,  
22 Central California Quad Riders. And I work with the  
23 Sierra National Forest there, and we have worked with  
24 them this past season on three different occasions as  
25 volunteers. I am a volunteer with the Forest Service,

1 about four of us have joined, and they have requested  
2 us this year to help them to restore a meadow. We went  
3 in with our quads, and we carried material in, and  
4 rebuilt some fencing material that was there. One of  
5 the other projects that we did is we built a fence  
6 around a soft marshy area, and we used our quads to  
7 move material in and out of there. And about once a  
8 week, we do a ride, and we collect a bundle of trash  
9 each time we do a ride. And we collect it and remove  
10 20 bundles of trash all within the parameters of the  
11 restoration of the area that's there. They hired two  
12 volunteers for the summertime help, and we work  
13 directly with them to complete this. So I just wanted  
14 to let you know that we are working hard, and they have  
15 a group of people there that's working very diligently  
16 to maintain the environment that is there.

17 CHAIR BRISSENDEN: Thank you. Other public  
18 comments? So back to the motion.

19 COMMISSIONER THOMAS: Just a second.

20 VICE-CHAIR ANDERSON: I make a motion to  
21 reconsider and add four points in the efficient use of  
22 funds based on the volunteer information.

23 COMMISSIONER THOMAS: The applicant -- or the  
24 witness has provided excellent information about  
25 criteria 2(c), and we should reflect that in the grant.

1 COMMISSIONER SPITLER: Were you offering that as  
2 an amendment or were you asking me to amend the motion?

3 VICE-CHAIR ANDERSON: I made a motion to  
4 reconsider with the objective of --

5 (Simultaneously speaking, inaudible.)

6 COMMISSIONER THOMAS: Why don't we ask the maker  
7 of the motion to integrate that into his motion.

8 COMMISSIONER SPITLER: I accept that.

9 COMMISSIONER THOMAS: Thank you. And the  
10 seconder accepts, as well.

11 CHAIR BRISSENDEN: So the adjusted numbers are  
12 for the Commission's approval.

13 COMMISSIONER SPITLER: Final score of 66.  
14 Category two goes up to 15.

15 CHAIR BRISSENDEN: All those in favor?

16 (Commissioners simultaneously voted.)

17 CHAIR BRISSENDEN: Opposed? Motion carries.

18 OHMVR STAFF PELONIO: Next project is line  
19 number 15, BLM Hollister Field Office, Clear Creek.  
20 Requested amount is \$42,450. Received a score of 59  
21 for 50 percent funding, which would be \$21,225.

22 DAVID MOORE: David Moore, BLM Hollister Field  
23 Office. We would like to accept staff recommendation.

24 CHAIR BRISSENDEN: Thank you. Any public  
25 comment? Commissioners.

1 COMMISSIONER SPITLER: Move staff

2 recommendation.

3 COMMISSIONER WILLARD: Second.

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

5 Any discussion? All those in favor?

6 (Commissioners simultaneously voted.)

7 CHAIR BRISSENDEN: Opposed? Motion carries.

8 OHMVR STAFF PELONIO: Next project, line number  
9 16, U.S. Forest Service, Los Padres National Forest.  
10 Requested amount \$45,248. Score of 59 for 50 percent  
11 funding, which would be \$22,624.

12 JEFF BENSEN: Hi, good afternoon, I'm Jeff  
13 Bensen of Los Padres National Forest. This project  
14 involves six-and-a-half miles of illegal blocking off  
15 and closing of, restoring an area of six-and-a-half  
16 miles of illegal OHV routes that have been user created  
17 on what's called West Camino Cielo Road. This location  
18 is of primary importance because it's on the ridge top  
19 behind, immediately behind Santa Barbara and Goleta on  
20 the Santa Ynez Mountains. It's very close to all of  
21 those people down there. It's a very big attraction,  
22 and it's just gotten out of control, and we're looking  
23 to restore this area because there is no legal OHV use  
24 in that area.

25 The project itself is very straight forward. We  
547

1 need to install steel fence barriers at certain  
2 intervals along the road where these routes come off.  
3 It's not a flashy project. We can restore the area  
4 with straw mulch, those kinds of things to get the  
5 natural chaparral vegetation to come back in which has  
6 been denuded from the area. I believe that we  
7 addressed a lot of the criteria in our application, and  
8 I'm asking for increased points, of course. That's why  
9 we're all up here. So to go through that real quick.

10 In item number one, soil, water, wildlife,  
11 habitat, that area has a lot of erosion, like I said,  
12 it's on a ridge top. There is a lot of erosion. There  
13 is a lot of lost vegetation, so anything we do to stop  
14 that and get the OHV use off of that area will reduce  
15 the erosion, let the plants come back, increase the  
16 habitat that's been taken off. There are rare and  
17 endangered species -- or actually, threatened species  
18 or species of concern, false lupine, Mariposa lily.  
19 Habitat in that area, we will protect that by getting  
20 this use off of that area. Cultural resources, the  
21 Santa Ynez Mountains are one of the -- rich in cultural  
22 resources, it's one of the highest area per site around  
23 California. We have not surveyed all of these areas  
24 for cultural resources because we don't want to go in  
25 there and have this impact. We know that there are

1 probably sites that are being impacted. So we want to  
2 get this off of there because we know there's sites out  
3 there.

4 CHAIR BRISSENDEN: Please summarize.

5 JEFF BENSEN: So I'm looking for number one, I'm  
6 looking for an increase in ten points.

7 Number two, like I said, this is not a flashy  
8 project. What we need to do is go in barrier it off,  
9 put straw bales out there, stop the erosion, get the  
10 use off of it, it will control it, allow the vegetation  
11 to come back, and looking for four points.

12 Number three, we've got in the bottom of the  
13 grant we described how the barriers are going to do  
14 what we need to do out there. I'm looking for three  
15 more points at that number three.

16 Number four, we described how the monitoring,  
17 how the patrols will protect that area, and how we will  
18 use that to continue to keep the restoration project,  
19 make it successful. I'm asking for two points there.

20 Number five, the Los Padres has a history of  
21 many years of OHV grants. We've been fiscally  
22 responsible. We've been meeting our deliverables, and  
23 I'm asking for five points for number five, for a total  
24 of 26 additional points, for a total score of 83.

25 CHAIR BRISSENDEN: Thank you. Public comments?



1           VICE-CHAIR ANDERSON: Well, do you want  
2 questions of the applicant now?

3           CHAIR BRISSENDEN: Well, speak up, I'm moving  
4 along here, Judith.

5           VICE-CHAIR ANDERSON: I understand. We can do  
6 public comment first. That's fine.

7           BRENT SCHORADT: I'll be quick. Brent Schoradt  
8 with the California Wilderness Coalition. This project  
9 is unique because it has both cultural resources as  
10 well as critical environmental resources. And we felt  
11 that under category one, it should be rescored to a 40  
12 out of 40, instead of 28 out of 40 because of that.

13           And we also felt that it did an adequate job of  
14 number two in discussing the barriers and how it would  
15 maintain the area. So we would like to boost that  
16 score to 15.

17           And then under category three, they had to  
18 address one of the following, and they did a very  
19 adequate job, and so we would give them two more  
20 points, which brings it to 21 new points and a new  
21 score of 80. Thank you.

22           COMMISSIONER THOMAS: Can you tell us why the  
23 steel barrier is an innovative or effective use of  
24 reducing costs? I mean what's your rationale for  
25 number two, for increasing that?

1           BRENT SCHORADT: With the construction of a  
2           substantial barrier system it is anticipated that the  
3           need for continuous law enforcement would diminish. So  
4           it was under 2(a) is that one. And I mean the project  
5           would use cables, steel barriers, signs, rice, straw  
6           mulch, and water diversion structures. That's the  
7           second category. We felt they did a good job with the  
8           first one, and, you know, I don't know how innovative  
9           all those materials are, but I think that's sort of the  
10          standard practice, and we felt they did a good job of  
11          answering (a), and they said one or more of the  
12          following, so.

13          CHAIR BRISSENDEN: Thank you. Mr. Waldheim.

14          ED WALDHEIM: The circle on the map is the area  
15          in question. It's the Los Padres map that we put out.  
16          And as you can see, it's got a dark blue line, which is  
17          only for street legal vehicles, so there is no OHV  
18          opportunity around there. These are old fire roads,  
19          things that we need to get out of the system so people  
20          don't see them, don't use them when you're riding down,  
21          hey, off they go. So this is the reason to take care  
22          of that. So fully support this project.

23          CHAIR BRISSENDEN: Thank you.

24          TOM TAMMONE: Tom Tammone, I'd also like to be  
25          on record as supporting this score increase for this

1 grant. I do want to, however, express a concern in  
2 general with the lack of the federal law enforcement  
3 assistance overall, I think we're getting a little too  
4 focused on barriers as a replacement for law  
5 enforcement. I do support this grant. I do support  
6 the score increase. Thank you.

7 CHAIR BRISSENDEN: Thank you. Do you have  
8 questions for the applicant?

9 VICE-CHAIR ANDERSON: Mr. Waldheim, partially  
10 raised one of the questions I was going to have, which  
11 was what was the source of this initial route, was it  
12 constructed as a field break or a forest break, as a  
13 fire road.

14 JEFF BENSEN: Most of the area is old fuel  
15 breaks, but they've been there a long time and they've  
16 been overgrown.

17 VICE-CHAIR ANDERSON: I understand. And old  
18 fuel breaks without help usually don't restore very  
19 well unless you give them some assistance --

20 JEFF BENSEN: In the chaparral communities --  
21 (Simultaneously speaking, inaudible.)

22 VICE-CHAIR ANDERSON: Yes. I was wondering if  
23 the choice of a very large steel barrier so it would  
24 actually be a gate and you could open it for fire  
25 purposes or not?

1           JEFF BENSEN: No, not in that area.

2           VICE-CHAIR ANDERSON: Okay. Thank you.

3           CHAIR BRISSENDEN: Further questions?

4           Commissioners, your pleasure.

5           VICE-CHAIR ANDERSON: Where are the numbers  
6           people here?

7           COMMISSIONER THOMAS: I'll try the motion.  
8           Applicant criteria number one, the applicant requested  
9           ten, provided evidence of the various species,  
10          sensitive, rare and endangered species located in this  
11          area, identified some of the cultural resources in the  
12          application, so I would, as I say, increase from 28 to  
13          38.

14          The applicant in criteria two, the applicant  
15          asked for an increase of four. I think we can increase  
16          this to six so that we go to 14. I was considering the  
17          issue of how do you evaluate something as simple as a  
18          barrier, which is the most efficient and effective  
19          material given this particular problem identified by  
20          the applicant. It seems unfair to give 50 percent of  
21          the rating when, in fact, the barrier is what will  
22          work. Why would you say a barrier is ineffective when  
23          you're in the middle of chaparral country and there's  
24          really no other way to keep people out? But not  
25          understanding the basis for that, I'll add six for 14,

1 that takes it up to 16.

2 Applicant asks for additional three, I believe,  
3 at criteria number three, I believe, is that right? I  
4 believe the evidence supports that view, particularly  
5 given the text that the staff provided to us at  
6 3(a)(1), (2) and (3).

7 And finally, let's see, I would look to my other  
8 Commissioners for additional information. My notes run  
9 out at that point.

10 Perhaps the applicant can tell us, you had a  
11 zero out of 15 for prior completed projects in time  
12 limits. What's the source of that problem?

13 JEFF BENSEN: We didn't -- at the time of the  
14 application, we didn't put in there any reference to  
15 the existing grants or the grant history on the Los  
16 Padres.

17 COMMISSIONER THOMAS: Why don't you provide us  
18 some evidence now. Do you have a successful track  
19 record of completion of grants with this entity?

20 JEFF BENSEN: Yes, we do.

21 COMMISSIONER THOMAS: Tell us a little bit more  
22 about it, how many years, what have you done?

23 JEFF BENSEN: We've had grants for many, many  
24 years on Los Padres Natural Forest and met the  
25 deliverables. Specific dates, I don't have, that kind

1 of thing.

2 COMMISSIONER THOMAS: Have you had more than  
3 five years of grants successfully completed with  
4 deliverables?

5 JEFF BENSEN: Yes.

6 COMMISSIONER THOMAS: Thank you very much. I  
7 would add five points for (a), and two -- three points  
8 for (b), and zero points for the third, adding an  
9 additional eight. That's eleven, ten, six, 16 -- 27  
10 additional points to a base of.

11 OHMVR STAFF FREITAS: 86.

12 COMMISSIONER THOMAS: A total of 86. Thank you  
13 very much. That's my motion.

14 CHAIR BRISSENDEN: Is there a second?

15 COMMISSIONER SPITLER: Second.

16 CHAIR BRISSENDEN: It's been moved and seconded.  
17 Any discussion?

18 VICE-CHAIR ANDERSON: One question, in the staff  
19 comments, there's a discussion of the 13 or 14 barrier  
20 locations. I presume you're not going to do that 14th  
21 barrier location, or is there some other alternative  
22 that you're going to use at that 14th site?

23 JEFF BENSEN: Let's see, where was that.

24 VICE-CHAIR ANDERSON: This is under cultural  
25 resources, 1(c).

1           JEFF BENSEN: We needed to do some cultural  
2 resource evaluation of that site. Our intent is to put  
3 the barrier there. Maybe I didn't make that clear, but  
4 we do need to do some cultural resource evaluation to  
5 be able to put that there on that site.

6           VICE-CHAIR ANDERSON: So it would be pending  
7 further archeological clearance?

8           JEFF BENSEN: Correct.

9           VICE-CHAIR ANDERSON: And modification as  
10 necessary.

11          JEFF BENSEN: Yes, yes. Whether we would move  
12 it right off the road or where we would put that  
13 barrier.

14          VICE-CHAIR ANDERSON: Okay.

15          CHAIR BRISSENDEN: There being no further  
16 discussion, all those in favor?

17          (Commissioners simultaneously voted.)

18          CHAIR BRISSENDEN: Opposed?

19          COMMISSIONER PRIZMICH: No.

20          COMMISSIONER WILLARD: Abstain.

21          CHAIR BRISSENDEN: So we have five, one and one  
22 no. Yes, five, one and one abstention. So the motion  
23 passes.

24          I have a request for a break at this time from  
25 the Deputy Director, so I will honor that since we are

1 almost approaching that lunch half hour we talked  
2 about. So I'll make it a lunch, 35 minutes, and be  
3 back by 1:30. Thank you.

4 (Lunch break taken in proceedings.)

5 CHAIR BRISSENDEN: Thank you. We had an  
6 executive session that was never called for so that  
7 we've decided you deserved a full hour for lunch. So  
8 we hope you enjoyed it. There were a few minor  
9 glitches that we had to review with staff and Deputy  
10 Director Greene. Thank you for your patience. We're  
11 back on task. John, if you can bring us along. I  
12 think we're somewhere around number 17; is that  
13 correct.

14 OHMVR STAFF PELONIO: Yes. Project number 17,  
15 Eldorado National Forest, Last Chance restoration  
16 project.

17 CHAIR BRISSENDEN: Last Chance, is that anything  
18 to do with -- never mind.

19 OHMVR STAFF PELONIO: The requested amount was  
20 \$25,920. The score was 57 for 50 percent funding,  
21 which would be \$12,960.

22 LESTER LUBETKIN: Good afternoon, Lester  
23 Lubetkin, Eldorado National Forest. We would like to  
24 request a change modification of the score, and I'd  
25 like to state the reasons why. I handed out and it



1 should be in your packages, a sheet showing the scores,  
2 but getting some -- so you have those. You won't have  
3 to find it.

4 Starting with criterion one, critical resources  
5 that the application on pages 116 through 117, and also  
6 on pages 121 through 123, specified and stated that the  
7 roads that are proposed for obliteration are within the  
8 Silver Fork Cosumnes River drainage. The river itself  
9 is a fish-bearing stream, and it's also been identified  
10 at a high risk for adverse cumulative watershed  
11 effects, and then the closure of these roads would lead  
12 towards trying to reduce that risk. Part of that risk  
13 is the result of the eroded character of the area as  
14 well as some of the other management activities that  
15 occurred there. But the sediment from the road has  
16 been a problem. And so under the critical resources  
17 and resource damages anyway, we recommend a score of  
18 40.

19 Under efficient use of funds, criterion number  
20 two, we recommend a score of 15. That these are  
21 unneeded roads, they are not providing OHV opportunity,  
22 and by eliminating the roads, the maintenance costs  
23 will be reduced. There is no real loss in recreation  
24 opportunity. The others -- we are using well  
25 established methods that have used on our forest and on

1 others, so we know that they are efficient and long  
2 lasting.

3 Under criterion number three, the conservation,  
4 avoiding, addressing illegal OHV use, et cetera, we  
5 recommend a score of 20. On page 117 and 118, it's  
6 addressed that there has been past illegal campfires  
7 and other use out there. Trash and dumping, also just  
8 by closing would eliminate the need for ongoing law  
9 enforcement patrols, and again the maintenance costs.

10 CHAIR BRISSENDEN: Les, could you summarize,  
11 please?

12 LESTER LUBETKIN: Under criterion four, we  
13 recommend a score of ten as described. And under  
14 criterion 5 a score of 15 as described on the sheet.  
15 Thank you.

16 CHAIR BRISSENDEN: Public comment?

17 DON KLUSMAN: Don Klusman, California 4-Wheel  
18 Drive Association. We support the increase on this.  
19 We have worked with the forest. That was one of the  
20 things that wasn't done in the application real well  
21 saying that there was a collaborative effort between  
22 the OHV community and the environmental community on  
23 decommissioning these roads. So we support the new  
24 scores. Thank you.

25 CHAIR BRISSENDEN: Thank you.

1           KAREN SCHAMBACH: Karen Schambach, Center for  
2 Sierra Nevada Conservation. I agree with  
3 Mr. Lubetkin's rescoring. A little more detail on  
4 forest, since I would just repeat on the earlier ones,  
5 application demonstrates site would be monitored and  
6 would be adequately maintained until restoration  
7 process is successful. The staff notes applicant did  
8 not provide details on monitoring for success of  
9 restoration, but that's not really what the question  
10 asks. So I would give them ten out of ten on that one.

11           COMMISSIONER THOMAS: Excuse me, tell me again  
12 what criteria number?

13           KAREN SCHAMBACH: Four.

14           COMMISSIONER THOMAS: Four.

15           KAREN SCHAMBACH: The criterion is applicant  
16 demonstrates the site will be monitored and can be  
17 adequately maintained until the restoration process is  
18 successful. If they actually want implementation or  
19 monitoring for the success, it should specify that. It  
20 got dinged a couple of points for that. I think it  
21 should get full points on that one. Other than that, I  
22 agree with Mr. Lubetkin's scores.

23           CHAIR BRISSENDEN: Thank you. Commissioners?

24           COMMISSIONER THOMAS: I'll go ahead and move  
25 this with some revised scoring. First, as to criteria

1 1, 1(a) through (d), the Cosumnes, this fork of the  
2 Cosumnes River -- the Cosumnes River actually is  
3 upstream of the largest ecological area, the Nature  
4 Conservancy Reserve downstream below Rancho Murieta.  
5 The contribution of silt from forest roads is an issue  
6 in the high country, as I'm sure any of the users of  
7 the high country know. There are salmon downstream in  
8 this river, and certainly that habitat would be  
9 benefitted by the reduction of silt to the river.

10 The application is actually quite detailed as to  
11 environmental resources on page 116 and 117 and  
12 identifies the fish-bearing perennial aspect of the  
13 stream. So I would suggest increasing it by 20. 1(a)  
14 would be 16 to 36. I increase it 20.

15 As to criteria two, I would increase that by to  
16 14 out of 10, so that would be an increase of three.

17 VICE-CHAIR ANDERSON: Which one?

18 COMMISSIONER THOMAS: Criteria two. I have ten  
19 out of 15 currently. I would add four, which would  
20 take it to 14. And the rationale is that I can think  
21 of no better way to avoid future maintenance and law  
22 enforcement than closing a road that's a source of  
23 silt, and I would be wondering why the application was  
24 graded as it was. So I think it's more appropriate to  
25 add four. And as well, the partnerships issue that was

1 just brought to your attention by the four-wheel drive  
2 club, so that would add additional points. So that  
3 would put it at five. So we would add a total of five  
4 for criteria two.

5 Criteria four is currently eight out of ten. I  
6 would add, make it to ten, by adding two.

7 And I believe the evidence at criteria five  
8 shows that there's been an adequate restoration track  
9 record of completion within the time limits, although  
10 some of the projects are ongoing and they are not yet  
11 completed but on schedule with it to be completed  
12 within the project performance. I would add additional  
13 points, add, let's see, (c) I would add four points,  
14 which would get it up to a total of 12 for there.  
15 Let's see, six, and then 25, 31, and then I would add  
16 three points at criterion number three based on the  
17 evidence that's been provided by the testimony of the  
18 four-wheel drive clubs and the applicant, as well as my  
19 review of the evidence provided at page 224 of 322,  
20 extending to 227 of 322. Thank you. That's my motion.

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

22 CHAIR BRISSENDEN: Your final tally is,  
23 Commissioner Thomas?

24 COMMISSIONER THOMAS: Pardon me?

25 CHAIR BRISSENDEN: Your final tally?

1 COMMISSIONER THOMAS: Ask the staff.

2 OHV STAFF FREITAS: I had some trouble following  
3 your scores.

4 COMMISSIONER THOMAS: My fault.

5 OHMVR STAFF FREITAS: So I can try to repeat  
6 them. 36 for criteria one, 14 for criteria two.

7 COMMISSIONER THOMAS: Correct.

8 OHV STAFF FREITAS: 18 for criteria three, 10  
9 for criteria four, and 12 for criteria five?

10 COMMISSIONER THOMAS: Yes.

11 OHV STAFF FREITAS: That is 90.

12 COMMISSIONER THOMAS: That's it.

13 CHAIR BRISSENDEN: It's been moved and seconded.  
14 Discussion? Being none, all in favor?

15 COMMISSIONER THOMAS: Hold on.

16 COMMISSIONER WILLARD: Chair, would you ask for  
17 public comment.

18 COMMISSIONER SPITLER: Already did that.

19 CHAIR BRISSENDEN: We had public comment.  
20 That's what some of the factual adjustments were based  
21 upon.

22 COMMISSIONER WILLARD: I have a quick comment.

23 CHAIR BRISSENDEN: Okay. Please.

24 COMMISSIONER WILLARD: I can see some benefit to  
25 what was said, and I could justify raising the scores,

1 but I think what's happening is, again, we're getting  
2 away from being very objective, and we're arbitrarily  
3 just picking numbers out of a hat to come up with a  
4 score, and so I'm uncomfortable with that approach.  
5 And so while I would like to see this grant receive  
6 more funds, and I think it deserves a little bit higher  
7 score, I would vote against it just purely on the basis  
8 that we're not using an objective approach to this  
9 process.

10 CHAIR BRISSENDEN: Thank you.

11 COMMISSIONER SPITLER: I would just like to make  
12 a comment to Commissioner Willard. I think it's  
13 totally fair for you to speak for yourself and how  
14 you're evaluating each of these applications based on  
15 your objective view of the facts. I don't think it's  
16 appropriate for you to speak for other commissioners on  
17 how we evaluate the same information. Simply because  
18 we reach a different conclusion to suggest that somehow  
19 that's some arbitrary decision.

20 COMMISSIONER WILLARD: Through the Chair, well,  
21 when I don't hear any factual reasons for why specific  
22 points are awarded for one criteria -- for instance, 20  
23 points was increased in 1(a), and it was -- there was  
24 no basis given for why the number was chosen. And then  
25 just on item 3, three points, again increased with no

1 backup as to why the number was used. So that's my  
2 question as to how are we coming up with these numbers,  
3 I guess, again, trying to be objective in the approach.

4 CHAIR BRISSENDEN: Thank you. Any further  
5 discussion? All those in favor?

6 (Commissioners simultaneously voted.)

7 CHAIR BRISSENDEN: Opposed?

8 COMMISSIONER WILLARD: No.

9 COMMISSIONER McMILLIN: No.

10 COMMISSIONER PRIZMICH: No.

11 CHAIR BRISSENDEN: Motion passes.

12 COMMISSIONER THOMAS: I might add it's a \$25,000  
13 grant.

14 CHAIR BRISSENDEN: Line 18.

15 OHMVR STAFF PELONIO: Line 18, Inyo National  
16 Forest, Inyo Mountains, request amount is \$26,196. And  
17 just a quick note at the bottom of the spreadsheet  
18 there, that that was a minor correction. Their score  
19 was 57, 50 percent funding, which would be \$13,098.

20 MARTY HORNICK: Thank you, I'm Marty Hornick  
21 from the Inyo National Forest. I think we just heard  
22 the dollar amount on that, it's just \$26,000. It's a  
23 relatively small amount that has some really, really  
24 big benefits on the Inyo Wilderness, the Inyo Mountain  
25 Wilderness.



1           In criteria number one, we only received 17  
2 points, even though I feel pretty strongly that in the  
3 document we showed that we were going to be on 17  
4 separate sites improving the condition of the  
5 wilderness, 17 different roads that we're trying to  
6 restore that used to be drivable that are now  
7 wilderness. Some of those have heritage concerns, and  
8 that was stated in the document, and there's salamander  
9 there, and we had a pretty good -- I thought we laid  
10 that out fairly well. We're asking for 17 out of --  
11 I'm sorry, 37 out of 40.

12           In the number two, again, we were going to be  
13 implementing the SCAs to do this relatively small  
14 project, but we've also been tapping Friends of the  
15 Inyo and other volunteers, included since this grant  
16 was written, to try to pick away at these same issues.

17           On number three, again, I think that we probably  
18 didn't adequately do this, the description in the  
19 number three, a lot of it was in project description.  
20 I apologized to John earlier. We didn't push up  
21 against the page limits on that last one. It was more  
22 of a sense of just trying to keep things tight and  
23 concise because we're encouraged do that throughout.

24           On number four, with the monitoring piece of  
25 this, we believe that the monitoring plan lays that out

1 very, very well, in fact it's part of what's driving  
2 some of the actions in this grant. And on number 15,  
3 as I said earlier, we have had -- we laid out some  
4 grant numbers and some dollar amounts. We were not as  
5 specific as we probably should have been, hearing  
6 things here today, but especially with the history and  
7 it's almost 20 years, we were hoping the Division would  
8 kind of know how good we've been doing.

9 CHAIR BRISSENDEN: Please summarize.

10 MARTY HORNICK: If you want to help us improve  
11 some desert riparian habitat in the Inyo Mountains and  
12 protect wilderness, this is the grant that's going to  
13 do it for a small amount of money.

14 CHAIR BRISSENDEN: Thank you.

15 COMMISSIONER SPITLER: Good summary.

16 CHAIR BRISSENDEN: Public comment?

17 PAUL McFARLAND: Paul McFarland, Friends of the  
18 Inyo. For item number one --

19 COMMISSIONER THOMAS: Excuse me, before you  
20 start. Can you direct us to the page or staff or  
21 somebody to the page of the application? We have a  
22 book of Inyo things and there are multiple projects.

23 PAUL McFARLAND: I don't have that in front of  
24 me.

25 OHMVR STAFF PELONIO: It's on page 61 of 332.

1 COMMISSIONER THOMAS: 61 of page 332.

2 COMMISSIONER WILLARD: That's volume five.

3 OHMVR STAFF PELONIO: Correct, volume five.

4 COMMISSIONER THOMAS: All right. Thank you, so  
5 we can follow along.

6 PAUL McFARLAND: You find it?

7 COMMISSIONER THOMAS: We did.

8 PAUL McFARLAND: Okay, great. So for number  
9 one, Marty did a good job with this but I'll just add,  
10 as far as rare, threatened, and endangered species,  
11 this area where one of the roads will be restored is  
12 home to the Inyo Mountains slender salamander found in  
13 only 12 different springs in the Inyo Mountains,  
14 endemic, very rare. As well as desert riparian habitat  
15 in and among itself is a rare and threatened  
16 environment. Also, this would close 17 old and  
17 decaying roads that are inside a wilderness area, and  
18 so it will be protecting an environmentally sensitive  
19 area designated as wilderness.

20 COMMISSIONER THOMAS: And there is a factual  
21 nexus between those animals and the application?

22 PAUL McFARLAND: Yes, one of the roads that the  
23 application seeks to restore goes through an area  
24 called Barrel Springs, and Barrel Springs is one of  
25 those 12 spring sites where the Inyo Mountain slender

1 salamander makes its home.

2 COMMISSIONER THOMAS: All right.

3 PAUL McFARLAND: So I would propose raising the  
4 first section to 37 out of 40.

5 For number two, proposed project is designed for  
6 efficient use of funds. I would give this a 15 based  
7 on information that has come about since this  
8 application was submitted. Our group, Friends of the  
9 Inyo, alone has contributed over 350 volunteer hours in  
10 the last seven months to some of these 17 roads, as  
11 well as to the Inyo Mountains Wilderness Area to  
12 restore places like Barrel Springs, as well as roads  
13 near Winedumah Monument that this grant will also do.  
14 We're only able to do half the job. We don't have the  
15 clearance or the time or the equipment to do the job  
16 that this grant will do. And in order to make sure  
17 that these closures hold and maintain and the resources  
18 are taken care of, this grant will do the full job. So  
19 that's over 350 new hours.

20 For number three, I would raise this up to a 20,  
21 especially as the application identifies how available  
22 maintenance or conservation practices were exhausted.  
23 These are 17 roads that are inside a wilderness area.  
24 There really is no other way to deal with them other  
25 than to restore them. The signage that's been out

1 there have proved ineffective. Some of these roads  
2 still receive, the ones that are passable, a fair  
3 amount of use. The only way to stop this wilderness  
4 trespass is to restore the road and bring it back to  
5 its natural condition. So for that I would raise that  
6 to full.

7 CHAIR BRISSENDEN: Can you summarize, please.

8 PAUL McFARLAND: For number four, I would say go  
9 back up to 10. The plan contains success criteria as  
10 well as monitoring.

11 And for five, I would go up to 13. This  
12 applicant has a great history of fiscal accountability,  
13 as well as worked with a lot of people to ensure  
14 problems get taken care of to ensure that OHV  
15 recreation doesn't get a black eye, and we can sustain  
16 these places. Thanks.

17 CHAIR BRISSENDEN: Thank you.

18 JAY WATSON: Jay Watson, SCA. On page 60 of 332  
19 in volume five, there is a cost of deliverables page,  
20 and you'll see a figure next to SCA of \$5700 in agency  
21 subtotal. We will match that dollar for dollar with an  
22 additional \$5700 from the National Forest Foundation.  
23 And on 30 days of labor in the Inyos, that's about  
24 1,040 hours of volunteer time. Thank you.

25 CHAIR BRISSENDEN: Thank you. Commissioners?

1           COMMISSIONER THOMAS: Okay. Do you want to do  
2 it?

3           VICE-CHAIR ANDERSON: No, I just want to add  
4 that since it's taken ten years, I really do believe  
5 that the applicant has tried -- well, since it's been  
6 wilderness for 12 years.

7           CHAIR BRISSENDEN: Judith, please, speak into  
8 the microphone here. You're facing out here.

9           VICE-CHAIR ANDERSON: Sorry, it's time. That's  
10 the point.

11          COMMISSIONER THOMAS: Okay. I'm glad you came  
12 to the point, and that's evidence that I'm going to  
13 rely on. It's time. This is a timely application, as  
14 the Commissioner to my right has so indicated.

15          Criteria number one, I would increase by 20  
16 points, particularly because of the Barrel Springs  
17 information and the Inyo salamander, which I have never  
18 had the privilege of meeting, but I will take the  
19 witness' testimony that it is in fact an existing  
20 species of some concern to someone within the  
21 governmental system.

22          Number two, I would increase that five to 15  
23 based on -- and this is a very strong set of facts,  
24 both the SCA \$5700 match, 1,040 hours, as well as the  
25 testimony of the Friends of the Inyo as to their

1 cooperative involvement with this project.

2 I would increase the application criteria number  
3 three by nine, and I have lost the rationale that was  
4 in my head a moment ago. So let's skip that.

5 VICE-CHAIR ANDERSON: They exhausted.

6 COMMISSIONER THOMAS: They exhausted their -- go  
7 ahead.

8 VICE-CHAIR ANDERSON: They exhausted all other  
9 attempts.

10 COMMISSIONER THOMAS: Right. They had exhausted  
11 all other attempts; that's right. Because in fact this  
12 is the most effective use method -- the most effective  
13 methodology to use barriers in the restoration of these  
14 roads. Obliteration of these roads to nonmotorized  
15 trails is the most effective way of accomplishing the  
16 repair of illegal activity and various criteria laid  
17 out in 3 (1) through (3).

18 Moving to item four, my motion would increase by  
19 one because of the testimony of the Friends of the  
20 Inyo, and the testimony and my motion -- strike that.

21 And my motion at number five would increase by  
22 three points to a total of 13 points because of the  
23 successful grant history as communicated to us by the  
24 Forest, by the witness, and the evidence that is before  
25 us in the application at page 225 of volume five.

1 Thank you very much. That's my motion.

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

3 CHAIR BRISSENDEN: It's moved and seconded at  
4 the level of 95 points. Do I have any discussion?  
5 Being no discussion, all those in favor?

6 (Commissioners simultaneously voted.)

7 CHAIR BRISSENDEN: Opposed?

8 COMMISSIONER McMILLIN: No.

9 COMMISSIONER WILLARD: No.

10 COMMISSIONER PRIZMICH: No.

11 CHAIR BRISSENDEN: Four, three, motion carries.

12 Number 19, John.

13 OHMVR STAFF PELONIO: Line 19, Eldorado National  
14 Forest, Ellis restoration. Requested amount was  
15 \$26,719. Their score was 56 for 50 percent funding to  
16 be \$13,360.

17 LESTER LUBETKIN: Good afternoon, Commissioners,  
18 Lester Lubetkin, Eldorado National Forest. Thank you  
19 for the opportunity. There should be a data sheet  
20 within the binders that you received, although I  
21 believe you also just received another copy of it, so  
22 it's easy to access. I'll be brief.

23 On that sheet showed the recommended scores  
24 based on information provided, specific pages. In  
25 particular, though, efficient use of funds, we



1 recommend a score of 15, in particular is the  
2 coordinated operations and working with a Rubicon  
3 Oversight Committee, Friends of the Rubicon, and other  
4 groups. The Ellis Trail is the connector to the  
5 Rubicon Trail. There's a deeded easement to El Dorado  
6 County, but specifically what we're looking at here is  
7 dealing with some of the short trails that lead off of  
8 the primary route that have been created over time,  
9 aren't providing a real recreation opportunity, they're  
10 just simply spots where people have gotten off of the  
11 trail.

12 COMMISSIONER THOMAS: Let me interrupt you. Can  
13 you direct me to the page?

14 LESTER LUBETKIN: In the application itself?

15 COMMISSIONER THOMAS: Yes.

16 LESTER LUBETKIN: Page 104 of the original  
17 application. It's in the first section of the project  
18 description, midway through the paragraph. Forest  
19 Services has been working with the Rubicon Oversight  
20 Committee.

21 COMMISSIONER THOMAS: Thank you. I have it.

22 LESTER LUBETKIN: Under the section of  
23 monitoring and maintenance, we recommend a score of 10.  
24 In the Division's review, they did not recognize the  
25 information provided on page 112. I'll read, "Photo

1 points will be established. Pre-project photos will be  
2 taken. Post-project photos will be taken immediately  
3 following completion of the project. Photo point  
4 monitoring will be conducted for three years following  
5 the project." So that was the description of  
6 monitoring, we felt it was a score of ten.

7 And then on the fifth criterion on history of  
8 successfully implementing similar projects, we describe  
9 OR-2-E-67, which is an ongoing restoration project, as  
10 well as completion of OR-2-E-66, a law enforcement  
11 project in 2005, approved 12/26/2004, expired  
12 1/31/2006, spent \$102,670 of the \$104,000 approved.  
13 Thank you.

14 CHAIR BRISSENDEN: Thank you. Public comment,  
15 please?

16 KAREN SCHAMBACH: Karen Schambach, Center for  
17 Sierra Nevada Conservation. I'm also a member of the  
18 Rubicon Oversight Committee. I support the requests  
19 for increased scores, and I won't repeat the areas that  
20 Mr. Lubetkin addressed.

21 But I would like to address criterion one, staff  
22 gave them 15 out of 40. I think that should be raised.  
23 The criterion request that the project address one or  
24 more of the following. (A) addresses it quite clearly  
25 I think, and then also (d), wilderness or other

1 environmentally sensitive area, Gerle Creek is a very  
2 sensitive area because of its being a trout stream.

3 Well, I'll leave it at that. Mr. Lubetkin  
4 covered most others.

5 CHAIR BRISSENDEN: Thank you. Commissioners?

6 COMMISSIONER SPITLER: I'll make a motion. I  
7 think the Forest here has demonstrated the project  
8 benefits critical environmental resources, including  
9 the sub Alpine vegetation in the sensitive areas  
10 reducing sedimentation within Gerle Creek. I'll  
11 recommend a score of 35 out of 40 in that category.

12 And under the criteria three, regarding  
13 exhaustion of maintenance and conservation practices,  
14 et cetera, I notice that the application describes the  
15 obliteration of user-created routes, insulation of  
16 barriers, restricting vehicular access to the area,  
17 patrol of the area with routine patrols have not been  
18 able to stop the trash dumping and illegal campfires,  
19 and the additional signing, barriers, and patrols, I  
20 think that warrants an increase to 20 out of 20. I  
21 would make that motion for a final score of 81.

22 COMMISSIONER THOMAS: Second.

23 CHAIR BRISSENDEN: It's been moved and seconded.  
24 Discussion?

25 COMMISSIONER McMILLIN: Yes, I'd like the staff

1 person to comment on the first category on why -- on  
2 how you see the differences, why you scored it so  
3 differently to begin with, please.

4 OHMVR STAFF PELONIO: We did not consider the  
5 environmental documentation. That was not part of the  
6 ten pages that they were allotted to make their case in  
7 the general project description and analysis. So we  
8 did not go into the environmental documentation. They  
9 had the option, as we explained to them at the  
10 workshops, of referencing their PAR or environmental  
11 documentation from the analysis. Had they done that,  
12 then we can go look at it. And those that did, we did  
13 pull information out of the locations in their  
14 application that they referenced.

15 Since they brought that up to you, it's  
16 certainly within your scope to consider that additional  
17 information. We just did not have that available to  
18 us.

19 COMMISSIONER SPITLER: Important additional  
20 factual information, the Commission should --

21 CHAIR BRISSENDEN: So they need to reference  
22 these documents, even though they included them in  
23 their application; is that what I'm hearing?

24 OHMVR STAFF PELONIO: The regulations instruct  
25 them to address the evaluation criteria in their

1 analysis of project needs and benefits. We allow  
2 them -- rather than having to repeat what's elsewhere  
3 in their document, we allow them to reference it from  
4 the analysis.

5 CHAIR BRISSENDEN: It's been moved and seconded,  
6 any other discussion? All those in favor?

7 (Commissioners simultaneously voted.)

8 CHAIR BRISSENDEN: Opposed?

9 COMMISSIONER McMILLIN: No.

10 COMMISSIONER WILLARD: No.

11 COMMISSIONER PRIZMICH: No.

12 CHAIR BRISSENDEN: Four, three, the motion  
13 passes. Number 20.

14 OHMVR STAFF PELONIO: Line 20, U.S. Forest  
15 Service, Angeles National Forest. The request amount  
16 was \$86,862. The score was 52 for 50 percent funding,  
17 which would be \$43,431.

18 TOM KAUCHER: Tom Kaucher, Angeles National  
19 Forest, OHV Coordinator, would like to request a  
20 rescoring.

21 Start with criteria one, we did address all of  
22 the items that were in that criteria, but I'd like to  
23 add to 1(c) actually when it comes to archeological  
24 sites, we have two sites that are adjacent to these  
25 restoration sites that are critical in that area,

1 especially Rowher Flats.

2 As to item (d), it mentions the PCT, which is  
3 the Pacific Crest Trail, this site on Liebre Mountain  
4 actually encompasses about a quarter mile of that  
5 Pacific Crest Trail where we have a lot of illegal OHV  
6 use on the PCT. So by restoring that area, we can help  
7 eliminate that activity on the PCT.

8 As for criteria two, we will go with the nine  
9 points from the Division.

10 As for criteria three, we will go with the ten  
11 points.

12 On criteria four, I would like to add that in  
13 our initial application, we just mentioned monitoring,  
14 but I'd like to specify what we're going to do with the  
15 monitoring. We will have weekly monitoring that will  
16 be done by our Forest Service OHV patrols. Also, I  
17 have five clubs, OHV clubs that have adopted a trail in  
18 that area, and we will also utilize them to do specific  
19 types of site visits as needed.

20 Also, our archeologists do annual reports and  
21 visit all of our archeological sites to check on those  
22 to make sure that they're in good shape and there are  
23 no problems with those sites.

24 In criteria four, I'd like to have that score  
25 raised up to ten. And for some reason I don't have

1 item five, but I believe it's five points there. But  
2 the total score would come out to 74. Thank you.

3 CHAIR BRISSENDEN: Thank you. Public comment?

4 BRENT SCHORADT: Brent Schoradt with the  
5 California Wilderness Coalition. And this project  
6 is -- we heard before the Pacific Crest Trail, will  
7 take care of illegal use on Pacific Crest Trail, and  
8 also the San Diego horned lizard, the California  
9 spotted owl, the slender Mariposa lily, and my  
10 favorite, the short-joint beavertail cactus. I'm not  
11 sure actually what that is, but it's a good name.

12 CHAIR BRISSENDEN: How could it be your  
13 favorite?

14 BRENT SCHORADT: Well, short-joint beavertail, I  
15 don't know. Sounds pretty good to me.

16 So I think that's enough to say, that there's  
17 critical environmental resources at stake, and we would  
18 give a 40 out of 40 on category one.

19 And then category two, we recommend a 13 out of  
20 15 up from the nine because it says, the project would  
21 include use of barrier systems and revegetation to  
22 reduce future resource damage and law enforcement  
23 costs.

24 And then under category four, the effectiveness  
25 of barrier systems, signs and return of native

1 vegetation will be monitored by Forest employees  
2 through photos before and after at the project sites.  
3 We felt that warranted at least a score of eight out of  
4 ten. So 24 new points for a total score of 76.  
5 Thanks.

6 CHAIR BRISSENDEN: Thank you.

7 ED WALDHEIM: Ed Waldheim from California Trail  
8 Users Coalition and CORVA. This area here in Rowher  
9 Flats was where the American Indians had their  
10 get-togethers and they did their trading. It was an  
11 incredible place. And when we put the Rowher Flat OHV  
12 area in there, there was a lot of areas that we had to  
13 fence off, and some places we had to cover, some places  
14 we don't know where they are so nobody goes after them.  
15 So I applaud Tom Kaucher working on trying to make sure  
16 that the area is well protected. It's a beautiful  
17 place. It's close by. We've spent \$800,000 from Green  
18 Sticker Funds to be able to get a highway in there.  
19 I'm trying to get him to finish the road all the way in  
20 because it's a really pothole type of road that we have  
21 in there.

22 But the new scoring that they've given you, that  
23 Thomas provided to you, I agree with it and I think  
24 it's great for him to do it, and we can get the  
25 volunteers to help him out and make this work. It's



1 heavily, heavily used, especially when Los Padres  
2 closed, Hungry Valley closed during the fire, guess who  
3 picked up the biggest things, Jawbone picked up the  
4 lion's share and so did Rowher Flat.

5 CHAIR BRISSENDEN: Thank you. Commissioners?

6 COMMISSIONER SPITLER: I think based on the  
7 cactus and the other sensitive resources that were  
8 previously mentioned, I'd recommend an increase in the  
9 first category from 26 to 34 for a total score of 60  
10 out of 100.

11 COMMISSIONER McMILLIN: I'll second that.

12 CHAIR BRISSENDEN: We're moving up eight points.

13 (Simultaneously speaking, inaudible.)

14 COMMISSIONER THOMAS: -- weekly patrol, go  
15 ahead, I dare you.

16 COMMISSIONER McMILLIN: I don't know what  
17 they're talking about over there.

18 CHAIR BRISSENDEN: So we have a motion and a  
19 second. We have discussion?

20 COMMISSIONER THOMAS: We're actually going to  
21 ask the maker of the motion to add six points because  
22 of the criteria for the identified weekly patrols that  
23 are going to monitor the barrier systems and the native  
24 vegetation, and that's new information not provided, so  
25 an additional six points. I don't know if that will

1 mean additional points, but I think the Commissioner on  
2 my left wouldn't mind that either.

3 VICE-CHAIR ANDERSON: Your microphone.

4 COMMISSIONER THOMAS: Strike that. Yes, an  
5 additional six points at criteria number four. Thank  
6 you very much. And the factual basis is the  
7 information regarding weekly patrols that was added as  
8 a result of the testimony.

9 COMMISSIONER SPITLER: I'm fine with that.

10 CHAIR BRISSENDEN: So the second is fine with  
11 that?

12 COMMISSIONER McMILLIN: Well, that's me. I'll  
13 go with it.

14 CHAIR BRISSENDEN: We're up to 66, eight short  
15 of the Waldheim recommendation. All those in favor at  
16 66?

17 (Commissioners simultaneously voted.)

18 CHAIR BRISSENDEN: Opposed? Motion carries.

19 OHMVR STAFF: Line 21, Mendocino National  
20 Forest, Butter Trail. Request amount \$5,914. Score of  
21 52 for 50 percent funding at \$2,957.

22 MIKE BURMANN: Mike Burmann, Mendocino National  
23 Forest. I'll try to keep this one brief. We're asking  
24 the Commission to consider a rescore of our total from  
25 52 to 86. For criterion number 1(a), the project

1 location is within a 30- to 40-year old mixed conifer  
2 plantation. The main objective of the project is to  
3 close a noncompliance segment of trail which will aid  
4 in the stabilization and conservation of soil resources  
5 and assure compliance with Forest Service best  
6 management practices. The trail gradient exceeds 15  
7 percent on the slope. It has heavy clay soils. As a  
8 result, there is poor drainage, which contributes to  
9 water quality problems.

10 For criterion two and three, we have no problem  
11 with the Division's scoring recommendations.

12 For number four, we would like to increase that  
13 score from seven out of ten to eight out of ten based  
14 on the fact that we provide the Division with an annual  
15 monitoring report.

16 For item number five, again I reference the fact  
17 that within the last 24 years, we have completed 51  
18 assistance grants, and come through with all of the  
19 deliverables and meeting the project performance  
20 timelines. Thank you for your time and consideration.

21 CHAIR BRISSENDEN: Thank you. Public comment?

22 BRENT SCHORADT: Brent Schoradt with the  
23 California Wilderness Coalition. I was willing to  
24 support a 15 point increase from five to 20 on category  
25 one due to the aid and the stabilization and

1 conservation of soil resources, and also would like to  
2 support an additional six points for 5(a) with the  
3 previous experience -- 5(a) would be two, and then two  
4 more at the very bottom with a proven track record  
5 based on what the gentleman just said about the  
6 Mendocino National Forest's excellent track record of  
7 providing and completing their projects on time. So  
8 that's 21 additional points, which would bring the  
9 score to 73. Thanks.

10 CHAIR BRISSENDEN: Thank you. Commissioners?  
11 May I have a motion?

12 COMMISSIONER McMILLIN: I was going to make a  
13 motion to accept staff's recommendation, if nothing  
14 else.

15 COMMISSIONER WILLARD: Second.

16 CHAIR BRISSENDEN: It's been moved and seconded.  
17 Under discussion? All those in favor?

18 (Commissioners simultaneously voted.)

19 CHAIR BRISSENDEN: Motion passes.

20 OHMVR STAFF PELONIO: Next project on line 22,  
21 U.S. Forest Service, Plumas. The request \$212,000.  
22 Received a score of 42 for 40 percent funding, which  
23 would be \$84,800.

24 FRED KRUEGER: Good afternoon, Commissioners,  
25 thank you very much for the opportunity to address you.

1 Mardi, if you could give us the reference for the  
2 Commissioners of our amended information, please.

3 OHMVR STAFF STALLCOP: This is on tab number 19  
4 in your Commission binder.

5 FRED KRUEGER: Thank you, Mardi, very much. I  
6 appreciate your assistance. For the Commissioners'  
7 benefit, the amended information is underlined on that  
8 tab done for you as we submitted.

9 COMMISSIONER THOMAS: Hang on a second. We have  
10 actually three sets of tab 19, so I always get confused  
11 here.

12 FRED KRUEGER: Fred Kruger from the Plumas  
13 National Forest.

14 COMMISSIONER THOMAS: Thank you.

15 CHAIR BRISSENDEN: You might go forward since  
16 time.

17 FRED KRUEGER: Thank you, I will do that. Time  
18 is running, I will be brief, as well.

19 Again, the amended information is underlined,  
20 and we would like to have that considered for our score  
21 to be increased.

22 In summary, for the first criteria, we are  
23 protecting red-legged frog habitat and that was noted  
24 in the grant. And again I'm going to summarize these,  
25 as well as the rest of the information that's

1 underlined in the grant.

2 For the second criteria, we're noting barriers,  
3 obliteration of illegal trails that reduces law  
4 enforcement costs, and they will be barricaded and  
5 barriered.

6 For criteria -- moving forward all the way up to  
7 criteria number three then, we are monitoring these  
8 projects. We close them in such a way that use is  
9 impossible because we're restoring the area back to  
10 grade. They're duplicate trails or illegal trails. I  
11 personally ensure that there's a way for our users to  
12 get through that sustains the opportunity on the  
13 forest. We're not just out obliterating trails. We  
14 look at them, and then monitor them. But we're doing  
15 before and after photos. The work is done with my  
16 engineering crews. If we do have a problem, I put the  
17 crews right back on it.

18 In number five, we completed the last  
19 restoration grant that we received. So this is new  
20 information. It was not in the grant because we didn't  
21 have the numbers tallied. In the first grant that we  
22 obtained, we had a target of 77 miles, and we've  
23 completed that to date this summer. So that's done.  
24 The new information wasn't in there. We've had grants  
25 and enjoyed our partnership with the OHV Division

1 since '96, minimum. We've had an excellent track  
2 record of billing and accomplishments. We didn't put  
3 that in there, but that is an established track record  
4 of that.

5 CHAIR BRISSENDEN: You got to wrap it up.

6 FRED KRUEGER: I'm done, and I'm willing to take  
7 any questions that you would have.

8 COMMISSIONER THOMAS: I've got a couple.

9 THE WITNESS: Yes, sir.

10 COMMISSIONER THOMAS: Criteria five, three sub  
11 criteria, you're saying that as to 5(c), new  
12 information is 700,000 to restore 77 miles; is that  
13 correct?

14 FRED KRUEGER: Yes, sir, and that's done.

15 COMMISSIONER THOMAS: I may not have caught your  
16 information as to (a) and (b), did you indicate that  
17 the Forest is providing completion of projects within  
18 time frames?

19 FRED KRUEGER: That's correct. We've completed  
20 other projects, the grants with the OHV Commission  
21 since '97, minimum, very successfully with the  
22 deliverables. We didn't address it here. We thought  
23 this was specific to restoration.

24 COMMISSIONER THOMAS: How many grants have you  
25 successfully completed since '97 annually?

1           FRED KRUEGER: I would say we've had annually,  
2 and I would say we've had at least three OHV, the  
3 different types of OHV grants each year. Susan, could  
4 you verify that for me, my resource specialist that's  
5 here. Is that at least three or not? Yes. Summer and  
6 winter, so there's at least two since '97.

7           COMMISSIONER THOMAS: And I'm familiar with your  
8 successful track record, as well.

9           FRED KRUEGER: Thank you.

10          COMMISSIONER THOMAS: But I'd like the record to  
11 show that. Again, your history of fiscal  
12 accountability, have you had any adverse audits or have  
13 you been successful in your audit cycle?

14          FRED KRUEGER: Our audits have been successful,  
15 and we're completing the balance of them, as well.

16          COMMISSIONER THOMAS: All right. That we can  
17 adjust and apply additional evidence on that matter.  
18 Thank you.

19          CHAIR BRISSENDEN: Thank you.

20          FRED KRUEGER: Any other questions?

21          CHAIR BRISSENDEN: Public comment.

22          SYLVIA MILLIGAN: I'm Sylvia Milligan with  
23 Recreation Outdoors Coalition, and I can verify that  
24 the Plumas, when they do a restoration project, does  
25 include the project, the OHV users. We have one route



1 that we've been working on that they were thinking  
2 about taking out. They called us out. We took a look  
3 at it, and the volunteers got out and were able to  
4 repair it. They do an excellent job of taking into  
5 consideration OHV needs and use and volunteers. Thank  
6 you.

7 BRENT SCHORADT: I'm Brent Schoradt with the  
8 California Wilderness Coalition. I think in addition  
9 to the new information that was brought to you today  
10 under category five, I would like to also add under  
11 category one, we scored 27. I think the presence of  
12 critical habitat for California red-legged frog is  
13 sufficient to say that there will be critical  
14 environmental benefits, so we've rescored that to 38.

15 And then if you look at category two, they were  
16 supposed to fill out one or more of the following, and  
17 the project is designed to avoid the need for future  
18 maintenance and law enforcement costs. It says, "The  
19 barriers and obliteration of illegal trails would  
20 reduce further law enforcement costs and the removal of  
21 culverts and restoring natural slopes would reduce  
22 future maintenance costs." So we think that  
23 sufficiently answers the question which would bring  
24 that up to 15, as well. Thank you.

25 CHAIR BRISSENDEN: Thank you.

1           DON KLUSMAN: Don Klusman, California 4-Wheel  
2 Drive Association. I want to say ditto to what Sylvia  
3 said. This Forest has worked well with volunteers from  
4 both sides of the aisle. Also, one of the things which  
5 I don't think is new information that wasn't mentioned,  
6 a lot of these roads and trails were made under the  
7 timber industry or mining industry, and we've inherited  
8 them. And these need to be rehabbed. And as I said,  
9 it doesn't affect -- it actually improves the quality  
10 of OHV recreation in the area because it puts us on the  
11 right trails. Thank you.

12           CHAIR BRISSENDEN: Thank you.

13           COMMISSIONER THOMAS: Question for, Mr. Klusman.  
14 Would it be your testimony that your association works  
15 cooperatively in partnership to reduce reliance on OHV  
16 Trust funds within this Forest?

17           DON KLUSMAN: Absolutely.

18           COMMISSIONER THOMAS: Okay. Thank you.

19           CHAIR BRISSENDEN: Commissioners.

20           COMMISSIONER THOMAS: I'd like to go ahead and  
21 make the motion on this. I'm going to work off the  
22 Plumas sheet that was handed out in the supplemental  
23 information. The evidence provided in that sheet is  
24 acceptable, and I would adopt it. I can read it into  
25 in the record or just adopt it, as the Chair wishes.

1           The scores would be as follows, criteria number  
2 one would be 40 of 40, and predominantly the motion  
3 rests on evidence associated with the red-legged frog  
4 in Ram Creek, and the Empire Vegetation Management  
5 Project Area. I also happened to have worked on the  
6 FERC efforts in the Plumas National Forest, and I'm  
7 well aware of the impacts on the red-legged frog, as  
8 well as yellow-legged frog which resides downstream  
9 from some of these areas, so as well the wilderness and  
10 sensitive areas that are described in 1(d) of the  
11 supplemental document provided by the applicant.

12           I would move 15 of 15 in criteria number two  
13 using the rationale provided to us in print which in  
14 sum is that there is a barrier and obliteration of  
15 illegal trails, that there is a use of partnerships to  
16 reduce reliance on OHV funds that we have heard  
17 testified to by Mr. Klusman and others and the text of  
18 this form that's been provided to us as supplemental  
19 evidence.

20           I would increase criteria number three, which is  
21 now currently rated at zero of 20 to eight of 20 using  
22 the information that the applicant has provided both in  
23 writing and orally which can be summarized in the  
24 writings.

25           Criteria number four, I would increase from five

1 of ten to ten of ten because of the discussion that the  
2 applicable sites are going to be regularly monitored  
3 for two to five years, measured for success against the  
4 mimic of natural conditions. Again, this is provided  
5 in the document given to us.

6 And then criteria number five, I would suggest  
7 15 out of 15, given the testimony of the applicant as  
8 to completion of prior projects, history of fiscal  
9 accountability, and the new information regarding these  
10 76 miles of closure, 77 miles of restoration, and  
11 \$700,000 of proposed activity budget all to get  
12 completed. And what would that total? That's always  
13 the -- I believe that totals 83 out of a hundred.

14 OHMVR STAFF FREITAS: 88.

15 COMMISSIONER THOMAS: 88 out of a hundred.

16 COMMISSIONER PRIZMICH: I'll second it.

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

18 Discussion?

19 COMMISSIONER WILLARD: Question for staff, this  
20 grant appears to be somewhat of an anomaly. If you  
21 look at the list of the restoration grants, it appears  
22 that the larger grants have scored relatively well, and  
23 then as you go to the smaller grants, they don't seem  
24 to score as well. This one sort of sticks out in that  
25 it's a large amount of money, and it scored relatively

1 poorly in the lower 20 percent. So I'd like to know if  
2 there was something unusual that was going on with this  
3 grant application, did they miss something, was there  
4 some problem, or was it just purely on its merit.

5 OHMVR STAFF PELONIO: The dollar amount of the  
6 request, as a stand alone, is not part of the  
7 evaluation criteria; efficient use of the funds is. So  
8 we would have only considered the total amount relative  
9 to their statements regarding efficient use of funds.

10 OHMVR STAFF BUCKINGHAM: Jennifer Buckingham,  
11 OHV Division. Just in addition to that, this  
12 application specifically did not include certain  
13 sections, so they were completely absent; therefore, no  
14 points can be given. So, again, the monetary value of  
15 their project really means nothing to us. It's purely  
16 what they've provided in their application and the  
17 quality of it.

18 COMMISSIONER WILLARD: I wasn't suggesting that  
19 because of the amount there should be some difference.  
20 It just sort of jumped out at me that it was a larger  
21 number against the smaller ones. And I don't know if  
22 that means that the more money involved, the better job  
23 they do or what. It just was an anomaly, I guess.  
24 Thank you.

25 COMMISSIONER THOMAS: I'm going to actually ask

1 Mr. Krueger, the criteria three, I should have  
2 identified that as 11 of 20, not eight of 20. Can you  
3 tell me what you intended as to the available  
4 maintenance and conservation practices in the repair of  
5 illegal OHV activity? Your document indicates that --  
6 the application states that the use of barriers,  
7 fencing, obliteration, combined with camouflage will be  
8 used to prevent reoccurrence. Is this the predominant  
9 strategy you'll use in your restoration activity?

10 FRED KRUEGER: It's both barriers and  
11 obliteration; that's correct.

12 COMMISSIONER THOMAS: On that basis, I would  
13 actually move 11 of 20, not eight of 20, if the second  
14 will accept that.

15 COMMISSIONER PRIZMICH: No, I was the second,  
16 and I won't accept it.

17 COMMISSIONER THOMAS: Thank you. I appreciate  
18 that.

19 CHAIR BRISSENDEN: So we have an adjusted score  
20 of 91.

21 COMMISSIONER THOMAS: We can now make an  
22 amendment, I suppose. The adjusted score of 91, if the  
23 second won't accept it, I can withdraw my motion or we  
24 can do it by amendment, however the Chair wishes.

25 CHAIR BRISSENDEN: Commissioner Prizmich, were

1 you willing to accept the amended amount? You were the  
2 seconder.

3 COMMISSIONER PRIZMICH: No, I'm not accepting  
4 it.

5 COMMISSIONER WILLARD: He said no.

6 CHAIR BRISSENDEN: That was my question. I  
7 didn't hear, so.

8 COMMISSIONER THOMAS: So I can either withdraw  
9 the motion and make it anew.

10 CHAIR BRISSENDEN: Why don't you do that?

11 COMMISSIONER THOMAS: I will withdraw my prior  
12 motion and make a new motion, which is the substance of  
13 the original motion, plus the change to criteria three,  
14 where I would propose that we adopt 11 of 20, for a  
15 total of 91.

16 CHAIR BRISSENDEN: There is a motion on the  
17 floor. Is it dying because of lack of a second.

18 VICE-CHAIR ANDERSON: No, I'll second.

19 CHAIR BRISSENDEN: It's been moved and seconded  
20 at the level of 91. All those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR BRISSENDEN: Opposed?

23 COMMISSIONER McMILLIN: No.

24 COMMISSIONER WILLARD: No.

25 COMMISSIONER PRIZMICH: No.

1 CHAIR BRISSENDEN: Motion passes.

2 FRED KRUEGER: Thank you.

3 OHMVR STAFF PELONIO: Line 23, Redding Field  
4 Office BLM, Chappie area. The request amount, \$36,450.  
5 A score of 37 for zero percent funding.

6 SKY ZAFFARANO: Sky Zaffarano, Redding BLM. I  
7 can take both of these at the same time if that's...

8 CHAIR BRISSENDEN: We've been advised that we  
9 cannot bundle.

10 SKY ZAFFARANO: What's that?

11 CHAIR BRISSENDEN: We've been advised by counsel  
12 that we cannot bundle, but don't go very far.

13 SKY ZAFFARANO: Okay. First the Chappie  
14 restoration is under criteria one how the project  
15 addresses resource damage, application stated, "This  
16 project addresses resource damage by restoring and  
17 closing illegally created off-route trails in the  
18 Chappie/Shasta area."

19 It goes on to discuss the importance of closing  
20 and restoring illegally created routes within this area  
21 to prevent future route proliferation and illegal use.  
22 Additionally, you know, if under the project  
23 description and under the environmental review data  
24 sheet section, we went into more detail as to the  
25 methods and to carry out the restoration as well in law



1 enforcement and monitoring efforts and signing. So  
2 with that we'd humbly request an increase to 25 out of  
3 40 on that first criteria, and that will give us an  
4 overall score of 52 out of a hundred.

5 CHAIR BRISSENDEN: Thank you. Public comment?

6 DON KLUSMAN: Don Klusman, California 4-Wheel  
7 Drive Association. I can see we need to work with the  
8 Redding Field Office on their grant on restoration. I  
9 believe this is one of the first ones they've put in,  
10 and the grant is not very good, we'll admit that. But  
11 it is needed, and they do work with the volunteers. I  
12 mean I've had two four-wheel drive clubs up there that  
13 are out there in the Shasta-Chappie area volunteering  
14 at least four to five times a year. So I would ask  
15 that you reconsider and give them a little bit. Thank  
16 you.

17 CHAIR BRISSENDEN: How much is a little bit,  
18 Don?

19 DON KLUSMAN: What he suggested.

20 SYLVIA MILLIGAN: I'm Sylvia Milligan with  
21 Recreation Outdoors Coalition. And one thing that he  
22 didn't mention that I would like to say is that they've  
23 done a lot of acquisitions in this area. And when they  
24 acquired this property, a lot of it was old mines that  
25 they've acquired or property that was logged, and they

1 had routes on them that were not good routes, but they  
2 could not go in and do anything because it was private  
3 property. It is now a part of the BLM, and they need  
4 to go in and take care of the problems that they're  
5 having there on these pieces of land. So I would like  
6 to see you increase that, and they do work very well  
7 with the volunteers up there. There's also the Redding  
8 Dirt Riders that go in and do a lot of work on the  
9 land, so they do an excellent job.

10 BRENT SCHORADT: I'm Brent Schoradt with the  
11 California Wilderness Coalition. And just to echo the  
12 sentiments of the previous speakers, I think this is a  
13 good project that perhaps wasn't as well written as it  
14 could have been, but I do think there's opportunities  
15 to find points that weren't previously given to at  
16 least allow funding to get them started this year so  
17 they can come back next year with a better written  
18 grant proposal.

19 Under category one, I think, you know, 50  
20 percent, which is still a failing score last time I  
21 checked in terms of if we were in school, 50 out of a  
22 hundred would be an F. But I think they said that  
23 they're working to control erosion, and it's going to  
24 benefit soil conservation, so I think that's not as  
25 detailed as we would all like it to be, but it's still

1 worthy of at least 20 out of 40. And then under  
2 category two, they have to address one or more of the  
3 following, and under 2(b), the use of innovative,  
4 efficient and effective materials or methods to reduce  
5 costs. It says, "The project would use large boulders,  
6 a Sweco trailer, and native grass seed." I think  
7 they're at least demonstrating that there is effective  
8 materials and that they sort of know what they're going  
9 to need to get started on the project. So we would  
10 give them an 11 out of 15 on that category.

11 That brings the score up to -- actually, I've  
12 got more. The next -- I think both this grant and the  
13 next one, category three, they actually did a good job,  
14 and they were scored 16 out of 20. It says they should  
15 address one or more of the following, and, you know,  
16 they talk about alternative methods failing, they've  
17 looked at alternatives, and they haven't worked. And  
18 they're using barrier, signs, and increased patrol, so  
19 I think it is worthy of full points on that category,  
20 and that would be 20 out of 20, and a score of 55  
21 total. Thanks.

22 CHAIR BRISSENDEN: Thank you. Commissioners?

23 COMMISSIONER SPITLER: I have a question for the  
24 applicant. Can you describe how the project will  
25 benefit critical environmental resources and/or address

1 resource damage? You didn't say an awful lot in and  
2 about your application. I would like to hear more from  
3 you.

4 SKY ZAFFARANO: Yes, basically the project will  
5 address resource damage. That's a part of that one  
6 that we're focused on. It's actually really simple.  
7 We have existing routes that are legal for use in the  
8 off-highway vehicle area, the area does have a limited  
9 area designation so travel off of those existing routes  
10 is not legal. People are, in isolated cases, creating  
11 shortcuts and hill climbs, and those hill climbs, you  
12 know, cause soil loss when you get erosion. And so  
13 we're going to go in, do the restoration efforts, close  
14 those areas, and deal with the resource damage.

15 COMMISSIONER SPITLER: Thanks.

16 CHAIR BRISSENDEN: Commissioners.

17 COMMISSIONER SPITLER: I'll move to increase  
18 score number one based on the additional testimony  
19 we've heard about the prevention of erosion, associated  
20 hill climbs and the other unauthorized cross-country  
21 travel, increase that score to 23 out of 40; final  
22 score of 50 out of a 100.

23 CHAIR BRISSENDEN: I have a second.

24 COMMISSIONER THOMAS: I'll second it.

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

1 Discussion?

2           COMMISSIONER McMILLIN: I have a comment not on  
3 this grant, but also just to sum the general area of  
4 where we are. I think we've long reached an area that  
5 just got referred to as failing. And I just think our  
6 lack of respect for the process -- again, I haven't  
7 said this in a couple hours, so I have to say it again,  
8 but I've heard: I apologize it was left out, sorry we  
9 used the wrong form, I didn't understand, it was in  
10 another section, I ask for your consideration, we admit  
11 the grant was very poorly written, sorry we didn't  
12 reference that.

13           You know what, this is an adult process, and I  
14 think the staff and I think the system that is set up,  
15 we're worried about maybe meeting the September  
16 deadline next year. Maybe we will just skip the whole  
17 process, and I'm not in favor, but it seems to me like  
18 we're just rescoring stuff, and I'm all fully  
19 respectful of new, good information. But I think the  
20 baseline needs to be what staff has done, and I think  
21 people that have taken a shot at writing grants for the  
22 first time, I think last year's grants are probably  
23 still on the website, and you can go back and look and  
24 see how they were written, and I think people need to  
25 put some good effort into writing some good grants.

1 That's my two cents. I think staff has done a good job  
2 of scoring them how we've asked them to.

3 And then I would also thank staff for their  
4 time, their hard work, patience and professionalism  
5 with how this Commission is taking your Saturday.  
6 Anyway, good luck.

7 COMMISSIONER THOMAS: Mr. Chairman, I want to  
8 make a statement, as well. I share the respect for  
9 staff and the good quality staff work. There's  
10 absolutely no doubt that this is a very much improved  
11 process. But we are not the board of examiners for  
12 grants. We are the Off-Highway Vehicle Commission, and  
13 our job is to get money to do the various statutory  
14 missions. And as the individuals that make decisions  
15 on these grants, we're constantly weighing, well, do we  
16 sacrifice the goal for the process or do we accept the  
17 goal as our job here. And everyone will come down  
18 differently on this kind of an issue, but I can tell  
19 you where I will come down each time.

20 The goal of getting the money in the program out  
21 is more important to me than the process. Paper is  
22 important as an analytical tool, but once we've reached  
23 the analysis, then our job is to get the money out the  
24 door. And I'm trying to do that.

25 COMMISSIONER McMILLIN: I think everybody is

1 trying to do that.

2 CHAIR BRISSENDEN: This isn't the end of the  
3 day, you guys.

4 COMMISSIONER WILLARD: Yes, I know, I'm sorry.  
5 I just want to follow up on that. I think the goal of  
6 getting the money out is a worthy goal and especially  
7 in this category, restoration. No one wants to see the  
8 monies left not spent. I don't think we want to get  
9 hung up on a process for process sake. However, the  
10 process serves as guidelines for the applicants and the  
11 public. And without that, I think the public has  
12 confusion, uncertainty, lack of clarity in the grant  
13 process. And with that, I'm afraid we might get fewer  
14 applicants because it's, well, geez I'm not sure which  
15 way the Commission is going to blow this year, I'm not  
16 sure if I should be spending my time and effort  
17 pursuing this grant or that grant because it seems to  
18 be so subjective. And I think that's one of the big  
19 benefits of having the program and the process that we  
20 have in place. And I'm not -- I don't want to be hung  
21 up on process, and I want to be fair. And sometimes  
22 you need to make adjustments, and we are not going to  
23 rubber stamp everything. And at the same time, there  
24 is a real benefit to having an objective process. And  
25 so a lot of these grants, I'm voting no on. I'd like

1 to see them get more money, but, again, I have to go  
2 back to the sanctity of the process.

3 CHAIR BRISSENDEN: Thank you. Any further  
4 comments? We do have a closing moment or two that  
5 you'll able to address some of these overarching  
6 issues. But at the moment we have a motion and second  
7 before us. All those in favor?

8 (Commissioners simultaneously voted.)

9 CHAIR BRISSENDEN: Opposed?

10 COMMISSIONER McMILLIN: No.

11 VICE-CHAIR ANDERSON: No.

12 COMMISSIONER WILLARD: No.

13 COMMISSIONER THOMAS: Four, three, different  
14 mix.

15 CHAIR BRISSENDEN: Right. I saw Commissioner  
16 Prizmich on the end trading votes with Commissioner  
17 Anderson here, so thank you. Motion passes.

18 OHMVR STAFF PELONIO: Line 24, BLM Redding Field  
19 Office, Sacramento. The requested amount \$27,750.  
20 Score of 29 for zero percent.

21 SKY ZAFFARANO: Sky Zaffarano, Redding BLM.  
22 This is our other restoration grant. It's basically  
23 the same situation. We addressed how the project  
24 addresses resource damage. This is in the Sacramento  
25 River Recreation Area that we manage. And same thing,



1 this project addresses resource damage by restoring or  
2 closing illegally created routes within the Sacramento  
3 River Bend Area. This is an area that's open woodland  
4 kind of area, so it's easy so get off the main roads  
5 and create these kind of hill climbs that are happening  
6 that were the reason for this restoration grant. And  
7 it's the particular location within this area that is  
8 at a main access point where people come into this area  
9 for various types of recreation, hunting, target  
10 shooting, and people are just getting off the main  
11 route and creating hill climbs. And once again we did  
12 provide additional information that speaks directly to  
13 addressing that resource damage and how we'll do that,  
14 and it is in the project description, so. We just  
15 request reconsideration on that first criteria to give  
16 us a score of 44 out of a hundred, versus the 29 out of  
17 a hundred.

18 CHAIR BRISSENDEN: Thank you. Public comment.

19 DON KLUSMAN: Don Klusman, California 4-Wheel  
20 Drive Association. We have to give Sky a couple of  
21 points because he wrote two bad grants. I mean there's  
22 only eight points difference. I mean he was  
23 consistent. Anyway, back to the real world here.

24 I like the way it reads. It says Sacramento  
25 restoration, so we're going to restore Sacramento, I

1 like that idea. Anyway, this area is not an OHV area.  
2 It is an open recreation area, and some new  
3 information -- well, first thing I want to say is  
4 closing these routes and rehabbing them definitely  
5 affects water quality because these are on the  
6 Sacramento River. These are right on the Sacramento  
7 River. As a matter of fact, when the Sacramento River  
8 gets high, these are under the Sacramento River. But,  
9 anyway, so that's the first point.

10 Second point is as of -- and I mentioned this  
11 yesterday, as of Thursday a bill was introduced into  
12 Congress in both Houses, the Senate and the Congress,  
13 that would make this a national recreational area which  
14 would only be the second one in the United States. BLM  
15 has went out and procured money and partnerships from  
16 other organizations and other agencies to purchase a  
17 lot of this land along the Sacramento River. And this  
18 is a grand plan of making a huge area open for the  
19 public. And I know we have some development people up  
20 there, but it's to stop the development that's  
21 happening along the river. So I would ask that you  
22 reconsider this and put a few points in there to give  
23 them some money to help us out. Thank you.

24 CHAIR BRISSENDEN: Thank you. Further comments.

25 BRENT SCHORADT: Brent Schoradt, California

1 Wilderness Coalition. I think the testimony we just  
2 heard about the proposed natural recreation area along  
3 the Sacramento River sort of underscores the  
4 environmental benefits of this project, and I think it  
5 warrants more points under category one. It's been  
6 currently scored at five out of 40, and I think, you  
7 know, if we could get 21 more points, that would be  
8 appropriate, and also the benefits to water quality  
9 that would result from the project. Thank you.

10 CHAIR BRISSENDEN: Thank you. Commissioners?

11 COMMISSIONER THOMAS: Let me ask a question of  
12 somebody who can answer it, perhaps if the wilderness  
13 group can do it, or whoever. I happen to know a little  
14 bit about this area. According to the map, it's on  
15 Battle Creek. Is it the confluence in the floodplain  
16 of Battle Creek and Sacramento River? Where it says  
17 project area is right below the B in Battle Creek. And  
18 Battle Creek is one of the spring run salmon endangered  
19 species critical habitat areas. Now, the applicant may  
20 not know this, but spring run salmon is what's keeping  
21 the fishing industries in the State of California out  
22 of the business because you can't fish for the spring  
23 run because it intermixes with the fall run out there,  
24 and that's why the fishing industry is going down north  
25 of Sacramento at the McKlamath. So what goes on in

1 Battle Creek and Tehama County is a big deal for the  
2 fishing industry, even though nobody seems to have  
3 written it up that way.

4 The other point to make is that it's not just  
5 Battle Creek and the Sacramento River is a major  
6 issue -- not issue, it is a major resource for the fall  
7 run salmon. So now you've got two runs of -- well, one  
8 of them is endangered and one managed under the  
9 Magnuson Act, both of which are adversely affected by  
10 siltation from all kinds of things, this being one of  
11 the all kinds of things. So you could certainly add a  
12 number of points just in terms of habitat.

13 Now, perhaps the applicant can tell us how he's  
14 going to stop siltation that will adversely affect the  
15 identified important fishery resources. That would  
16 give us some evidence so we can give you some points.

17 SKY ZAFFARANO: Well, I can tell you the methods  
18 of restoration we use, you know, we're using native  
19 grass seeds to seed the area, mulch, wheat-free straw  
20 for mulch. And we'll go out there and put in water  
21 bars to prevent any further sedimentation running down  
22 the hill.

23 COMMISSIONER THOMAS: Have you done any analysis  
24 of the degree of sedimentation that is coming off of  
25 that property?

1 SKY ZAFFARANO: No.

2 COMMISSIONER THOMAS: Do you have any  
3 impressionistic observations? Is this an area of  
4 siltation that's a problem?

5 SKY ZAFFARANO: You know, the biggest thing is  
6 it's a problem as far as you look at it, and you've got  
7 these hill climbs, I mean I did include a picture  
8 within the grant.

9 COMMISSIONER THOMAS: That's what I'm saying.

10 SKY ZAFFARANO: You know, you can see it. We're  
11 going to prevent that. You can see the soil at the  
12 bottom of the hill. That's where it's running to.

13 COMMISSIONER THOMAS: Well, will this run into  
14 either Battle Creek or Sacramento River?

15 SKY ZAFFARANO: No.

16 COMMISSIONER THOMAS: Will it run into the  
17 tributaries of the Battle Creek or the Sacramento  
18 River?

19 THE WITNESS: No.

20 COMMISSIONER THOMAS: All right.

21 COMMISSIONER McMILLIN: Thank you for you  
22 honesty.

23 CHAIR BRISSENDEN: Commissioner Anderson.

24 VICE-CHAIR ANDERSON: Yes, I have a question.

25 The staff pointed out, and, I'm sorry, I didn't read a

1 lot of the detail in this particular application, in  
2 2(b) you're using four-strand barbed wire. Can you  
3 tell me why that material was among your choices?

4 SKY ZAFFARANO: This area is surrounded by a lot  
5 of privately-owned farms, and farmlands, cattle grazing  
6 type areas, and that's typically the kind of fencing  
7 you see in this area. They have had success as far as,  
8 you know --

9 VICE-CHAIR ANDERSON: So is there cattle grazing  
10 on this land?

11 SKY ZAFFARANO: Yes, in the adjacent areas. I'm  
12 not sure if there is cattle grazing on this land, to  
13 tell you honestly. I know that there is in nearby  
14 areas.

15 VICE-CHAIR ANDERSON: Certainly some BLM lands  
16 have cattle grazing on it. And if you said you chose  
17 it so that it was in character with the other fencing  
18 in the area, I could understand it. But I think it's a  
19 forest area, and barbed wire fence in an area where OHV  
20 people have been going, gives me the shudders.

21 SKY ZAFFARANO: Right. This isn't specifically  
22 an off-highway vehicle area. There is a road --

23 VICE-CHAIR ANDERSON: There is an area you're  
24 trying to close there, you saw it. So people who have  
25 used it in the past, you know, that makes me nervous.

1           SKY ZAFFARANO: We can certainly entertain using  
2 some other kind of barrier system.

3           COMMISSIONER THOMAS: Are there any BLM biology  
4 types in the audience that know this area?

5           SKY ZAFFARANO: Jim Weigand still here?

6           COMMISSIONER THOMAS: Mr. Weigand, you should  
7 probably have been up here before given your knowledge  
8 of biology and fisheries in this particular area of  
9 property. Why don't you provide us some reason to keep  
10 the silt out of the river.

11          JIM WEIGAND: I can give you a lot of reasons to  
12 keep the silt out of the river. I'm not a fish  
13 biologist. I'm sorry, I'm Jim Weigand, ecologist at  
14 BLM.

15          But I have been involved in working with  
16 California Fish and Game as an employee there for  
17 San Joaquin and Sacramento River fish populations, so I  
18 understand the issues. I wasn't familiar with these  
19 specific ones. I'm impressed by your knowledge.  
20 That's terrific. I will let you know, the Redding  
21 Field Office has a BLM national fish biologist in its  
22 office and will make sure that that fellow is involved  
23 in this project.

24          COMMISSIONER THOMAS: Can you provide us  
25 evidence that this project will successfully protect

1 the watershed from siltation and identify that there  
2 are spring run salmon in Battle Creek that would be  
3 adversely affected by undue siltation.

4 JIM WEIGAND: Right now?

5 COMMISSIONER THOMAS: Can you make that  
6 statement?

7 JIM WEIGAND: I don't personally know that for a  
8 fact. I do believe that there is restoration measures  
9 covered in this grant that would reduce the siltation  
10 by increasing the vegetation cover.

11 COMMISSIONER THOMAS: So you can make that  
12 statement?

13 JIM WEIGAND: No, the point --

14 COMMISSIONER THOMAS: You said I can't make that  
15 statement, but I can say this.

16 JIM WEIGAND: Your statement had two parts to  
17 it.

18 COMMISSIONER THOMAS: Tell me what you can make.  
19 Give me what you can.

20 JIM WEIGAND: The measures in this grant  
21 accelerate revegetation on existing routes that are not  
22 authorized. What I did not know was the status of the  
23 fish population that you referred to. That's why I was  
24 saying I didn't have that information. I hadn't been  
25 focusing on fish biology.



1 COMMISSIONER THOMAS: Okay.

2 COMMISSIONER SPITLER: Jim, is this project  
3 within the area of critical environmental concern?

4 JIM WEIGAND: Let me ask Sky. I don't believe  
5 it is. I believe it's new acquisition land, and it  
6 hasn't been formally incorporated.

7 DON KLUSMAN: Don Klusman. I want to change my  
8 hat. I'm chairman of the resource area council of this  
9 area, so I'm very familiar with this area because I've  
10 toured it several times with BLM, and we have worked  
11 hand in hand with BLM on it. This is new acquisition  
12 land, and it is not in the ACEC at the present. But  
13 the ACEC is under consideration for expansion, but it  
14 was held up now because of the possible Congressional  
15 designation. So the Redding Field Office decided,  
16 well, let's not duplicate things here and make it an  
17 ACEC if it's going to become a national conservation  
18 area. So that's why it's kind of a little different.  
19 But this --

20 The other thing to remember when you talk about  
21 the fencing, this is a narrow strip of land on one side  
22 of the Sacramento River, then it goes on the other side  
23 of the Sacramento River. It is parcels that have been  
24 brought up as people who are willing sellers have  
25 wanted to help not only recreation but to help the

1 species. The fish population as you mentioned, yes,  
2 there are fish there. I used to catch them there, but,  
3 yes, the spring run now is a threatened species, so you  
4 cannot fish up there. And this is part of the reason  
5 to make the -- they call it Sacramento River Bend Area  
6 is so critical.

7 COMMISSIONER THOMAS: Thank you very much.

8 CHAIR BRISSENDEN: Thank you both.

9 COMMISSIONER THOMAS: For that basis I'm going  
10 to add 30 points in my motion and move to 1(a) and (b),  
11 and then call it good and move it.

12 VICE-CHAIR ANDERSON: What?

13 COMMISSIONER THOMAS: Add 30 points so we would  
14 move the thing to -- category one, criteria number one,  
15 3(b) and that because soil erosion is the issue and  
16 spring run is federally and state listed endangered.

17 COMMISSIONER McMILLIN: I have a question, and  
18 that is just I've tried to hear new information myself.  
19 The applicant said that the erosion did not go into the  
20 river. He wasn't sure if the cattle were on the inside  
21 of the fence or outside of the fence, then we drug up a  
22 couple more people who really didn't really know much  
23 about it, and I have a hard time fishing for these  
24 points.

25 CHAIR BRISSENDEN: There is a motion. Before we

1 go, I think you had a motion there that I never got a  
2 second. Before we jumped into discussion.

3 COMMISSIONER WILLARD: I'll second it.

4 CHAIR BRISSENDEN: Thank you.

5 COMMISSIONER WILLARD: This is interesting. I  
6 think this is a situation where we may have a very  
7 worthy grant, but the applicant just did a bad job of  
8 writing the application and isn't quite prepared to  
9 even answer questions to try to help it here at the  
10 hearing. So does that mean that the grant should  
11 suffer and therefore the environment suffer. If it was  
12 truly competitive and it would be knocking someone else  
13 out, I would be less inclined to vote the additional  
14 points the maker has put forth. But this situation, I  
15 think, is a little bit unique, and I would be in favor  
16 of it.

17 COMMISSIONER SPITLER: I support it also based  
18 on the fact that this area is adjacent to the area of  
19 critical environmental concern, an area that I know  
20 well. It's some of the best oak habitat in the  
21 Northern Central Valley and it has been proposed for  
22 national conservation area designation since 2002 based  
23 on its important environmental values.

24 CHAIR BRISSENDEN: Any further discussion? All  
25 those in favor?

1 (Commissioners simultaneously voted.)

2 CHAIR BRISSENDEN: Opposed?

3 COMMISSIONER McMILLIN: No.

4 VICE-CHAIR ANDERSON: No.

5 COMMISSIONER THOMAS: I might add those in the  
6 desert have never been known to be great fisherman, and  
7 I think the two folks that went the other way don't  
8 know which way the salmon run in that damn river.

9 CHAIR BRISSENDEN: Thank you for pointing that  
10 out, but I think the Commissioner next to you is  
11 demonstrating her fly fishing capability. Thank you  
12 all. Next.

13 OHMVR STAFF PELONIO: Line 25, U.S. Forest  
14 Service, Humboldt-Toiyabe National Forest. Requested  
15 amount, \$55,364; score of 27 for zero percent funding.

16 LARRY ANDERSON: Good afternoon, Commissioners.  
17 I'm here to provide some specifics.

18 CHAIR BRISSENDEN: Name, please?

19 LARRY ANDERSON: Larry Anderson,  
20 Humboldt-Toiyabe. First, we recognize deficiencies in  
21 the application because we didn't provide specifics.  
22 I'm here today to present new information that provides  
23 those specifics that you can score us on.

24 First of all, this area closes two miles of  
25 unauthorized route. It also stops soil compaction on

1 two acres of land. It also protects the Emigrant  
2 Trail, which runs approximately 150 feet adjacent to  
3 the project area. It also increases public safety by  
4 keeping OHVs off of an exposed pipeline, and also keeps  
5 OHVs from crossing county roads.

6 For the first criteria, I wanted to again  
7 mention the proximity to the Emigrant Trail,  
8 approximately 200 feet of the Emigrant Trail runs  
9 adjacent to this project area. By including some  
10 barriers, log barriers, approximately 300 feet of log  
11 barriers that will be provided by volunteers and  
12 installed by volunteers, we'll able to protect that  
13 resource. We recommend a score of 25 points in this  
14 area.

15 On the second criteria, once again, 300 feet of  
16 log barriers provided by volunteers, and that will be  
17 approximately 160 hours of volunteer time to install  
18 that. We have also success in another area doing the  
19 same type of installation with the same volunteers so  
20 we feel that this would be successful. Also, in  
21 criteria two, we recommend a score of 15 points.

22 Going to criteria three, we have weekly patrols  
23 by law enforcement officers, Sierra County fire  
24 personnel, and OHV personnel regardless of the funding  
25 we receive from our law enforcement grants or any other

1 grants associated to that. So that would be weekly  
2 patrols. We recommend a score from seven to 20 on  
3 that.

4 In criteria four, this area will be monitored,  
5 of course, by not only OHV personnel, but by law  
6 enforcement personnel and Sierra County that patrols  
7 that area weekly.

8 And on the last criteria, number five, recommend  
9 a score of 15 on that. And we provided on tab 20 of  
10 your handout manual a spreadsheet that shows our fiscal  
11 accountability in previous grants, and we feel that we  
12 should get full points for that. Thank you.

13 CHAIR BRISSENDEN: Thank you. I might say that  
14 just as an asterisk to this, I had mentioned to the  
15 project manager when I saw her a few days ago that  
16 maybe her presence wouldn't be needed, and I thank  
17 Mr. Anderson for standing in on this particular  
18 important application.

19 KAREN SCHAMBACH: Karen Schambach, Center for  
20 Sierra Nevada Conservation and PEER. Yes, this may not  
21 have been the best written grant, but I think the  
22 information is here. You may have to sometimes read  
23 between the lines, but I think it's there.

24 In category one, it is a pipeline corridor.  
25 While they don't elaborate on that, it's a gas

1 pipeline. We don't want that damaged. That would  
2 result not only in environmental damage, but you know  
3 probably some safety issues.

4 Under C, cultural resources, the Emigrant Trail  
5 is there. So out of the 40 points possible, I would  
6 give them 25 on that one.

7 In number two, supposed to address one or more  
8 of the following. They address the use of native user  
9 control materials, which I think is commendable. One,  
10 it's certainly an efficient use of funds, and, two, you  
11 know, everybody complains about materials that stick  
12 out like a sore thumb. And as far as innovative,  
13 actually one of the things that I would like to talk  
14 about when we are talking about the criteria, is the  
15 use of innovative by itself, I mean if it's innovative  
16 or something suitable. But one of the most innovative  
17 materials ever used in this material were rubber water  
18 bars, and they were used widely, and they were a total  
19 waste of money. So innovative isn't always good. I  
20 think tried and true and use of native is good.

21 So I would recommend 15 points there.

22 COMMISSIONER THOMAS: Which criteria are you on?

23 KAREN SCHAMBACH: Two, efficient use of funds.

24 I'm sorry, ten there.

25 On three, address one of these, application

1 identifies how available maintenance or conservation  
2 practices were exhausted. They say they designed and  
3 installed signing barriers, gates in a designated  
4 trailhead. They also said, under repair of illegal  
5 activity, that their proposal is to restore two miles  
6 of the trail and road creation. And you know they  
7 don't elaborate a lot, but I think they deserve some  
8 points there, so I'm recommending ten.

9 CHAIR BRISSENDEN: Please summarize. Thank you.

10 KAREN SCHAMBACH: Okay. Then I'm recommending  
11 five points for category four, monitoring. They're  
12 saying increased law enforcement patrols. The review  
13 says monthly, I don't see that. I just see increased,  
14 so maybe I just didn't see it.

15 And under five, recommending ten points for the  
16 history of implementing similar projects. As he points  
17 out, it was there and probably should have made a page  
18 reference, but it is there, and I think they should  
19 have some points for that. So I think I came up with a  
20 total of -- well, you can handle that.

21 CHAIR BRISSENDEN: What was your final total?

22 KAREN SCHAMBACH: I think 60; 25, 35, 45 -- 60.

23 CHAIR BRISSENDEN: Thank you. Any other public  
24 comment on this?

25 BRENT SCHORADT: Brent Schoradt, California



1 Wilderness Coalition. I just want to point out quickly  
2 category 3(b)(1) or I guess it's an (i), the  
3 restoration area would be protected with signs,  
4 barriers, and gates. In the application the question  
5 is, identify some measures that will be implemented to  
6 prevent occurrence. I think signs, barrier and gates  
7 is pretty much all you can ask for in terms of  
8 protecting a restored area, and I would at least  
9 rescore that category from seven up to 15. Thank you.

10 CHAIR BRISSENDEN: Thank you. Commissioners?  
11 Hearing none, I will chime in.

12 COMMISSIONER THOMAS: I figure it's your  
13 neighborhood. You can probably --

14 CHAIR BRISSENDEN: Well, it's fairly north of my  
15 neighborhood, but I do find the historic considerations  
16 are rather critical in a two-mile section of road  
17 that's needing to be protected.

18 So I would say 25 in section one, criteria one,  
19 certainly increased the protection in the law  
20 enforcement.

21 And two, should go to 15.

22 And criteria three, the restoration and signs  
23 that was just pointed out of restoration and signage, I  
24 would go to 20. So that would give us a total of 60.

25 So I would continue with the staff

1 recommendation of four on criteria four for a total  
2 of 64.

3 OHV STAFF FREITAS: Could you repeat your score  
4 for criteria one, please?

5 CHAIR BRISSENDEN: Twenty-five.

6 OHV STAFF FREITAS: Thank you.

7 CHAIR BRISSENDEN: I usually don't ask for the  
8 Chair to make that motion, but if you could --

9 COMMISSIONER THOMAS: I'm presuming the Chair  
10 made that motion. I'll second it as a courtesy to the  
11 Chair.

12 CHAIR BRISSENDEN: Okay. Thank you. Any  
13 discussion? All those in favor?

14 (Commissioners simultaneously voted.)

15 CHAIR BRISSENDEN: Opposed?

16 COMMISSIONER WILLARD: Opposed?

17 VICE-CHAIR ANDERSON: Opposed?

18 CHAIR BRISSENDEN: Motion passes. Thank you.

19 OHMVR STAFF PELONIO: Item number 26, U.S.  
20 Forest Service, Mendocino National Forest, Thomas  
21 Creek. Requested amount is \$75,680. Score of 23 for  
22 zero percent funding.

23 JEFF APPLLEGATE: I'm Jeff Applegate for  
24 Mendocino National Forest.

25 COMMISSIONER SPITLER: Excuse me, Mr. Applegate.

1           Mr. Chair, did you want to ask staff to --  
2 before we start hearing these grants.

3           CHAIR BRISSENDEN: Right, thank you. There are  
4 two, these last two have some issues around whether  
5 they are appropriately identified under this  
6 restoration project calendar. So I would defer to  
7 Chief Jenkins to further elaborate on that and the  
8 reasons why.

9           CHIEF JENKINS: This is a situation where as we  
10 were looking at these, you'll note that the score on  
11 these two particular grants, they are two of the lowest  
12 scoring grants on the page. The explanation for that  
13 is that part of the definition of restoration includes  
14 that actual work on the ground. It goes back to the  
15 definition of restoration in the legislation. And what  
16 actually created it was that upon closure, you restore  
17 to original contours, et cetera.

18           So as we were trying to score these two  
19 applications, there was no description of actual work  
20 to be done on the ground, which would lead us to  
21 believe that there was no immediate closure  
22 contemplated. What that leaves us with is that they  
23 don't fit into the definition of a restoration project.  
24 There is a course of action that we could use to remedy  
25 the situation. We could look at this and say really

1 these are truly planning grants because they  
2 exclusively talk about planning for potential future  
3 restoration. We could waive that as an inconsequential  
4 defect, that these really should have been submitted as  
5 planning grants, and then send those back to the  
6 Commission. And whenever you go through the non-CESA  
7 scoring process, you could look at the planning  
8 criteria, rescore these based on the planning criteria,  
9 and therefore allow them to compete with other planning  
10 projects, since they are actually, if you look at the  
11 deliverables, the work to be done, it's a pure planning  
12 project.

13 CHAIR BRISSENDEN: Any comments from  
14 Commissioners on this?

15 COMMISSIONER THOMAS: We may have different  
16 facts for different grants, but I was reading through  
17 this back country grant of the Mendocino. I happen to  
18 know a little bit about this area. It's also a salmon  
19 area. The project actually says that the project  
20 funded will commence in FY 2008, so it seems to me that  
21 the project as described is a series of repairs and  
22 closures and actions that are different from merely  
23 talking about a planning or action. Part and parcel to  
24 action is the environmental documentation and the  
25 funding and the internal administrative approval of an

1 act. You can't do an act in the government unless you  
2 actually get approvals, including CEQA or NEPA,  
3 depending on whether you're state or federal.

4 So I would parse the issue and say that you  
5 can't put a shovel in the ground without environmental  
6 work, so it would be natural that if you propose to do  
7 something, environmental work would be part of it.  
8 That being said, we could explore further exactly what  
9 acts were proposed under this Thomas Project, but it  
10 certainly seems to me that they're proposing to act, or  
11 at least according to their timeline, as identified on  
12 page 67 of page 402.

13 CHAIR BRISSENDEN: Further comments?

14 COMMISSIONER McMILLIN: I have a question. Why  
15 now? That would be directed at staff.

16 CHIEF JENKINS: As you can imagine, there has  
17 been a lot of confusion raised in the last few days  
18 where people have been calling and wanting to know why  
19 certain grants went to planning or restoration. We've  
20 gone back and reviewed our records and everything we  
21 have from the -- when we gave the workshops, we've  
22 looked back at the manual that we have, and we feel  
23 like it was a very clear definition that we gave;  
24 however, understanding that when you get four or five  
25 different grants applications, projects coming in,

1 where there is that confusion, it's clear that that's  
2 something we're going to try to make much more clear  
3 during the next round.

4           So like I say, right now coming into this, at  
5 the time we scored these, we were looking down at the  
6 scores and just basically treating them as, you know,  
7 they scored very poorly because they do not address  
8 restoration criteria at all. They were pure planning.  
9 The score basically knocks them off the page. Just  
10 watching how the process has been going today, and that  
11 in some cases really trying to find every  
12 justification, you know, facts that would support  
13 higher scores, our fear would be, you know, you try to  
14 score these up, and in effect you create a score that  
15 might not -- that would put these into a funding  
16 situation, when truly they are not eligible to be  
17 funded in this category, which is reflected in the  
18 score that we had assigned to them.

19           CHAIR BRISSENDEN: Before you do, I have a  
20 comment from Deputy Director Greene.

21           DEPUTY DIR. GREENE: And, Commissioner McMillin,  
22 to your point, I think the reason is to bring it up  
23 specifically for this discussion because I think that  
24 there is a concern, and we could pretend it doesn't  
25 exist or we could just all of a sudden find ourselves

1 in the hot seat come the rest of the grant cycle. It's  
2 not something we want to do. And so I do apologize,  
3 but at the same time, I want to catch it when we see it  
4 and make sure that we bring it to your attention, and  
5 then reconsider and see if we can find solutions for  
6 funding for that category.

7 CHAIR BRISSENDEN: So the pleasure of the  
8 Commission, since this has sort of put a halt in the  
9 consideration, I want to get some direction you guys,  
10 and then we will take some public comment. So the  
11 question.

12 VICE-CHAIR ANDERSON: Question for the  
13 applicant, Commissioner Thomas and I are looking at the  
14 application, and it shows really two components as I  
15 see it. One is certainly planning, and the other one  
16 appears to be implementation, at least in the phrasing  
17 that's used here. Can you elaborate?

18 JEFF APPLGATE: You're correct, and we were  
19 referencing in the grant application guidebook  
20 instructions that's listed on chapter three, page seven  
21 of 15, that addresses eligible costs. And it indicates  
22 that NEPA, CEQA compliance requirements for restoration  
23 funding is included in that. So that was what we went  
24 by. And we also referenced the evaluation criteria for  
25 restoration. And I can see that the only thing that

1 dropped us to zero is in certain cases was that it was  
2 cited that no actual restoration work would occur.

3 COMMISSIONER THOMAS: I didn't hear the end,  
4 restate.

5 JEFF APPLGATE: I believe that the only reason  
6 that the grants did not rate highly is because of what  
7 Phil has mentioned that no actual restoration work  
8 would occur.

9 COMMISSIONER SPITLER: Which doesn't seem to  
10 totally make sense with the regulations allowance for  
11 doing NEPA under restoration.

12 COMMISSIONER THOMAS: You are going to do  
13 something, right? I mean --

14 JEFF APPLGATE: Oh, correct. This a 10,500  
15 acre back country prescription area, semi-primitive,  
16 non-motorized with critical wildlife habitat, and it's  
17 a very large area, and it's going to take some time to  
18 get the planning in place.

19 COMMISSIONER THOMAS: But as I read through this  
20 text, you're talking about doing restoration  
21 scarification, barriers, sowing cross slope tree  
22 falling area. You're proposing to act in this grant.

23 JEFF APPLGATE: That's correct.

24 COMMISSIONER THOMAS: And then actually you say  
25 anticipated timeline is going to commence FY 2008, and



1 that's an action. So as I understand what you're  
2 saying, and I would caution you to not create -- don't  
3 parse the words so carefully that you fall into an  
4 argument about what category and if you intend to act.  
5 If you don't intend to act, that's one thing. But if  
6 you're doing acts, meaning, you know, bidding,  
7 designing, putting documents together, hiring people,  
8 telling them what to do, it seems to me that's within  
9 what we're allowed to do. But if you're just talking  
10 about in the future, that's another matter.

11 JEFF APPLGATE: Our hope at the conclusion, if  
12 you look at PCDs, it included a contract for the  
13 identified work that comes out of the planning effort.

14 COMMISSIONER THOMAS: And when you say you're  
15 going to design the work, you're actually designing  
16 what people will do, correct?

17 JEFF APPLGATE: That's correct.

18 COMMISSIONER THOMAS: Which is part and parcel  
19 to doing it, okay. You guys need to be very clear  
20 about that distinction between doing it next year on  
21 another budget in another program and doing it as part  
22 of this program.

23 CHAIR BRISSENDEN: Which is why you can  
24 understand why the staff was perplexed.

25 COMMISSIONER THOMAS: No, I'm sympathetic to the

1 staff, which is why I carefully read through here and  
2 tried to parse what was an action and what was proposed  
3 in the future.

4 CHAIR BRISSENDEN: Commissioner Willard.

5 COMMISSIONER WILLARD: So I didn't read this  
6 grant, so I'm not fully versed in all of the nuances of  
7 it. But am I right in characterizing this as a grant  
8 that is to fund a planning process that will ultimately  
9 lead to restoration, and therein lies the issue; is it  
10 restoration or planning, and this gets back to the  
11 legal opinion that we have.

12 CHIEF JENKINS: First of all, let me just for  
13 clarification so that we're all moving down the same  
14 road together, as the applicant stated, if you go into  
15 chapter three and it describes eligible costs for  
16 planning and eligible costs for restoration. So  
17 planning grants are very clear, and that's just set  
18 aside. You can do NEPA and CEQA stuff on planning.  
19 Nobody debates that, that's possible.

20 What we had attempted to do in the regulations,  
21 to be clear about in the regulations, was that we have  
22 a lot of applicants that were coming and saying, we  
23 have a project ready to go. We're ready to put shovels  
24 in the ground and start doing some restoration, but the  
25 process is we have come in for planning one year, get

1 that project completed, when that's completed, come  
2 back for a second grant application accepting a new  
3 project to actually perform the work.

4 So we were trying to find a way when it's just  
5 very clearly identified the closure is going to occur,  
6 you have to do the environmental documentation. So why  
7 not do a three-year restoration grant, where year one  
8 is your NEPA, planning year two, and three, you're  
9 actually implementing the project. That's the problem  
10 we were trying to resolve to give the applicants a way  
11 to come for one time, one grant, the money is  
12 guaranteed to be there once you complete the NEPA to  
13 engage in the work. So that's where we were going with  
14 that. And Commissioner Thomas' point, that's exactly  
15 as you're saying, we want to make sure that we're  
16 actually getting that work done on the ground, that  
17 this grant would result in work on the ground. And  
18 that's what we weren't able to determine would happen  
19 as we reviewed this application.

20 COMMISSIONER WILLARD: Where do you think this  
21 application belongs?

22 CHIEF JENKINS: So as long as -- if we  
23 understood the application correctly, which we believe  
24 we did, that it's planning for, then coming back for  
25 new money to do the actual work that you've done the

1 planning on, it would belong in a planning category.

2 COMMISSIONER THOMAS: Which is why we want to  
3 ask them very carefully what you're going to do so that  
4 you will clarify the ambiguity that you left in your  
5 text, and then we can either find out if you plan to  
6 act or not act.

7 JEFF APPLGATE: We understand the restoration  
8 grants are a three-year cycle, and we intend to  
9 complete the perimeter of the area to keep the  
10 unclassified use that was identified in our route  
11 designation process out of the area in the interim, and  
12 probably come back next year once we've surveyed and  
13 determined what we have inside that interior 10,500  
14 acres with a more specific restoration grant for  
15 anything that's located within that requires further  
16 restoration.

17 KATHLEEN MICK: Kathleen Mick, U.S. Forest  
18 Service. Let's try and cut to the point of what this  
19 is. In the past we were -- when restoration came  
20 on-line, we were trying to figure out how to get shelf  
21 projects. And to be able to get shelf projects, you  
22 need to be able to do NEPA. We can't be pre-decisional  
23 and say we're going to go put shovels in the ground  
24 until we've made a decision to do so.

25 So we worked with Division and Commission for

1 about three years; received a letter for the Division  
2 instructing us that we could not only apply for NEPA  
3 but project design and a lot of the other things that  
4 are in that chapter three that Jeff spoke about as part  
5 of restoration.

6           It's a little further confusing because in the  
7 regulations there isn't a box in the line that says  
8 under non-CESA, these are the types of applications  
9 that you can put in, and they can only be funded out of  
10 non-CESA. In restoration, these are the only things  
11 you can apply for. So it's fuzzy for everybody, the  
12 Division, for us, for you. It's all very fuzzy. So  
13 we've been operating, even though there was a  
14 regulatory change, based on chapter three, we have been  
15 operating under the agreement that we made with the  
16 Division and have a letter from the Division telling us  
17 so that we can come in for NEPA, do the NEPA for  
18 restoration, make a NEPA decision, and then come back  
19 and do the implementation.

20           And so it's just gotten to be this big confusing  
21 thing, so we have projects bouncing all over from  
22 category to category, and we are as confused as you  
23 are.

24           COMMISSIONER THOMAS: I'm not confused a bit.

25           KATHLEEN MICK: So then clarify for me, please,

1 because I am.

2 COMMISSIONER THOMAS: If you're talking about an  
3 act which requires you, A, to analyze alternatives; B,  
4 engage in a NEPA process; C, come to a conclusion; D,  
5 design a project to be consistent with that conclusion;  
6 E, put it out to bid or to your staff that does that  
7 work; that's a project.

8 Now, if it takes you two years, it's still a  
9 project. If it takes three years, it's a project. But  
10 if you tell me, I'm going to do all of these things and  
11 stop, and then decide whether I'm going to do it or  
12 not, that's planning. There is a distinction there.

13 KATHLEEN MICK: No, I understand.

14 COMMISSIONER THOMAS: You've got to provide us  
15 the information.

16 (Simultaneously speaking, inaudible.)

17 KATHLEEN MICK: Where we were confused is that  
18 the OHV community in the past had said, even though  
19 they have supported the restoration and they support us  
20 doing restoration, that's why the regional office came  
21 in with what we thought was a restoration application  
22 that's been moved to non-CESA, but they cautioned us on  
23 being predecisional. So we're trying to figure out  
24 what words to use to not be predecisional, but just  
25 keep NEPA done, so we can go out and do the

1 on-the-ground project for the decision that we make in  
2 NEPA. And it seems to be very difficult to get clarity  
3 on how to do that properly.

4 COMMISSIONER THOMAS: I can't help you there  
5 except if you can describe your project in the way I  
6 just laid out, I think we can vote a grant today. And  
7 if you can't do that, I can't we --

8 (Simultaneously speaking, inaudible.)

9 KATHLEEN MICK: We believe that we have, and I  
10 think that's where the disagreement comes.

11 COMMISSIONER THOMAS: Let's put that clearly on  
12 the record.

13 KATHLEEN MICK: And then apparently there is an  
14 opinion to go with that.

15 CHAIR BRISSENDEN: Commissioner Willard.

16 COMMISSIONER WILLARD: Through the Chair for  
17 staff, so is the dilemma the fact that the analysis,  
18 the NEPA and CEQA have not been done yet so that we  
19 really don't know if any dollars will actually ever be  
20 spent on actual restoration because the determinations  
21 haven't been made yet; is that the dilemma?

22 CHIEF JENKINS: Best way to answer that is to  
23 give you two facts. One, in the planning project, we  
24 described NEPA for proposed projects. So it's a  
25 proposed project, we're kind of exploring where it's

1 going to be, what it's going to do, you're searching  
2 for exactly what it is you need to do within a certain  
3 area.

4 Second issue is that there are other restoration  
5 projects that we've already voted on, that you've  
6 already voted on and funded, where there was planning,  
7 and it was for specific areas to be restored. And the  
8 projects that were applied for included dollar amounts  
9 put in there to go in and do physical work on the  
10 ground, hours were listed, X number of hours for crews  
11 to go in and do the work.

12 So within that application, the request was for  
13 money to do planning work and then money to do actual  
14 work on the ground. The two things were tied together.  
15 Those were considered restoration projects.

16 So that's what we did not see in this one was  
17 that second component, where is the funding to actually  
18 do the work.

19 COMMISSIONER WILLARD: So there is no  
20 connectivity then between the actual documentation that  
21 leads to the shovel in the ground and this particular  
22 application, is that the problem?

23 COUNSEL LaFRANCHI: Commission Willard, through  
24 the Chair.

25 CHAIR BRISSENDEN: Counsel, please respond to



1 Commissioner Willard's question.

2 COUNSEL LaFRANCHI: Basically when we make a  
3 distinction between predecisional and project specific,  
4 if an agency has actually defined, gone out and said  
5 here's an area that we're going to close. Now we have  
6 to develop our restoration project and do the project  
7 specific NEPA, CEQA, that would be a restoration  
8 eligible cost.

9 For example, this Thomas Creek, however you  
10 pronounce that, what the opening sentence in their  
11 application says under general project description is,  
12 "This restoration planning request will determine how  
13 we effectively close this 10,000 acre back country  
14 management area to trespass." And that planning  
15 process, if you will, or to determine how do we  
16 effectively close it, would involve a lot of  
17 considerations, what kind of resources are there, what  
18 kind of use has gone on, et cetera, et cetera.

19 So out of that, as we see that, is the  
20 predecisional process, as Commissioner Thomas was  
21 articulating, that says we were going to go look at  
22 this area, we are going to kind of decide how we want  
23 to manage it and close it in the future. Once we make  
24 those decisions, then we will be in a position to  
25 identify the specific restoration project or projects,

1 for example, which would then go into project mode,  
2 which would qualify for restoration. So that's the way  
3 that we were reading this project description and the  
4 work that was proposed to us. It's all that how are we  
5 going to manage this wilderness area in the future, how  
6 does it need to be closed. There is a lot of  
7 predecisional analysis that needs to go on before they  
8 get to the point where they've identified.

9           If you look the Angeles District, for example,  
10 that you just approved a while ago, they submitted four  
11 projects for restoration. The first three were  
12 actually going out on the ground, reseeding, grading it  
13 up, restoring the work. The fourth project that they  
14 submitted was for a specifically identified area that  
15 they needed to do NEPA on before they could actually go  
16 out and put shovels on the ground. That was a  
17 restoration project, as opposed to this kind of an  
18 activity, which is board planning before they can get  
19 to a point where they decide what to close, what to do  
20 about it, what to restore, what not to restore,  
21 et cetera.

22           COMMISSIONER WILLARD: So is it staff's  
23 recommendation that this really was improperly  
24 categorized, and it really is not a restoration grant;  
25 it should be in planning?

1           COUNSEL LaFRANCHI: We just missed it. These  
2 were two that we missed as we were going through the  
3 process, as Deputy Director Greene, said. There is  
4 sort of a fundamental rule of law that you don't  
5 continue to make a mistake just because --

6           DEPUTY DIR. GREENE: Commissioner Willard, but  
7 they were also put into that category because that was  
8 the criteria which they answered. They did answer the  
9 restoration criteria. So in all fairness, we're trying  
10 to figure out how do you best provide some sort of  
11 solution. So that was as we're trying to unwind this,  
12 would be to take those two, put them into the planning,  
13 then you, as a Commission in January, would look at  
14 them, with that planning criteria in mind, and then  
15 take a look at scoring them and how they fall.

16          CHAIR BRISSENDEN: The applicant wishes to  
17 comment, I think, so I will --

18          JACK HORNER: Mr. Chairman, My name is Jack  
19 Horner. I'm the Forest Recreation Officer on the  
20 Mendocino National Forest. We had made a decision on  
21 this area in our 1995 Land Management Plan, which  
22 designated it as a back county prescription area. It  
23 is one of the areas which is designated for horse and  
24 foot-type activity. We in the past have put signing  
25 and barriers out to keep motorized equipment out of

1 those areas, and those continuously get torn down.

2           What we're asking -- and because we've already  
3 made that decision, we think we're beyond the  
4 decision-making process. We now have to do site  
5 specific NEPA documents to decide if the OHV use that  
6 is going on in there that we found out during our route  
7 designation inventory, are we going to allow some of  
8 those routes that are being used to be changed over  
9 into horse and foot routes, are we going to go in with  
10 equipment and try to recontour that land so that it is  
11 back to a natural state. This particular area I  
12 believe was in the last wilderness bill that was  
13 proposed, the Thomas Creek area, and got dropped out  
14 for political decisions because that was Wally Herger's  
15 area of responsibility. So that decision has been made  
16 a long time ago, so we felt that we were coming in in  
17 good faith with the process of asking for NEPA  
18 documentation monies to do that, get that perimeter  
19 closed, like Jeff was saying, and as we're doing that  
20 NEPA documentation, figure out exactly how much money  
21 to ask for to either recontour the land or to seed it  
22 and block it at edges or what we really need to do to  
23 do the job correctly on the ground and still have  
24 opportunities for the horse and foot community.

25           CHAIR BRISSENDEN: Additional --

1           LESTER LUBETKIN: Can I just ask, because our  
2 grant has already been discussed here, whether you need  
3 that same type of information for the Eldorado grant or  
4 will we be hearing that one separately?

5           CHAIR BRISSENDEN: We're supposed to be hearing  
6 them separately, but it's a common issue, so.

7           COMMISSIONER THOMAS: The issues are different,  
8 if you look at the different language of the  
9 application. One category in my mind is much more  
10 ambiguous than the other category.

11          CHAIR BRISSENDEN: It was brought to us as a  
12 common issue from staff, so.

13          COMMISSIONER THOMAS: The common issue, though,  
14 and the question we need to get clear from the  
15 applicant is are you planning to do an act that will  
16 result in restoration of a closed area or are you  
17 merely proposing to consider it and do something later?

18          JACK HORNER: The Mendocino is planning to do an  
19 act.

20          LESTER LUBETKIN: The Eldorado is planning to do  
21 an act.

22          COMMISSIONER WILLARD: So on this Thomas Creek  
23 area, you've gone through a NEPA process already to  
24 close it to motorized. It's now a designated  
25 wilderness through a NEPA process.

1 JACK HORNER: The EIS that was done for the 1995  
2 Land Management Plan designated it as back country  
3 prescription area. It does happen to be in our  
4 inventory of roadless area, also.

5 COMMISSIONER WILLARD: And so then the monies  
6 that would be the subject of this grant application are  
7 then specifically going to go in and either modify  
8 existing OHV trails or obliterate them?

9 JACK HORNER: That's correct.

10 COMMISSIONER THOMAS: So I'm hopeful that in the  
11 future as people draft their documents, they will have  
12 the distinction in mind, so that we don't run into  
13 this. The reason I see this as a distinction when I  
14 read the balance of your text, it looks like you're  
15 going to do acts. But then you start out by using the  
16 other word. And that confuses people.

17 Mr. Chairman, I think we should at least  
18 consider this --

19 (Simultaneously speaking, inaudible.)

20 CHAIR BRISSENDEN: Evaluate it in the light of  
21 the secondary information that is now more or less new  
22 information, if you will.

23 DEPUTY DIR. GREENE: Chairman Brissenden, if I  
24 may offer another suggestion, just because I recognize  
25 that perhaps obviously the last minute nature of this,

1 if there was a possibility that recognizing that there  
2 is the -- that perhaps we could move forward, table  
3 these two until January, if that would be a possibility  
4 and agreeable to the rest of the Commission, be able to  
5 come back at that time if, in fact, we decided that  
6 they would remain in restoration, we could allocate  
7 those monies, we would not be exceeding the \$7.4  
8 million as identified by the Commission. And those two  
9 application projects could be taken at that point in  
10 time; otherwise, we would also in the interim speak  
11 with the applicants and perhaps if they cannot, then  
12 bring them back as planning grants for the non-CESA at  
13 the identified time in January.

14 CHAIR BRISSENDEN: That's a common sense  
15 approach to this sticky, fuzzy area.

16 COMMISSIONER WILLARD: I so move to table both  
17 of these grants until our next January meeting.

18 VICE-CHAIR ANDERSON: I'll second.

19 CHAIR BRISSENDEN: It's been moved and seconded.  
20 Under discussion.

21 COMMISSIONER THOMAS: I'll support the motion,  
22 but I will ask the applicants not to linger in  
23 characterizing their application more clearly and  
24 sending that letter to the Commission so we're clear  
25 about what you're dealing with. So you're locked down

1 on what you really are because the ambiguity is still  
2 out there. We don't want to come back six week from  
3 now and find out that ambiguity is still remaining. We  
4 would rather see you decide what you're doing, and let  
5 us know.

6 CHAIR BRISSENDEN: This may be out of order, but  
7 I do need to hear from a couple of the members of the  
8 public.

9 ED WALDHEIM: It's not out of order. It's  
10 public comment on your motion.

11 CHAIR BRISSENDEN: Long couple of days, I'm out  
12 of order. I'm sorry.

13 KAREN SCHAMBACH: Well, we're all tired. Karen  
14 Schambach, Center for Sierra Nevada Conservation. I  
15 just want to offer just a little bit of history from my  
16 recollection of this process. When we got the  
17 Restoration Fund in 2003, there were some grants that  
18 came in, and they were actually -- well, we're talking  
19 about regulations to implement the new restoration  
20 fund. And I attended days and days, as did Daphne and  
21 a lot of -- Kathy and a lot of us to talk about this  
22 and this was one of the issues was -- first of all, I  
23 had proposed that restoration grants were categorically  
24 exempt under CEQA, which to a large extent they are,  
25 but it was decided, well, that they were going to --



1 which to me is ironic because restoration grants are  
2 now going through a much more intensive environmental  
3 process than -- well, the Rock Creek was developed  
4 under a categorical exemption, so that's how things  
5 have changed. And that's fine, I'm not complaining.

6 But then there was the discussion, a long  
7 discussion about where the funding for this  
8 environmental documentation would come from. And it  
9 was agreed that it would come from the restoration  
10 fund. And there was ambiguities. It was it's going to  
11 be costly, it needs to be done, and we agreed that it  
12 would be funded through the Restoration Fund, and  
13 that's what the regulations reflect.

14 So this ambiguity, I'm not sure where it's  
15 coming from, but I don't think it's fair to penalize  
16 the applicants because the criteria doesn't reflect  
17 this ambiguity, and I don't think that it's fair either  
18 to these applicants or to the other applicants in  
19 non-CESA to move these into non-CESA because there is  
20 money in restoration, that's why we originally said it  
21 would be funded out of restoration. And to move it  
22 into non-CESA is going to be mean that a lot of people  
23 won't be funded, and then there be more money sitting  
24 on the table in the Restoration Fund. Thank you.

25 CHAIR BRISSENDEN: Thank you.

1 ED WALDHEIM: Ed Waldheim for CORVA, former  
2 commissioner. It just absolutely boggles my mind that  
3 you folks don't just make a very clear motion that  
4 anything that's related to restoration, including  
5 planning, comes out of restoration. You keep dipping  
6 in the O&M or the non-CESA fund. I have nothing left  
7 over. Yes, that's what happening.

8 COMMISSIONER THOMAS: Ed, we're not interested  
9 in dipping into that fund.

10 ED WALDHEIM: It's happening already.

11 COMMISSIONER THOMAS: We've been advised by  
12 counsel that we can't do what we want to do today,  
13 okay? That's why we can't --

14 ED WALDHEIM: But you can make a motion, you can  
15 make a motion that any planning money -- that's what I  
16 have been told. The Commission can make a motion that  
17 any planning money that is done for restoration comes  
18 out of the restoration project because the regional  
19 forest has \$5 million in there, and it's in our O&M  
20 packet. That's the wrong place for it to be. These  
21 folks need to get their restoration project done, it  
22 should come out of restoration. And if you make that  
23 motion, that's so stipulated. As Karen just said, it's  
24 in the regulations and be done with it. Any planning  
25 money for restoration comes out of restoration, end of

1 discussion.

2 CHAIR BRISSENDEN: Thank you.

3 JOHN STEWART: Good afternoon, Commissioners.

4 John Stewart, California Association of 4-Wheel Drive  
5 Clubs and United 4-Wheel Drive Associations. This has  
6 been an interesting discussion to get to this juncture  
7 here.

8 I would like to point out a couple of things  
9 that I hope are misconceptions on the way I may have  
10 interpreted some of the comments being thrown about.  
11 NEPA, the National Environmental Policy Act, is a  
12 process in itself. And within that process, it starts  
13 with a scoping period, development of alternatives,  
14 analysis of alternatives, and the selection of a  
15 preferred alternative, and the final record of  
16 decision. Now, these are all -- you know, the scoping,  
17 the analysis, can be called predecisional actions,  
18 whereas the decision is signing that record of  
19 decision.

20 After that comes on-the-ground work, and what is  
21 signed in the record of decision determines what the  
22 on-the-ground work is. I would caution that when these  
23 NEPA -- when the NEPA process is employed, it is a  
24 means of documenting the decisions of the land manager.  
25 And it is to me to document the decision so that they

1 can show that they do not arrive at a predetermined  
2 conclusion of an action prior to fulfilling the entire  
3 analysis for the project.

4 Now, within this concept of what has been talked  
5 about here, I have no problem at all with supporting  
6 having the planning process come out of a restoration  
7 if, in fact, it is going to look at a restoration-type  
8 effort or a -- that within the scope of it is going to  
9 be towards a restoration activity within a  
10 non-motorized back country decision area that was  
11 established by a programmatic land management plan.

12 I do, however, have a little bit of heartburn  
13 if, in fact, those routes that they're looking at to  
14 make the decision off of restoration preexisted the  
15 determination of the land management plan, in which  
16 case they were authorized OHV routes then, and as such  
17 within the restoration for illegal OHV routes, then  
18 your conclusion would be that the routes within that  
19 area would not be subject to the restoration funds  
20 within the OHV program funds, but the perimeter control  
21 would be a valid restoration-type project. Thank you.

22 CHAIR BRISSENDEN: Thank you.

23 BRENT SCHORADT: I'm Brent Schoradt with the  
24 California Wilderness Coalition, and I'd just like to  
25 point out, I think environmentalists, and conservation

1 organizations, as well as the off-road vehicle  
2 enthusiast groups all support using restoration dollars  
3 for restoration planning, and I think it's unfortunate  
4 that one of the best projects of the day, which is this  
5 Thomas Creek Project is being jeopardized on this  
6 decision. I think it makes no sense, and I think to  
7 point out the true arbitrary nature of this -- I don't  
8 even know what it is, if it's act or a decision, or a  
9 memo or what, the Pacific Region Forest Service  
10 Planning grant that we all support in restoration has  
11 been held up in non-CESA. We've been asking for it to  
12 be moved to restoration, and it seems like the same  
13 problem, perceived problem exists with that grant for  
14 the Division, but yet that one was placed in non-CESA,  
15 and these two restoration grants were placed in  
16 restoration. So why would that take place? We don't  
17 understand.

18 Not only do we think these two grants should  
19 remain in restoration, but the Pacific Southwest Region  
20 Restoration Planning Grant, which has restoration in  
21 its title, should also be moved to restoration. And,  
22 you know, I think first we see grants moved out of  
23 restoration that should be in there, and then we hear  
24 in the Legislature that there's not enough grants,  
25 there's not enough demand for restoration, and it's

1 hard not to think that there is a systematic effort to  
2 undermine restoration in the State of California.  
3 Thanks.

4 DON KLUSMAN: Don Klusman, California 4-Wheel  
5 Drive Association. I agree with the previous speaker.  
6 We talked about this in stakeholders. We've talked  
7 about it since stakeholders have been disbanded.  
8 Restoration planning should come out of Restoration  
9 Fund. The Commission, as well as the OHV community and  
10 the environmental community, asked the Pacific  
11 Northwest Region to sit there and give us a list of  
12 what you want to do, how you want to accomplish it,  
13 what kind of plan, what kind of NEPA do you need.  
14 That's what they've done. And now it's out of NEPA,  
15 it's over in non-CEQA. That's another issue.

16 By I sit in all of those hearings, the same ones  
17 that Karen Schambach did, and I came out of there under  
18 the impression that planning was going to be taken out  
19 of restoration. At the north subcommittee meeting this  
20 subject came up. It was talked about then that it  
21 still could. I don't know what has happened between  
22 then and now, and I understand the Division, you know,  
23 gets opinions on how this should work. We thought when  
24 we sat there and agreed with the regulations when they  
25 were revamped the last time, we came out of that room,

1 all of us, thinking that restoration planning was going  
2 to come out of restoration. And if the wording is  
3 wrong in the regulation, that needs to be changed. But  
4 I agree that that \$5 million grant needs to be put back  
5 over here in restoration, and these two need to stay in  
6 restoration. Thank you.

7 COMMISSIONER THOMAS: I encourage you to take  
8 that up with the Division.

9 CHAIR BRISSENDEN: Thank you. Any further  
10 public comments? We have a motion and a second. All  
11 those in favor?

12 (Commissioners simultaneously voted.)

13 CHAIR BRISSENDEN: Opposed?

14 VICE-CHAIR ANDERSON: (Absent.)

15 CHAIR BRISSENDEN: The motion passes that those  
16 will be tabled and brought back for our meeting in  
17 January. Thank you.

18 DEPUTY DIR. GREENE: Commissioner Brissenden, if  
19 I may, I just really need to make sure -- and I  
20 understand the passion that everybody speaks from, and  
21 I understand it. I also understand that we are trying  
22 to work with these regulations, and that, yes, the  
23 intent may be what we do want to intend. But to  
24 suggestion that there is some systematic approach by  
25 this Division not to support restoration or not to

1 support what's not in the statute, I just find that  
2 really offensive because we are trying to do the best  
3 job. It's why we brought these up. There is a  
4 problem. We recognize it. I'm sorry, you know, the  
5 team didn't catch it, but that's what I can say is I'm  
6 sorry.

7           But we are going to take this next period of  
8 time and try and come up with some resolution, you  
9 know, and that is what our commitment is to try and  
10 figure out how we can make this work. Because clearly,  
11 again, it's trying to take that input, recognizing that  
12 we want it, but this is also very difficult as we look  
13 at the current statute and how do you work with the  
14 current statute. And that's why last year there was  
15 proposed legislation for changes, and I would just  
16 encourage everybody to try and keep a level head as we  
17 try and move forward in these next couple of weeks to  
18 find some resolution.

19           CHAIR BRISSENDEN: Thank you for the comments.  
20 I think that you heard from the general public and the  
21 Commission we need to review this, and it seems to have  
22 been a part of the discussions over time with this  
23 planning, these planning issues and efforts would be  
24 coming out of restoration. So we will revisit it in  
25 January.



1           Are there any finishing comments before we close  
2 this very long two days?

3           MS. ELDER: John, I need time sheets from Mark  
4 and Michael McMillin.

5           COMMISSIONER McMILLIN: You know we do want to  
6 get paid. It's a hard hundred dollars.

7           CHAIR BRISSENDEN: I see a question from Kelly.

8           OHMVR STAFF ROACH: Chair Brissenden, I just  
9 wanted to bring up one point that was brought to my  
10 attention from yesterday. I had spoke about the Plumas  
11 and told the Commission that they had included a law  
12 enforcement plan within their project OR-2-P-82, and I  
13 was incorrect. There was still some issues with their  
14 project, but I wanted to give them that benefit that  
15 they have not included a law enforcement plan. They  
16 used this year's criteria, and I wanted to make sure  
17 that was on the public record.

18          CHAIR BRISSENDEN: Thank you. And just one  
19 point of clarification as we have now gone through 27,  
20 those will be finalized, even though these two have  
21 been -- actually, 25 will be finalized.

22          COMMISSIONER THOMAS: That information won't  
23 have any bearing on what we did.

24          CHAIR BRISSENDEN: On these two, the two that  
25 are tabled, the rest will be finalized as they are.

1           COMMISSIONER THOMAS: That new information will  
2 have no bearing on the vote that was taken yesterday.

3           OHMVR STAFF ROACH: I don't believe it can at  
4 this point. I just wanted to make sure that that was  
5 made known. Blame it on my lack of --

6           COMMISSIONER THOMAS: Thank you.

7           CHAIR BRISSENDEN: Fellow Commissioners have any  
8 comments or ending remarks? And I have two very brief  
9 ones.

10          COMMISSIONER McMILLIN: I'm just going to again  
11 thank Daphne and staff and everybody from the public  
12 for patience and professionalism. I apologize that we  
13 can't get this done any quicker, but I think everybody  
14 is trying to do the right thing. And wish everybody  
15 happy holidays.

16          CHAIR BRISSENDEN: Commissioner Spitler, do you  
17 have a comment?

18          COMMISSIONER SPITLER: Move to adjourn.

19          COMMISSIONER THOMAS: Second.

20          CHAIR BRISSENDEN: Moved and seconded, I just  
21 have two little comments. I want to definitely thank  
22 the Forest Service for allowing us to use their  
23 facilities over the past two days. And I especially  
24 want to echo some of the comments that fellow  
25 Commissioners have said about the work of the staff.

1 And I also want to compliment my fellow Commissioners  
2 for their thoughtful deliberations and patience and  
3 civility. And my thanks and compliments to the public  
4 agency representatives and especially to our staff for  
5 all of their hard work. And everyone go and have a  
6 wonderful holidays, and we will back at this in  
7 January. Thank you.

8 (Meeting adjourned at 4:05 p.m.)

9 Respectfully submitted,

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13 Cheryl Kyle, CSR No. 7014

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