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STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

PUBLIC HEARING

MONDAY, FEBRUARY 27, 2006

9:00 a.m. to 6:52 p.m.

held at

RESOURCES BUILDING

1416 Ninth Street

Sacramento, California 95814

Reported by SANDRA L. HOPPER, CSR No. 7110

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1 (Sacramento, California, Monday, February 27, 2006.)

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3 CHAIRMAN SPITLER: Welcome, all, for coming to this
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4 meeting of the Off-Highway Motor Vehicle Recreation
5 Committee -- Commission.
6 The Commission is now in session.
7 We'll start with the pledge of allegiance.
8 (Pledged the flag.)
9 CHAIRMAN SPITLER: Okay. Could we get a roll-call
10 vote, please.
11 MS. ELDER: Commissioner Anderson?
12 COMMISSIONER ANDERSON: Present.
13 MS. ELDER: John Brissenden?
14 (Commissioner Brissenden not present.)
15 MS. ELDER: Robert Chavez?
16 (Commissioner Chavez not present.)
17 MS. ELDER: Walt Spittler?
18 CHAIRMAN SPITLER: Here.
19 MS. ELDER: Harold Thomas?
20 COMMISSIONER THOMAS: Yes. Here.
21 MS. ELDER: Michael Prizmich?
22 COMMISSIONER PRIZMICH: Here.
23 MS. ELDER: Edward Waldheim?
24 COMMISSIONER WALDHEIM: Here.
25 CHAIRMAN SPITLER: Okay. Thank you.

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1 Do we have a motion to approve the agenda?
2 COMMISSIONER ANDERSON: I'll move.

3 CHAIRMAN SPITLER: Is there any second to that
4 motion?

5 COMMISSIONER PRIZMICH: I'll second it.

6 CHAIRMAN SPITLER: Discussion?

7 COMMISSIONER ANDERSON: I have a brief question.

8 CHAIRMAN SPITLER: Commissioner Anderson.

9 COMMISSIONER ANDERSON: Yeah, there was a notation
10 that there wouldn't be any public hearing for the
11 reconsideration of the grants. Can someone give me the
12 rationale for that?

13 CHAIRMAN SPITLER: I think we'll actually -- what I
14 would suggest that we do is do our closed session at the
15 start of the meeting. And I think the attorneys will provide
16 some input on how to run the reconsideration process, and I
17 think that will likely answer those questions. If there's
18 remaining questions after the closed session, then we can
19 discuss it at that point.

20 COMMISSIONER ANDERSON: So we're (unintelligible).

21 CHAIRMAN SPITLER: The closed session would be a
22 convenient time during the meeting -- I'm suggesting a
23 convenient time would be at the start of the meeting.

24 COMMISSIONER ANDERSON: Okay. All right. Thank you.

25 CHAIRMAN SPITLER: Any other discussion?

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1 Okay. All those in favor?

2 (Commissioners simultaneously voted.)

3 CHAIRMAN SPITLER: Opposed?

4 (No audible opposition.)

5 CHAIRMAN SPITLER: Okay. At this point, then, we'll
6 take a break and move into the closed session portion of the
7 meeting.

8 COMMISSIONER THOMAS: Could we just put on the record
9 that this -- this is a closed session? I don't know, Billy,
10 if you want to do -- Mr. Jenkins, if you want to do it.

11 MR. W. JENKINS: The closed session is pursuant to
12 Government Code Section 11125.7(e) for the litigation
13 exception to the agenda and open-meeting requirements.

14 MR. LaFRANCHI: And it's to discuss a specific
15 case --

16 MR. W. JENKINS: Yeah. It says this in the agenda,
17 "Ecological Partners versus the California Department of
18 Parks & Recreation, et al. It's Superior Court number --
19 Sacramento Superior Court No. 06 CS 00115.

20 MR. LaFRANCHI: And we'll have to clear -- if -- if
21 everybody except --

22 MR. W. JENKINS: Well, hang -- I think we're going to
23 go into this room over here.

24 MR. LaFRANCHI: Oh, we're going to go in here? All
25 right. Thank you.

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1 (Recess from public hearing while the

2 Commi ssi on and the Di vi si on retired to
3 closed sessi on, 9: 15 a.m. to 10: 15 a.m.)
4 (The Di vi si on departed the closed sessi on,
5 10: 15 a.m.)
6 (The Commi ssi on ends closed sessi on, 10: 28 a.m.)
7 (Commi ssi oner Bri ssenden joined the publi c hearing.)
8 CHAIRMAN SPITLER: I 'm going to announce the results
9 of the closed sessi on, which was that no acti on was taken by
10 the Commi ssi on. That ends the closed sessi on porti on.
11 We' ll now return to the agenda. The first item of
12 busi ness is reconsi derati on of the 46 appli cati ons.
13 Do we have a moti on from the Commi ssi on?
14 COMMI SSIONER PRI ZMI CH: Yes, Mr. Chair man, I -- off
15 and on.
16 Mr. Chair man, I' d like to offer a moti on that we
17 would rescind the 46 contracts that we offered in -- in
18 December.
19 COMMI SSIONER WALDHEIM: I second that moti on.
20 COMMI SSIONER ANDERSON: Those are those listed in
21 Exhi bi t A?
22 CHAIRMAN SPITLER: Those contracts listed in
23 Exhi bi t A.
24 Okay.
25 COMMI SSIONER PRI ZMI CH: Reconsi derati on of the 46

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1 that are in Exhi bi t A, right.
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2 CHAIRMAN SPITLER: Okay. We have a motion to rescind
3 and reconsider the contracts in Exhibit A.

4 Do we have any members of the public that wish to
5 comment on this item?

6 Please step forward.

7 MR. CLARK: Find my note here. Here we go.

8 Hi. I'm Lance Clark, Captain, San Bernardino's
9 Sheriff's Office, Barstow Division. Thanks for the
10 opportunity to speak today.

11 We've enjoyed a positive relationship with the
12 State-referenced OHV grants for about five to six years. Two
13 weekends -- two weekends ago, 35,000 people went to Dumont
14 Dunes (phonetic) for OHV recreation. The Barstow Sheriff's
15 Station went there to provide law enforcement services in
16 cooperation with Bureau of Land Management as well as CHP.
17 That weekend we had 11 missing persons, two of which required
18 full search-and rescue call outs, ten injury crashes, one
19 airlift, more than 150 citations were issued, and we had
20 three criminal-case arrests. Our presence really means
21 something to the folks out in the OHV recreation areas in the
22 County of San Bernardino.

23 Funding by virtue of the grant process is essential
24 for our law enforcement efforts. The scenario I described
25 about Dumont Dunes is repeated every year on Presidents Day,

1 Easter weekend, Halloween, Thanksgiving, and New Years. The
2 scenario is also duplicated at other OHV recreational areas
3 in my jurisdiction, like Spangler Hills, Razor, Stoddard
4 Valley, Afton Canyon, and Copper City. My jurisdiction is
5 over 10,000 square miles, and the Bureau of Land Management
6 estimates over 600,000 people visit my area for OHV
7 recreation every year. We need to be out there.

8 As I said, we enjoy a strong cooperative relationship
9 with BLM and the Highway Patrol, but we also enjoy strong
10 relationships with State Parks and local community service
11 districts, like Trona, Red Mountain, Newbury Springs, and
12 Baker. But our law enforcement efforts are in jeopardy by
13 the decision to de-fund our latest grant proposal.

14 I thank Commissioners Prizmich and Waldheim
15 specifically for their support in this issue. But we can't
16 meet the OHV law enforcement challenge without grant funding.

17 I urge the Commission to do the following: Vote to
18 rescind the actions taking -- taken at the December meeting;
19 reconsider the allocation of funds; and rescore the
20 San Bernardino County Sheriff's Barstow Division grant
21 considering information obtained from the grant application,
22 the information offered at the December meeting, and the
23 information I have provided today.

24 Thank you.

25 CHAIRMAN SPITLER: Thank you.

1 MR. STEWART: John Stewart, California Association of
2 Four-Wheel Drive Clubs, and the United Four-Wheel Drive
3 Association.

4 Appreciate the opportunity that the Commission is
5 going to take to re- -- revisit these grants. I'd urge you
6 to rescind them and actually get back to looking at grants
7 that address recreation on the ground, recreation which is
8 part of the legislative mandate. We've done the statistical
9 review of a lot of the -- of the grant process this year and
10 find that, yes, there is no actual rationale for the way the
11 grants' numbers have come out. Let's get this program back
12 on track. Let's look at these. Let's see if we can actually
13 get some money on the ground where we need it.

14 Thank you.

15 CHAIRMAN SPITLER: Thank you.

16 MR. SCHORADT: Good morning. My name is Brent
17 Schoradt. I'm here representing the California Wilderness
18 Coalition, and the Alliance for Responsible Recreation.

19 I'd -- I'd urge the Commission not to rescind these
20 grants. And I think just -- just to -- to paint a clear
21 picture of the impacts that have happened on the ground from
22 the -- the Division's action to -- to hold up these grants,
23 the -- the town of Yucca Valley down in -- in San Bernardino
24 County -- I've got some pictures here that I can bring up to
25 the -- the Commission, but basically we see the Cleghorn

1 Wilderness boundary here that -- that -- this picture was
2 taken on February 22nd, which was one week ago today after
3 the Presidents Day three-day weekend. And we see that
4 because -- because the Yucca Valley grant was held up by the
5 Division, local law enforcement did not have the funding to
6 put people out on the ground and to actually enforce the
7 wilderness boundary. And as a result of that, we have
8 incursions in the wilderness areas.

9 And I think this -- this particular grant really
10 exemplifies why this Commission funds law enforcement out on
11 the ground. And the -- the impacts, there's not only in the
12 wilderness areas, which are -- which are federally designated
13 and federally protected areas, but there's also impacts to
14 local communities. There's folks that live out here. I have
15 a letter that I'd like to also bring that's addressed to
16 the -- the Deputy Director, Daphne Greene, that's from a
17 local resident who's actually had these folks trespassing on
18 his property on their way to trespassing into the wilderness
19 area. And really, I think, as I said, this -- this
20 exemplifies why these grants are here and why this Commission
21 exists.

22 And we've -- we've always appreciated the existence
23 of this Commission and -- and your work to support local law
24 enforcement and to protect our public lands. And I think
25 I'll bring these photos up to show you really why you

1 should n' t rescind these grants.

2 Thanks.

3 CHAIRMAN SPITLER: If you could just provide those to
4 the staff, that would be great.

5 MR. MONDARY: I'm Dale Mondary. I'm a sergeant with
6 the San Bernardino County Sheriff's Department working in the
7 contract city, the town of Yucca Valley.

8 And I understand Brent's point, and actually concur
9 with a lot of what he says. However, I have some concerns
10 that if -- just legal wise, if the Commission does not
11 rescind, that the town of Yucca Valley for our enforcement
12 efforts are going to receive zero funding. And so I would
13 at -- at this time, and hopefully I'll get the opportunity to
14 speak later on -- on that grant, but at this time, we would
15 support the Commission's recommendation to rescind.

16 CHAIRMAN SPITLER: All right. Thank you.

17 MR. BECHTEL: Good afternoon. I'm Errol Bechtel.
18 I'm with San Bernardino Sheriff's Office out of Victor Valley
19 Station.

20 Over the past several years, we've established an
21 elaborate law enforcement OHV Enforcement Unit. With our
22 combined efforts with the Barstow BLM Office, we have been
23 able to restore the OHV areas of Stoddard Valley, Anderson
24 Dry Lake, El Mirage, and Soggy Dry Lake to the family OHV
25 recreation folks. We successfully removed the negative

1 elements, those being the rowdy folks out there, to make it a
2 family area where it would be safe for the families.

3 We were not given a grant for law enforcement, and
4 that's our fault. Apparently it wasn't done properly, and we
5 only received one half of the equipment funds that we were
6 asking for. If we do not have any monies to continue our
7 operation, we will lose those areas back to the rowdies, and
8 the taxpayers will be punished, and the families will no
9 longer be able to enjoy a safe and fun OHV area.

10 There are no monies in the Sheriff's budget to pay
11 for OHV enforcement. This will leave just one BLM ranger in
12 each one of those above-mentioned areas, and there's no way a
13 single person can enforce and keep those areas safe for those
14 people that would like to enjoy that.

15 Thank you very much.

16 CHAIRMAN SPITLER: All right. Thank you.

17 Anyone else? Anyone else who wants to comment, if
18 you can go ahead and line up, it will speed through this a
19 little quicker.

20 MS. SCHAMBACH: Karen Schambach, Center for
21 Sierra-Nevada Conservation People and PEER.

22 I would urge the Commission not to rescind the
23 grants. The -- the process, if it wasn't perfect, it wasn't
24 perfect; at least it was transparent and done in plain view,
25 and, you know, decisions were made.

1 The -- the idea that the Division's process was
2 somehow better, I would disagree with. It was -- you know,
3 despite the request of the public to have members of the
4 public on that review commission, it was done totally within
5 the Division's staff. We don't know how they made their
6 decisions. And I think that to rescind these grants is no
7 guarantee that the next round of approvals will go forward.
8 So I think we just need to get on with it.

9 I think that -- that the process that they went
10 through was -- if it wasn't perfect, you know, it -- we'll
11 try to do better next time. But I think we just need to move
12 on and get the grants out.

13 Thanks.

14 CHAIRMAN SPITLER: Thank you.

15 MR. AMADOR: Don Amador of the Blue Ribbon Coalition.

16 I would just urge this Commission, as some of the --
17 as the audience pointed out and some of the analytical
18 reports pointed out, to quit playing politics with this
19 program, to rescind the grants, and also to try to get the
20 grant schedule back in -- in sync with the federal budget
21 process. We used to have these grant hearings over and
22 projects funded in the fall, and now we're six months to a
23 year behind. Our partners can't plan how they staff their
24 programs.

25 I just urge this Commission to get back to the

1 business at hand and -- and fund OHV recreation. If you
2 don't like it, change the program; turn it into a wilderness
3 program. But that's not what the legislature states right
4 now.

5 Thank you.

6 MR. KLUSMAN: Don Klusman, California Four-Wheel
7 Drive Association.

8 I would encourage the Commission to rescind these
9 grants and re-look at them to justify the scoring that was
10 done. Because the way I understand it right now, the scoring
11 that was done, that is where the problem is, is justification
12 is not there. So good or bad, they need to be justified as
13 to the score that was given to them.

14 Thank you.

15 CHAIRMAN SPITLER: Thank you.

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

18 I'd like to encourage, first off, the Commission to
19 move forward and rescind all of the actions for the 46
20 projects that were before them in the last meeting so that
21 all of the folks that provide OHV recreation opportunity, law
22 enforcement, et cetera, can get out on the ground and -- and
23 do their work. But in doing that, I would also encourage the
24 Commission to be very aware of the process. The process, as
25 I read it in the regulations and in the Application Manual,

1 says that the Commission has allocated buckets of money and
2 that there is a cutoff line. And so my question to the
3 Commission and encouragement to them is to understand what
4 that means and how that will affect the other applications
5 that you've already approved. There's around 91 of those.
6 And when -- at the end of the day, you have scores for those
7 that you hopefully will rescind and they all come together
8 what that means. Because as I understand it, there is a
9 potential for folks that are sitting at home right now that
10 think they have funding to not. And so that we clearly
11 understand for the public and the agencies what the process
12 is today, what it means, and how will it -- how it will
13 affect all of us.

14 Thank you.

15 COMMISSIONER THOMAS: I have a question.

16 CHAIRMAN SPITLER: Thank you.

17 COMMISSIONER THOMAS: Question --

18 CHAIRMAN SPITLER: Any other --

19 COMMISSIONER THOMAS: -- for the --

20 CHAIRMAN SPITLER: Commissioner Thomas.

21 COMMISSIONER THOMAS: How -- how would you propose
22 that we evaluate the affects on the other 91 people that
23 might be affected when -- when the -- if the reconsideration
24 motion were to be successful?

25 MS. MICK: The only way I would know of to analyze

1 that for myself, how I -- I would understand it, is to be
2 able to see the current scores of everything that's been
3 scored thus far, including the 46 that are in question today,
4 and to have those be on a spreadsheet or somehow before us so
5 that when an action is taken today, if there is a possibility
6 that something is rescinded and a new score is given, that
7 that score is then available for the public, the
8 Commissioners, everyone to see so that if -- for instance, a
9 law enforcement application that received a zero by the
10 Commission is rescinded and you find in the record that
11 really it deserved a 78, that when you put that law
12 enforcement application into the law enforcement account as a
13 78, that you show the cascading affect that occurs, because
14 there's only \$3 million available. Otherwise, I wouldn't
15 know how to do that.

16 CHAIRMAN SPITLER: Okay. Thank you.

17 MS. MICK: That's how I would analyze it.

18 CHAIRMAN SPITLER: Any other public comment on the
19 motion to rescind and reconsider the Exhibit A grants?

20 MR. LOWERY: Hi. My name's George Lowery, a member
21 of the California Enduro Riders Association. I'm a
22 Georgetown resident.

23 It would be nice if you could rescind these grants,
24 but I believe it's on deaf ears. I've been coming to these
25 things for two years now. I think this Commission is -- has

1 got an agenda, and I don't believe they're going to listen to
2 any of the public.

3 Thank you.

4 CHAIRMAN SPITLER: All right. Thank you for your
5 comments.

6 Anyone else want to comment on the motion?

7 Okay. Seeing no more public comment, the public
8 comment session is closed.

9 Commissioners, discussion of the motion?

10 Commissioner Priznich.

11 COMMISSIONER PRIZNICH: I'd asked, I think, the
12 Division to provide a -- an accounting of the monies that are
13 available, if these 46 grants were rescinded, what monies
14 weren't allocated as a result of rescinding those. And I --
15 I haven't seen that as yet. Does the Division have -- pop
16 up --

17 CHAIRMAN SPITLER: Perhaps --

18 COMMISSIONER PRIZNICH: -- on the screen?

19 CHAIRMAN SPITLER: Perhaps the Division could just
20 provide us an explanation of the process of what happens
21 today if the Commission does reconsider these grants and --
22 and provide different funding levels.

23 MR. P. JENKINS: Yes, I'd be happy to. Can you hear
24 me?

25 UNIDENTIFIED SPEAKER: Push the button.

1 MR. P. JENKINS: Yeah. Just have to talk louder, I
2 guess.

3 We'll be putting up on the screen --

4 And, John, you can go ahead and put that on the
5 screen, if you will.

6 We have the spreadsheets that we'll be able to see
7 what happens through the process. For instance, up on the
8 screen -- and I know that it might be difficult to read for
9 some members of the audience, so we may have to at times
10 explain what's going on with individual grants.

11 So when you look at the process on the screen --
12 John, what category is that?

13 MR. PELONIO: Law enforcement.

14 MR. P. JENKINS: So you're looking at law enforcement
15 up on the screen right now. What we've done is highlighted
16 in yellow the grants that will be reconsidered today. So
17 there are four basic funding categories: There's the law
18 enforcement, conservation, restoration, and the non-CESA
19 monies. And so there's one of these spreadsheets for each of
20 those funding categories. And in each of those you can see
21 where the -- as we change the scores -- for instance, if --
22 the first one that's in red there, BLM -- I'm sorry, that was
23 not being considered -- BLM Needles, which is at the bottom
24 of the screen, and right now has a score of 46, which means
25 it has zero funding, if it were changed into a higher number,

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1 higher score so that it actually received some level of
2 funding, it would move up -- and we'll make that change on
3 the screen as that happens. It would move up into the
4 hierarchy, and the Nevada County Sheriff's Office, which is
5 right now right at that cut line, it looks like, where the
6 money begins to run out, might drop out of the area where it
7 was -- where it was funded based on the fact that there is a
8 finite amount of money available in that law enforcement
9 bucket. And when the 3 million -- I believe right now it is
10 actually -- based on the actions that were taken at the
11 December meeting when, you recall, some of the monies were
12 moved between the buckets, so they right now don't reflect
13 the original funding allocations -- I believe that some
14 monies were moved from the non-CESA category to law
15 enforcement, and then subsequently there was a little bit of
16 that law enforcement money that was moved to the conservation
17 category.

18 So those are your beginning numbers as far as what
19 the funding levels are that you have to work within. And
20 as -- as you give us scores through the day, we will be able
21 to update the sheet and -- and see the results.

22 COMMISSIONER PRIZMICH: Mr. Chairman?

23 CHAIRMAN SPITLER: Commissioner Priznich.

24 COMMISSIONER PRIZMICH: Mr. Jenkins, do you have
25 available to the screen what your recommendations were in the

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1 December meetings at all? Is there any information relative
2 to that?

3 MR. P. JENKINS: We have it here with us today. I
4 don't know if we have it on the computer. Okay.

5 CHAIRMAN SPITLER: I believe -- perhaps you could
6 maybe just walk through the entire process today if -- if
7 the -- if the Commission does approve the motion to rescind
8 and reconsider, what information you'll be presenting to the
9 Commission as we move forward to guide our deliberations.

10 MR. P. JENKINS: So the basic process is, with the
11 46 -- the actions on the 46 grants that are in question, once
12 that action is rescinded, then those grants will be
13 reconsidered and given a new score by the Commission. As it
14 moves into that process, and this is as -- as outlined in the
15 process document that I believe was available out at the back
16 as people came in -- in that motion, too, the Commission
17 would then move forward to reconsider and determine what
18 funding allocations to give those. The public will have the
19 opportunity during that portion of the process to comment on
20 the process. The Commission, though, will need to reflect on
21 what was the information, the evidence that was in front of
22 it at the December meeting -- at least that was our
23 suggestion of how to proceed. It's up to you how you handle
24 that. You would then look at that evidence and let us know
25 what your new funding determination was.

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1 CHAIRMAN SPITLER: Could you just show us or -- or
2 maybe just tell us what information you'll be providing to us
3 in terms of the scores. You'll be providing -- if we do
4 reconsider the grants, you'll be providing the Division
5 score, the Commission score.

6 MR. P. JENKINS: John, could you put one of the score
7 sheets up.

8 (Mr. Pelonio complies.)

9 MR. P. JENKINS: What we had prepared to provide was
10 the Commission's score as it stood at the December meeting.
11 So on the sheet here, the three scores, you see the possible
12 score is the first column, and then the Division -- moving
13 around -- and then the Division score, if I'm correct, is the
14 second column --

15 Is that right, John?

16 MR. PELONIO: Uh-huh.

17 MR. P. JENKINS: And then the Commission's score is
18 the third column. So when the score sheets are up on the
19 wall, you will be able to see where the division began as
20 we -- this is basically the same process that was used at the
21 December meeting -- where you'll be able to see what the
22 possible score is, what the Division's score is --

23 CHAIRMAN SPITLER: Okay.

24 MR. P. JENKINS: -- and then you'll be able to make
25 your final decision on the --

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1 CHAIRMAN SPITLER: Commissioner Priznich, I have --
2 does that answer your question?

3 COMMISSIONER PRIZNICH: Partially. If I could just
4 get one clarifi -- this -- this only deals with the 46 that
5 were -- that are at hand, right?

6 CHAIRMAN SPITLER: That's correct.

7 COMMISSIONER PRIZNICH: This is not -- you're --
8 you're not providing information on the -- on the other 91
9 that we -- we looked at?

10 MR. P. JENKINS: Correct. We only --

11 COMMISSIONER PRIZNICH: Just the 46.

12 MR. P. JENKINS: -- were prepared today to provide
13 the Commission the 46.

14 COMMISSIONER THOMAS: Well, that's the issue because
15 if --

16 COMMISSIONER ANDERSON: Wait a minute. I'm first.

17 CHAIRMAN SPITLER: Commissioner Priznich, did you
18 have anymore questions?

19 COMMISSIONER PRIZNICH: (No audible response.)

20 CHAIRMAN SPITLER: Okay. Commissioner Anderson.

21 COMMISSIONER ANDERSON: On the -- on the original
22 spreadsheet that you had up there, you have the ones in
23 question in yellow highlight, correct?

24 MR. P. JENKINS: (No audible response.)

25 COMMISSIONER ANDERSON: Their placement within that
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1 spreadsheet, was that based on the staff recommendation or
2 the Commission's action?

3 MR. P. JENKINS: That's based on the current scores
4 that they have coming out of the December meeting that are
5 being reconsidered.

6 COMMISSIONER ANDERSON: The Commission --

7 MR. P. JENKINS: I'm sorry, the Commission meeting.

8 COMMISSIONER ANDERSON: The Commission's --

9 MR. P. JENKINS: Yes.

10 COMMISSIONER ANDERSON: -- recommendation.

11 MR. P. JENKINS: Yeah.

12 COMMISSIONER ANDERSON: Thank you.

13 CHAIRMAN SPITLER: Commissioner Thomas.

14 COMMISSIONER THOMAS: So if you alter significantly
15 those 46 grants, then you're going to perhaps affect the
16 other 91; and, in fact, we are then reconsidering the other
17 91. So --

18 CHAIRMAN SPITLER: No.

19 COMMISSIONER THOMAS: -- how can that not be a
20 reconsideration if you're going to --

21 CHAIRMAN SPITLER: No, it's not a --

22 COMMISSIONER THOMAS: -- to reallocate them?

23 CHAIRMAN SPITLER: It's not a -- it's not a
24 reconsideration.

Perhaps, staff, do you want to just explain the

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1 cutoff point and how the -- how the procedures work according
2 to the regulations?

3 MR. P. JENKINS: Yes.

4 The way the regulations are designed is that, as a
5 competitive process, you would be scoring grants based on
6 what is the possible score for the grant, not based on what
7 is the available money for that particular category. So, you
8 know, in a surely clean system, you would be doing all of the
9 scores before you looked at how that affected the bottom-line
10 number. And so that's what this process would be, is you're
11 re-examining those scores for these 46 grants, and that will
12 feed back into the process just as it would have on
13 December 8th or 9th.

14 COMMISSIONER THOMAS: The problem is, there are
15 now -- this is not a, quote, clean process. We now have 91
16 vested grants and 46 potentially, if the motion passes to
17 reconsider, de-vested grants. And of the 46 de-vested
18 grants, modifications may work to the detriment or benefit,
19 but likely detriment, of the 91; therefore, they're no longer
20 vested; therefore, we've reconsidered them. How -- why is
21 that not -- that logic not carried through?

22 MR. P. JENKINS: Because this is --

23 (Multiple speakers.)

24 MR. W. JENKINS: Commissioner Thomas --

25 MR. P. JENKINS: -- if I might, it's very short --

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1 MR. W. JENKINS: -- could I make a comment?

2 COMMISSIONER THOMAS: Will.

3 MR. W. JENKINS: As I understand and read the
4 regulations, the Commission considers grants individually,
5 and the ranking falls out, on a competitive basis, highest
6 grant award receiving the first position, and the amount of
7 money available is the amount of money available. So you're
8 not reconsidering anything other than the 46 grants that are
9 before you, and the ranking falls out the way the ranking
10 falls out, and the amount of money doesn't change, and that's
11 not a reconsideration of anything other than the 46 grants.

12 COMMISSIONER THOMAS: Well -- but if I'm number 47
13 and I came into today's process with \$10,000 and, as a result
14 of the Commission's reconsideration of 46 grants I now have
15 fallen below the cut line and I have zero dollars, isn't
16 that, in effect, a reconsideration and a re-voting of my
17 vested right that occurred as a result of my prior --

18 (Multiple speakers.)

19 CHAIRMAN SPITLER: No.

20 COMMISSIONER THOMAS: Okay. Explain to me how that
21 doesn't work.

22 MR. W. JENKINS: You didn't reconsider any grant
23 other than the 46 that are before you.

24 CHAIRMAN SPITLER: That grant -- that grant still has
25 a -- the same score that it did in December. Simply, that

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1 score could mean that that grant falls below the cut line, as
2 will be established after today's meeting.

3 COMMISSIONER THOMAS: Well, perhaps we didn't vote --
4 well, not "perhaps" -- it's my understanding that at the
5 December meeting we actually voted dollars as a result -- at
6 the end of the scoring process, we voted to vest grants with
7 dollar amounts and approve them in those dollar amounts. Are
8 you saying that that's not what we did in December, if we did
9 not vote for grants --

10 MR. P. JENKINS: If I may --

11 COMMISSIONER THOMAS: -- and vest them with dollar
12 amounts?

13 CHAIRMAN SPITLER: We -- we -- we voted for scores
14 for grants in December.

15 COMMISSIONER THOMAS: At the end of the scoring
16 process, we actually voted for grants, because people don't
17 go to the bank with scores, I think. Tell me why I'm wrong.

18 MR. P. JENKINS: And so you vote on the funding
19 determination that that grant is eligible for as long as
20 there's that money available. And that's how that cut-line
21 process works, that --

22 COMMISSIONER THOMAS: I understand the cut line --

23 MR. P. JENKINS: Right.

24 COMMISSIONER THOMAS: -- but this Commission action
25 was to vote dollars to people, not vote scores. No? I -- I

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1 actually went back and re-read the transcript, and I -- it
2 looked to me like we voted for dollars. But maybe I can -- I
3 can go find that section again.

4 Anyway, I'll -- I'll -- go ahead. I'm -- I'll...

5 CHAIRMAN SPITLER: Okay. More discussion of the
6 motion?

7 Okay. We ready -- ready for a vote, or do we have
8 to --

9 MR. W. JENKINS: Mr. Chairman, one more comment, just
10 so I can try and satisfy Commissioner Thomas.

11 Again, unless somebody tells me I'm wrong, I believe
12 that the process is that the money is assigned by a formula.
13 And if the score falls within a certain range, it gets a
14 certain percentage of funding. And that's how you're wrong.

15 COMMISSIONER THOMAS: Well, my understanding is, the
16 Division makes recommendation, and the Commission votes for
17 results.

18 CHAIRMAN SPITLER: Okay. We ready to vote on this,
19 or do we need more time for discussion?

20 Okay. All those in favor of the motion -- all those
21 in favor of the motion to reconsider?

22 (Commissioners simultaneously voted.)

23 CHAIRMAN SPITLER: Opposed?
24 (Commissioners simultaneously voted.)
25 CHAIRMAN SPITLER: Okay. Commissioner Thomas and

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1 Brissenden vote "no."
2 Motion carries.
3 COMMISSIONER THOMAS: Well, is that a two-thirds
4 vote?
5 CHAIRMAN SPITLER: That is a 4:2 vote.
6 COMMISSIONER THOMAS: You got your two-thirds.
7 CHAIRMAN SPITLER: Okay. We're at an appropriate
8 time to take a short break. We'll come back and take public
9 comment for items not on today's agenda.
10 If you wish a comment for items on -- not on today's
11 agenda and have not done so, if you could fill out a blue
12 form.
13 We'll make this a short break.
14 (Brief recess, 10:56 a.m. to 11:08 a.m.)
15 CHAIRMAN SPITLER: Okay. We'll go to the public
16 comment session of this meeting. Okay. Now, this -- again,
17 this is public comment for items not on today's agenda. So
18 if you're hoping to comment on -- on an item on today's
19 agenda, which includes the grants to be reconsidered, please
20 do so at the time that the Commission reconsiders those
21 grants.
22 The first public comment is from Judith Spencer,

23 followed by Bruce Brazil.
24 Judith Spencer?
25 Bruce Brazil.

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1 MR. BRAZIL: Good morning. Bruce Brazil, California
2 Enduro Riders Association.

3 I'd first off like to thank this Commission for
4 helping to unite the off-highway vehicle community due to
5 your actions. It's really got the people interested. And
6 it's -- I'd also like to thank you for bringing the
7 activities of this Commission to the forefront with our
8 legislators. Apparently they are hearing more and more about
9 it.

10 Thank you.

11 CHAIRMAN SPITLER: Thank you.
12 Judith Spencer.

13 MS. SPENCER: Judith Spencer, CORE. And I don't know
14 why I'm always in the hallway when it's my turn.

15 I have some considerable concerns about what has been
16 going on here, way beyond the fact that I've been to five
17 meetings about this and had to get up at 4:30 in the morning
18 again.

19 Primarily I'm concerned that something's being lost
20 in regulations. We have two bodies, and for them to be
21 forced into the same boxes doesn't make sense to me. We have

22 a Division who should be looking at particulars. I applaud
23 the idea of the criteria. I think the criteria need to be
24 improved. I think we have a body, the Commission, who needs
25 to be able to consider history, the big picture, the amount

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1 of money that's there. And -- and the process that is
2 pushing them, the Commission, into the same boxes is
3 absolutely undoing what was meant by this system and undoing
4 the reason the Commission came into being, as far as I can
5 see. And as a public person, what it looks to me like is a
6 stepwise move toward creating enough confusion, enough
7 conflict, enough bad feeling that this program is going to
8 come apart. And blame can be pointed one way or the other,
9 but if you do away with the Commission, as a member of the
10 public of California -- and this program is California's
11 program -- the people of it, those of us who pay those taxes
12 and care about recreation and our homes and public lands --
13 are being hurt badly.

14 And so I think that if the Division were to
15 disappear, Parks and Recreation would likely benefit. But
16 the users won't benefit; the public won't benefit; the
17 homeowners won't benefit, and that disturbs me a great deal.

18 Thank you for the opportunity to say that.

19 CHAIRMAN SPITLER: Thank you.

20 Errol Bechtel, followed by John Stewart.

21 MR. BECHTEL: I spoke earlier on the -- the grant

22 that we did not get. One thing I would like to say is that
23 it is the public that pays their taxes that expects the
24 service from law enforcement that we are not going to be able
25 to give them if these funds are not allocated to law

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1 enforcement. And I would also like to ask, when a person's
2 up here speaking, that we don't have anybody from the
3 Commission laughing or giggling as was done earlier when
4 there was a young lady speaking up here. I find that to be
5 unprofessional and a total disregard for the speaker. There
6 were two gentlemen up there on the right, they were laughing,
7 talking back and forth to one another, and that should not be
8 done when we're trying to address an issue.

9 Thank you.

10 CHAIRMAN SPITLER: Thank you.

11 John Stewart, followed by Don Amador.

12 MR. STEWART: Good morning, Commissioners. John
13 Stewart, California Association of Four-Wheel Drive, and the
14 United Four-Wheel Drive Associations.

15 I'd like to point out one point of omission on the
16 agenda. There was no discussion about approval of past
17 minutes or the -- the fact that past meeting minutes are
18 available.

19 Also, a fair topic of mine for the last several
20 meetings has been a strategic plan; in other words, I'd like

21 to see addressed the points within the audit that came out
22 that was highly critical of the Commission for the lack of
23 a -- of a strategic plan. We need to have a strategic plan
24 that aligns the program -- the OHV Program with the Grants
25 Program and aligns us with the legislative intent of the

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1 program. We need something that will actually address what
2 the legislature intended for this program to be, which is
3 providing a recreational opportunity for the residents of the
4 State of California.

5 We need this program -- the Strategic Program to look
6 at now and in the future and create something that is
7 lasting. We need it to have established goals to accomplish,
8 we need it to have performance measures so we know that
9 something is being done, something is working towards
10 addressing the needs of the recreation desires of this state.
11 Please, let's have a recreation program that is managed with
12 the Division, with goals, and with a plan, and with points
13 that can be measured to know that we are actually attaining
14 progress.

15 Thank you.

16 CHAIRMAN SPITLER: Thank you.

17 Don Amador, followed by Rick Covington.

18 MR. AMADOR: Don Amador, Blue Ribbon Coalition.

19 And as a former member of that body, I think the OHV
20 Commission is in a unique position right now and at a

21 crossroads. You've had numerous legislative and -- and
22 government bodies telling you you're dysfunctional, telling
23 you you are doing things probably illegally, and you have the
24 OHV community united asking you to get back to what this
25 program was intended to do as the legislature states. So you

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1 can either choose to do this and have the OHV community
2 support you, or, as Ruth -- like Ruth Colman said in a recent
3 San Diego newspaper article, that she and the Administration
4 will get rid of you, and we will help her do that. The
5 choice is yours.

6 Thank you.

7 CHAIRMAN SPITLER: All right. Thank you.

8 Rick Covington.

9 MR. COVINGTON: Hi, I'm Rick Covington. I'm the
10 Regional Director for the Student Conservation Association.
11 And I just want to thank you all for -- for -- for letting me
12 take a moment to sort of talk about restoration in a -- in a
13 balanced OHV Program for the agencies. And -- and just to be
14 transparent, I do want you to know that -- that the Student
15 Conservation has -- Association has been the recipient of
16 funds through the -- through the Bureau of Land Management
17 over the past few years to do -- to do restoration out on the
18 ground, and we do appreciate that.

19 But just to sort of give you an idea of -- of what

20 those restoration funds help -- help us do, and this is --
21 this is certainly, I think, a valuable program to us and the
22 citizens of California, but it allows law enforcement the
23 opportunity to have more eyes out on the ground.

24 When -- when -- when bureaus and agencies engage --
25 actively engage youth corps like SCEA and the California

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1 Conservation Corps, ECO, and others, what they're essentially
2 doing is -- is they -- they're engaging other people in that
3 law enforcement process by allowing more eyes to be out on
4 the ground. We're restoring routes that may -- may be
5 illegal, and -- and in a lot of cases, put law enforcement
6 officers in an -- in an unenforceable position because those
7 routes may not be signed, there may be a huge proliferation
8 of those routes out there, and it makes that law enforcement
9 officer's job on the ground a lot more difficult to enforce.

10 Secondly, for the riders, I think it creates an
11 opportunity for them to ride in an environment that may
12 actually resemble what was out on the ground years ago before
13 the proliferation of -- of routes and mines and all those
14 other types of activities.

15 And then, finally, I want to talk about just sort of
16 what it does for those young people out on the ground. I
17 think through the course of a year-long -- year of service
18 that they conduct with SCA or with the California
19 Conservation Corps, I think you -- you find people who have

20 become committed to working with agency personnel to pursue a
21 career in natural resources. They get the opportunity to
22 interface and engage with riders, with other user groups, as
23 well as those law enforcement officers out on the ground.

24 So I appreciate the opportunity for me to comment. I
25 think restoration is an available leg of the OHV management

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1 stool. Would be more than happy to answer any questions
2 about our program or could also feel free to speak on behalf
3 of some CORE programs as well.

4 Thank you.

5 CHAIRMAN SPITLER: All right. Thank you.

6 Brent Schoradt.

7 MR. SCHORADT: Good morning. My name is Brent
8 Schoradt. I'm here representing the California Wilderness
9 Coalition.

10 I'd like to, first of all, thank the Commission for
11 your -- your unwavering support of local law enforcement
12 efforts and -- and, really, all the energy that you've put in
13 over the years to -- to restore and protect California's
14 public lands from -- from damaging off-road vehicle use.

15 We commend the Commission's vision of off-road
16 vehicle use as a legitimate mode of recreation that is
17 managed in the context of protecting our state's delicate and
18 invaluable natural resources. We've seen this vision be

19 carried out through law enforcement efforts that -- that keep
20 folks out of wilderness -- that keep off-road vehicles out of
21 wilderness, that is, and we've seen it in -- in this new
22 route designation process for the State of California on
23 national forest lands, which -- which is really looked at as
24 a model for the rest of the country. And I've gotten a lot
25 of phone calls from folks around -- around the country saying

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1 California is the model, and that's because of the good work
2 done by this Commission. So you really have a lot to be
3 proud of.

4 And, also, we just heard from the gentleman -- the --
5 the -- the very strong restoration efforts that this
6 Commission has supported through the years, our public lands,
7 and, really, the people of California have a lot to be
8 grateful for.

9 It is clear that -- that -- that best interests of
10 all Californians is that the Commission continue this
11 important work. We firmly believe that all Californians
12 benefit from a Commission whose majority is appointed by the
13 state legislature.

14 The legislature in California and at the federal
15 level has long been known as the people's branch of
16 government. The Commission's roots in the people's branch of
17 government is evidenced by this Commission's efforts to
18 consistently accept and consider public comments.

19 We stood in this room last December, many of us here
20 today, and we heard -- we heard grant application after grant
21 application come up here and give public comments and go
22 point by point and really express why -- why certain grants
23 should be funded and what the priorities of California should
24 be. Unfortunately, that -- that public process was
25 unilaterally side-tracked by a Division that -- that really

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1 didn't have a public process in their -- their decision
2 making. We feel that -- that by publicly coming to these
3 meetings, by having public comments, and by having a
4 Commission that accepts public comments, the people of
5 California and our public lands are better off.

6 It is clear that the safety of our local communities,
7 the viability of local law enforcement efforts, and the
8 future of our public lands depends on the continuation of
9 this transparent and open Commission.

10 So to conclude, I'd like to read a letter from a -- a
11 local activist from -- from Inyo County, Paul McFarland,
12 who's a member of a group called Friends of the Inyo.
13 He's -- he's -- unfortunately couldn't make it here today
14 because of the -- the snow. But -- but he wanted me to read
15 the -- the following letter:

16 "Dear Honorable Commissioners and Division staff, I
17 am blown away by the Division's canceling of over

18 40 Commission-approved grants. I cannot see how
19 trying to right a supposedly arbitrary and
20 capricious wrong with another equally justifiable
21 arbitrary and capricious action can be in the best
22 interest of this important program. For those who
23 have never lived grant to grant, the cancellation of
24 an approved grant is devastating. In this case,
25 approved projects have been ramped up, people hired,

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1 houses rented, and plans for the coming year set in
2 motion after the Commission approval in December.
3 The cancellation of the Commission-approved grants
4 has thrown many lives into chaos. How will rented
5 houses be paid for? How do you explain to someone
6 traveling across the country to work for the land
7 that their job just got cancelled? Guess you can
8 just tell them that they had become political
9 pawns."

10 We try not to vilify off-roaders, for when it
11 comes -- when it comes down to it, we are all off-roaders,
12 whether driving an eighties Bronco, an oil-leaking Subaru, or
13 a KTM Dual Sport, whether driving to a trail head or driving
14 for the sheer joy of it, almost anyone who recreates on
15 public lands in California is an off-roader. We forget that
16 at our own peril. Balanced off-roading does not mean more,
17 more, more; it means balance: Enforcement coupled with

18 conservation, maintenance balanced with restoration.

19 Rather than wonder what the State's commitment to
20 off-roading should be, I would ask, What is the off-roader's
21 commitment to the State, its land, wildlife, and its millions
22 of residents who deserve an opportunity for sustainable,
23 outdoor recreation.

24 Thank you.

25 CHAIRMAN SPITLER: Okay. Thank you.

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1 Any other members of the public wish to comment on
2 items not on today's agenda?

3 MR. PICKETT: David Pickett, District 36 Motorcycle
4 Sports Committee.

5 Last week the State budget was issued, and under
6 Department of Parks & Recreation, there was a -- a citation
7 issued, says, "Off-Highway Motor Vehicle Recreation Grant
8 Program off track." And this recommendation came from the
9 Legislative Analyst's Office. Basically, what it says is,
10 "We recommend deletion of \$18 million for local assistance
11 for the Off-Highway Motor Vehicle Recreation Grant Program
12 because significant concerns raised in a program audit have
13 not been addressed." Without the resolution of these issues,
14 the effectiveness of this program cannot be assured.

15 Members of the Commission, I put this squarely on
16 your shoulders.

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Thank you.

CHAIRMAN SPITLER: All right. Thank you.

Any other members of the public?

MS. HERR: Michelle Herr. I'm a high school student.

And I would just like to express to you how disturbing I find it, that I came here today to learn of a little bit about government and see it in action, and I can sit in my seat and point out procedural errors that have been made. And at any given time, there's only about 50 percent of you sitting in

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your chairs that are paying attention to speakers that come up here who passionately have a position and have very important words to say. I just want to let you know that I find that very upsetting.

Thank you.

CHAIRMAN SPITLER: All right. Thank you.

Any other public comment, items not on today's agenda.

MS. SCHAMBACH: Karen Schambach, Center for Sierra-Nevada Conservation, and Public Employees for Environmental Responsibility.

I want to thank this Commission for taking this program in what a lot of people in this state think is the right direction. I've been involved with this program for over 20 years, and for the first 15 saw environmental protection just virtually ignored by both the Division and by

17 the -- the existing -- the -- the previous Commissions.

18 Funding restoration, funding environmental
19 protection, and funding law enforcement are key parts of this
20 program; they should always have been. And I know there are
21 people in this room who dislike, you know, spending any money
22 on anything other than new opportunity. But the only way
23 they're going to maintain existing opportunity or possibly
24 see new opportunity is to take care of the land. It's been
25 abused for years and years and years. And people are just

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1 finally -- I mean the reason that this Commission looks the
2 way it does is because the people in this state got tired of
3 it, and we wanted to see some changes. And I, for one, am
4 proud of this Commission, the work that it's done. I'm proud
5 that it has the guts to stand up to -- to -- to those who
6 criticize and want to go back to the bad old days. And I,
7 for one, am going to continue to do everything I can to make
8 sure that that doesn't happen. And I appreciate the efforts
9 of this Commission toward that end.

10 Thank you.

11 CHAIRMAN SPITLER: Thank you.

12 MR. KLUSMAN: Don Klusman, California Four-Wheel
13 Drive Association.

14 I wasn't going to say anything today, but after some
15 of the comments that's been made, I have to. I've been

16 involved in -- at these Commission meetings since about 1992,
17 I believe, '93. I've seen the good, the bad, and the ugly.
18 And I'll tell you, yes, there were Commissions in the past,
19 there were actions in the past that maybe was not the best in
20 the environment -- for the environment, but there's also been
21 a lot of good done for the environment. And for someone to
22 say that all we did in the past was look at new opportunity
23 and increase new opportunity, I'm sorry, it's a damn lie. We
24 have not had increased opportunity in the last 15 years;
25 we've had decreased opportunity, and some of it justified.

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1 But to -- to sit here and say that all we've ever done is
2 increased opportunity and spend state funds is wrong.

3 You know, I don't agree with everything the
4 Commission's done now; I don't agree with everything the
5 Commission did in the past, and that's why you have the
6 public voice their opinion.

7 Thank you.

8 CHAIRMAN SPITLER: Thank you.

9 Any other public -- member of the public wish to
10 comment on an item not on today's agenda?

11 Okay. Thank you all for your comments. The public
12 comment period has now closed.

13 We will move on to reconsideration of the Exhibit A
14 grants.

15 The first grant to reconsider is OR-1-B-57.

16 Before we move into the reconsideration, I just want
17 to make a note on -- to the members of the public wishing to
18 comment on these grants. The -- in order to maintain the
19 fairness of the competitive process, it's important the
20 Commission not consider new information or testimony that was
21 not before the Commission at the December hearing. That's
22 because only some of the grants are being reconsidered today
23 while others aren't. And basing decisions today on
24 information that was not before the Commission in December
25 would provide an unfair competitive advantage to those

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1 applicants who are being reconsidered today. Therefore, your
2 public comments will be most appropriately focused on either
3 elements of the applications themselves or testimony that was
4 given to the Commission at either the December hearing or the
5 subcommittee hearings in -- last summer. Testimony that does
6 not address the applications themselves or bring the
7 Commission back to testimony that was given in the December
8 or the subcommittee meetings will not be considered by this
9 Commission in our actions today in reconsidering these
10 applications.

11 COMMISSIONER WALDHEIM: Mr. Chairman?

12 CHAIRMAN SPITLER: Commissioner Waldheim.

13 COMMISSIONER WALDHEIM: Before we start working on --
14 on starting going down the list, I would like to make a

15 statement that the consideration of these grants again, I
16 feel that the staff's determination as they have been
17 presented by the legal authority that's given to them and by
18 the regulations, I would like to make a motion that we accept
19 staff's determination --

20 CHAIRMAN SPITLER: Commissioner Waldheim --

21 COMMISSIONER WALDHEIM: -- on these grants.

22 CHAIRMAN SPITLER: -- we're not making motions now.

23 We're -- we're taking up OR-1-B-57. You're free to make your
24 motion on that grant as it's considered. But this is a
25 process of individually considering 46 grants at this time.

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1 And -- and once we come to an individual grant that you would
2 wish to make a motion on, you're -- you're free to do so.

3 MR. P. JENKINS: Chairman Spitzer, we're passing out
4 some new spreadsheets, just realizing how difficult it is to
5 see the screen. What we've just been passing out is exactly
6 what's been posted on the web. So if people are used to
7 looking at the scores on the web, this is just a printout of
8 that. Sorry it's not in color, but just recognizing that
9 these screens are --

10 (Multiple speakers.)

11 CHAIRMAN SPITLER: So we might have to have some
12 assistance reading these numbers on the screen, because they
13 are awfully small.

14 MR. P. JENKINS: I understand.

15 CHAIRMAN SPITLER: Okay. Any other comments before
16 we consider OR-1-B-57?

17 COMMISSIONER THOMAS: We'll still have the screen.

18 CHAIRMAN SPITLER: Yeah.

19 Okay. OR-1-B-57.

20 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
21 move we go with staff determination --

22 CHAIRMAN SPITLER: Commissioner Waldheim, we're going
23 to have staff present the information, then we'll do the
24 public comments, and then we'll consider motions.

25 If staff would present OR-1-B-57.

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1 MS. MILLER: OR-1-B-57, BLM Bakersfield Field Office,
2 Restoration.

3 CHAIRMAN SPITLER: Is staff going to present both the
4 staff recommendation and the Committee -- Commission's
5 committee action from December?

6 COMMISSIONER THOMAS: Can you tell us what page of
7 the handout you're on?

8 (Multiple speakers.)

9 COMMISSIONER WALDHEIM: Exhibit A.

10 COMMISSIONER THOMAS: I was trying to track the
11 comparison of that on the handout.

12 MR. P. JENKINS: The easiest way, Commissioners, to
13 follow this process is, as you get to each on -- because

14 we'll be going down the list, and recognizing that you'll be
15 going from, you know, category to category, it follows on
16 the -- just -- this is just a layout kind of where we're
17 going today: If you are going to go front to back through
18 the binder as we're listed there, then we will hear all of
19 the BLM grants first. We had -- the alternative way to
20 approach that, by the way, would be to go bucket by bucket,
21 and we could start with -- since you're starting with a
22 restoration grant, we could go through all the restoration
23 grants, which would allow you to watch that cut-off line and
24 the amounts in the buckets.

25 In any case, if you look at your spreadsheets that

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1 you have in front of you -- one moment. These are
2 arranged -- the sheets in front of you are arranged by score,
3 and so that's why you may be having some difficulty trying to
4 locate where individual grants are. Like I said, this one
5 that we just passed out was an attempt to try to give you all
6 what was on the internet originally.

7 (Inaudible discussion.)

8 MR. P. JENKINS: My apologies for the delay.

9 OR-1-B-57 BLM Bakersfield Field Office for
10 Restoration. The Division determination was a score of 40,
11 which would not result in any funding. The Commission
12 determination was a score of 82, which would be a 75 percent
13 funding or \$181,000 -- \$181,500.

14 CHAIRMAN SPITLER: Can you just read -- it's really
15 hard for us to read those numbers. Could you read each of
16 the scores of the Division and the Commission?

17 MR. P. JENKINS: Oh, you mean going down on the sheet
18 itself?

19 CHAIRMAN SPITLER: Yeah.

20 MR. P. JENKINS: Much more easily done if I come over
21 here?

22 CHAIRMAN SPITLER: I -- just as a procedural point,
23 I'm wondering if it would be possible if -- I know it's late,
24 but if it would be possible to maybe make copies of those for
25 the -- as many of the grants as soon as possible and hand

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1 them out to the Commission, because it's really tough for us
2 to read.

3 MR. P. JENKINS: Certainly. We can begin doing that
4 right now.

5 CHAIRMAN SPITLER: Okay.

6 MR. P. JENKINS: And that should -- the process
7 should catch up with us shortly.

8 CHAIRMAN SPITLER: Okay.

9 MR. P. JENKINS: So as we're looking at this one on
10 the screen up there, if you look at the first criteria, will
11 the application demonstrate that the proposed project
12 includes law enforcement efforts that were made to support

13 and protect restoration sites or areas, possible score was
14 20, Division score was 9.3, Commission score was 14.

15 Second criteria that the application demonstrates
16 that the proposed project is designed to provide for
17 efficient use of OHV funds taking into consideration
18 demonstration of partnerships, quality and quantity of areas
19 restored, and funds proposed to be spent. Out of a possible
20 10, the Division scored 4, the Commission scored 7.

21 The third criteria, the application demonstrates the
22 implications of not funding the project taking into
23 consideration risk of larger closures and risk of more
24 extensive damage. Out of a possible 10, the Division scored
25 4.3, and the Commission scored 6.

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1 The application demonstrates that the proposed
2 project protects, restores, or conserves resources impacted
3 by improper or illegal OHV use taking into consideration
4 benefits to rare and endangered threatened species,
5 protection of critical resources, prevention of off-route
6 impacts, and restoration -- restores damaged areas in or near
7 wilderness or closed areas, out of a possible 30, the
8 Division scored 12, and the Commission scored 30.

9 The application demonstrates innovative approaches to
10 restoration that will lead to enhanced recovery of impacted
11 species, out of a possible 20, the Division score was .7, and
12 Commission score was 15.

13 The application demonstrates that the participation
14 by the volunteers enhances the ability to perform restoration
15 activities taking into consideration the number of
16 volunteers, number of volunteer hours, anticipated services
17 provided, capability of volunteers as shown in a comparable
18 previous experience. Out of a possible 10, the Division
19 scored 9.3, and the Commission scored 10.

20 So out of a total of 100, we have the 40 from the
21 Division, and 92 from the Commission.

22 CHAIRMAN SPITLER: Okay. Thank you.

23 Okay. Any members of the public wish to comment on
24 this grant?

25 MR. STEWART: Yes. George Stewart, California

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1 Association of Four-Wheel Club, United Four-Wheel Drive
2 Association.

3 We're comfortable with the staff-determined scoring.

4 CHAIRMAN SPITLER: Thank you.

5 Any other members of the public wish to comment on
6 this grant? If you could go ahead -- if you intend to
7 comment on this grant, or any grant, if you could just line
8 up during the public comment, that would speed things along.

9 MR. PICKETT: David Pickett, District 36 Motorcycle
10 Sports Committee.

11 On this particular grant, I want to go with staff

12 recommendations, but I also want to do a citation of funding
13 approvals found not compliant, Exhibit A, issued by Division
14 where it states, "Commission scoring and funding
15 determinations are not supported by factual evidence in the
16 record."

17 Thank you.

18 CHAIRMAN SPITLER: Thank you.

19 Any other public comments on OR-1-B-57?

20 Okay. The public comment on this grant is closed.

21 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
22 make a motion that we accept staff determination on
23 OR-1-B-57.

24 COMMISSIONER PRIZMICH: I'll second that.

25 CHAIRMAN SPITLER: Is there discussion from

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1 Commissioners?

2 I don't think that -- I don't think that the staff
3 score is warranted based on my review of the application.
4 I'm looking at the sheet that was handed out by the BLM
5 Bakersfield Field Office --

6 COMMISSIONER THOMAS: Oh, yeah.

7 CHAIRMAN SPITLER: -- which provided -- I notice that
8 the staff suggested that the revised upward scores of the
9 Commission on the second, third, and fourth criterias were
10 not warranted. I notice that the applicant provided
11 information regarding the positive -- for the second

12 criteria, the positive working relationship with the Forest
13 staff, the volunteer efforts of the Student Conservation
14 Association, User Group input, and resident volunteer
15 efforts, and provide for efficient use of funds. Also
16 noticed on -- page 8 and 9 of the application describes the
17 efficient use of funds based on the partnership of the
18 Student Conservation Association and others. I noticed on --
19 regarding Criteria 3, the -- that the application
20 demonstrates the proposed project protects or restores or
21 conserves important resources, that the applicant provided
22 information regarding the risk of larger closure if illegal
23 use continues unabated, and that the project would reverse
24 existing damage and prevent the need for larger closures.
25 Also, in the application, page 9, there's also a lot of

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1 information about the erosion and other impacts of -- of the
2 project if not funded.

3 Regarding the fourth criteria, pages 8 and 9 of the
4 application describes the impacts of -- regarding the fourth
5 criteria, the application describes how the project will
6 prevent trespass, prevent degradation or off-route sites,
7 restore habitat and soil, reduce scarring, and prevent
8 erosion.

9 Therefore, I think that the Commission's scores for
10 the second, third, and fourth criteria are warranted, and

11 would make an amendment to the motion that we utilize those
12 scores as provided by the Commission in December. That would
13 be a 7, 6, and 22, and utilize the Commission's scores which
14 the Division did find warranted in December for the first,
15 fifth, and sixth categories, that would be a 14, 12, and 10.
16 I will also note that page 8 and 9 of the application
17 provides abundant information on the first, fifth, and sixth
18 categories and -- as did the handout that the -- that the
19 applicant provided in its information before the Commission.

20 So I would amend the motion to the score of 71, and I
21 believe that the evidence in the record supports that
22 application, and would make that amendment.

23 COMMISSIONER PRIZMICH: Second.

24 CHAIRMAN SPITLER: Discussion?

25 COMMISSIONER PRIZMICH: Mr. Chairman, the information

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1 that you read from, I -- I didn't find it here. When was
2 that provided to you, and was that based on -- on --

3 CHAIRMAN SPITLER: It was provided to the Commission
4 at the December hearing, and it was provided in your packet
5 today.

6 COMMISSIONER PRIZMICH: Okay. Thank you.

7 CHAIRMAN SPITLER: And the information in the record
8 was from the binder that the Commission was provided in
9 advance of the December hearing.

10 COMMISSIONER PRIZMICH: Okay. Thank you.

11 CHAIRMAN SPITLER: Discussion from the Commission?

12 COMMISSIONER WALDHEIM: Mr. Chairman, I -- I'm --
13 we're spending a little bit of time on this one. When we go
14 through the 46 -- we'll be here until midnight if we go
15 through each one like we're doing here.

16 The whole purpose of us reviewing these is to take
17 information that the staff provided with their determination
18 on why they based their recommendations. Everything that
19 you've talked about, we went over that, and we changed the
20 scoring. However, the fact still remains, the staff has a
21 responsibility of going through it as it applies to the law.
22 This was pulled because we did not have the proper
23 justification to what they are stating needs to be to make it
24 possible to get that higher score. I know this area
25 personally. A lot of the stuff that you just quoted will be

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1 closed -- there's a lot of threats in this particular issue,
2 and I don't agree with that a lot. They're going to shut
3 Sequoia down or shut Keswil down. They're not going to shut
4 Keswil down if we don't give them this money. I mean you can
5 say the same for every other grant that takes place in that.

6 We have to get the process back on the right track.
7 Staff has the law. They came with the determination. We --
8 if -- we have to really justify beyond the shadow of a doubt
9 that what they did was wrong or that we erred someplace or

10 that new testimony that was given to us in December was so
11 compelling that we need to change the scoring. Staff, upon
12 reviewing all of the -- all the -- the minutes, determined
13 that there was not proper justification. And I don't think,
14 Mr. Chairman, that by re-reading some of this stuff in here
15 we are bringing anything that should change our mind based on
16 what the staff determined. And I -- I'm -- I feel we should
17 just go back with the staff determination.

18 CHAIRMAN SPITLER: Any other comments from
19 Commissioners?

20 Commissioner Brisenden.

21 COMMISSIONER BRISSENDEN: Chair Spitler, I think
22 Chair -- pardon, Commissioner Waldheim's comments support our
23 rationale back in December. So that's why I think we should
24 go forward with supporting the comments that you just made
25 from the record from December. And you're supporting our

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1 concepts here.

2 COMMISSIONER WALDHEIM: Mr. Chairman --

3 CHAIRMAN SPITLER: Excuse me. I think --
4 Commissioner Waldheim, in response to your comments, I think
5 the reasoning, according to Exhibit A by the Division, did
6 not implement this contract or has not to date is because
7 the -- there's no indication by Commissioners as to facts in
8 the application to support the revisions. And so simply I
9 think it was a matter not that the facts did not support the

10 revisions, but the matter of the fact that the Commission
11 didn't provide enough information or rationale for why it --
12 why it revised the scores in December. And I think a
13 thorough review of the application and the supporting
14 testimony from the applicant supports the revision that the
15 Commission supported in -- in December. And that is the
16 purpose of today's hearing is to review the Commission's
17 action in December to determine where the record, as
18 presented to the Commission in December, supports the
19 Commission actions and where the record may not support those
20 actions.

21 Commissioner Thomas.

22 COMMISSIONER THOMAS: I'll support the Chair's --
23 I'll support the Chair's motion, but I do believe the
24 Commission -- the Division's decision not to fund these
25 grants was arbitrary and capricious. But in the -- in an

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1 effort to move things along, I would call for the question.

2 CHAIRMAN SPITLER: Is there more discussion of the
3 amendment?

4 COMMISSIONER PRIZMICH: Well, I -- I -- I would just
5 like to point out that I -- I don't think the Commission
6 articulated well enough in December, as was done today. I
7 think this is a -- this is precisely what we should be doing,
8 providing information that supports the numbers that we're

9 throwing up there on the board.
10 So I -- I would agree with -- with your
11 recommendation.
12 CHAIRMAN SPITLER: Thank you.
13 More discussion from Commissioners?
14 Okay. Can we -- we'll do a roll-call vote on the
15 amendment. The amendment is to revise the motion from staff
16 recommendation of 40 to a score of 70, as described in the
17 amendment.
18 Sandy, can we do a roll-call vote on the amendment,
19 please.
20 MS. ELDER: Anderson?
21 COMMISSIONER ANDERSON: Aye.
22 MS. ELDER: Brisenden?
23 COMMISSIONER BRISENDEN: Aye.
24 MS. ELDER: Spittler?
25 CHAIRMAN SPITLER: Aye.

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1 MS. ELDER: Thomas?
2 COMMISSIONER THOMAS: Aye.
3 MS. ELDER: Priznich?
4 COMMISSIONER PRIZNICH: Aye.
5 MS. ELDER: Waldheim?
6 COMMISSIONER WALDHEIM: No.
7 CHAIRMAN SPITLER: Okay. The amendment carries.
8 Now we'll vote on the original motion as amended.

9 The motion is now in the amount of -- excuse me, a score of
10 71.

11 Sandy, can we do a roll-call vote on that, please.

12 MS. ELDER: Anderson?

13 COMMISSIONER ANDERSON: Aye.

14 MS. ELDER: Brissenden?

15 COMMISSIONER BRISSENDEN: Aye.

16 MS. ELDER: Spittler?

17 CHAIRMAN SPITTLER: Aye.

18 MS. ELDER: Thomas?

19 COMMISSIONER THOMAS: Aye.

20 MS. ELDER: Priznich?

21 COMMISSIONER PRIZNICH: Aye.

22 MS. ELDER: Waldheim?

23 COMMISSIONER WALDHEIM: No.

24 CHAIRMAN SPITTLER: Okay. The motion carries.

25 Thank you to those of you from Bakersfield making the

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1 trip up today.

2 The next grant is OR-1-CD-311, BLM Needles, Law
3 Enforcement.

4 MR. P. JENKINS: OR-1-CD-311, Needles filled out this
5 law enforcement grant. The amount requested was \$178,000.
6 The Division score of 56 would result in 45 percent funding
7 or \$80,100. The Commission determination was 46, score of

8 46, which would result in zero funding.

9 COMMISSIONER THOMAS: Are you going to the Table
10 again like you did the first time, just so that we can look
11 at the scores?

12 MR. P. JENKINS: Yes. If you look at the --

13 COMMISSIONER THOMAS: It's not on the screen, that's
14 why I --

15 MR. P. JENKINS: Oh, I'm sorry. We're bringing it
16 up. We were trying to enter the scores from the last one
17 here.

18 COMMISSIONER THOMAS: Okay.

19 MR. P. JENKINS: Take a moment to catch up.

20 COMMISSIONER THOMAS: Mr. Jenkins, that helps us.
21 Thank you. I -- I appreciate you doing the translation.

22 Okay. So --

23 MR. P. JENKINS: So these scores -- once again, we're
24 making copies so I won't have to read these all every time
25 all day.

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1 This is a law enforcement grant, so there's different
2 criteria than we just looked at on the last one.

3 COMMISSIONER THOMAS: Right.

4 MR. P. JENKINS: On the first criteria, application
5 demonstrates that the proposed project is designed to provide
6 for efficient use of funds. If you'll excuse me, I won't
7 read all the subtext there, just in the interest of time.

8 COMMISSIONER THOMAS: Just paraphrasing.

9 MR. P. JENKINS: Yeah.

10 So it's -- it has to do with cooperation of other
11 agencies, education efforts, et cetera. The Commission --
12 I'm sorry, the Division, out of a possible score of 15, gave
13 it 9.3 points, and the Commission gave it a score of 3 for
14 that first criteria.

15 The second criteria, the application demonstrates
16 that not funding the project -- the proposed project results
17 in negative outcomes taking into consideration harm to public
18 health and safety, harm to natural and cultural resources,
19 irresponsible OHV use, illegal trespass and loss of
20 recreational opportunity. For that criteria, out of a
21 possible 20 points, the Division scored (unintelligible), and
22 the Commission scored 4.

23 Third criteria, the application demonstrates that the
24 proposed project addresses a unique enforcement issue. Out
25 of a possible 10 points, the Commission -- or the Division

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1 gave 7.3 points, and the Commission gave 8.

2 The application demonstrates that the proposed
3 project provides a level of law enforcement adequate to
4 address issues taking into consideration staffing, equipment,
5 and the number of users and size of use areas covered. Out
6 of a possible 25 points, both the Division and the Commission

7 gave 20 points.

8 The application demonstrates the proposed project
9 protects and improves the recreation experience, the
10 environment, public safety for the recreational opportunity.
11 Out of a possible 15, the Division awarded 5.7 points, and
12 the Commission gave 9 points.

13 The last criteria, the application demonstrates that
14 participation by volunteers enhances the ability to perform
15 law enforcement activities taking into consideration the
16 number of volunteers, number of volunteer hours, anticipated
17 services provided, and the level of training. Out of a
18 possible 15 points, the Division gave 3.7, and the Commission
19 gave 2 for that total of 56 points from the Division, and 46
20 points from the Commission.

21 CHAIRMAN SPITLER: Thank you.

22 Public comments on OR-1-CD-311?

23 MR. AMADOR: Don Amador, Blue Ribbon Coalition.

24 Just a point of order. I just point to the
25 Commission Chair that it's highly unusual for the Chairman to

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1 offer amendments or motions. But doing things unusually
2 isn't uncommon for this Commission, apparently.

3 CHAIRMAN SPITLER: Comments on OR-1-CD-311.

4 MR. STEWART: John Stewart, California Four-Wheel
5 Drive Association, and United Four-Wheel Drive Association.

6 Like I said in December, that we accept and can live
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7 with the staff or Division determining funding off of the
8 competitive scoring grant criteria, which it is a competitive
9 scoring, so it is a determination, not a staff
10 recommendation.

11 CHAIRMAN SPITLER: Thank you.

12 These public comments are directed towards
13 OR-1-CD-311. So if the members of the public would direct
14 those comments towards that project, that would be
15 appreciated and appropriate.

16 Comments on OR-1-CD-311?

17 MR. PICKETT: David Pickett, District 36.

18 Again, I quote back to Exhibit A, Commission scoring
19 and funding determinations are not supported by factual
20 evidence on the record.

21 As you know, District 36 has always supported law
22 enforcement grants. I don't understand what this Commission
23 is doing on this. These folks need our dollars, the OHV
24 community wants to give them the dollars, and you're taking
25 money away from law enforcement. I totally disagree with

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1 that.

2 Thank you very much.

3 CHAIRMAN SPITLER: Thank you.

4 Other comments on OR-1-CD-311?

5 Okay. Seeing none, the public comment period is

6 closed.

7 COMMISSIONER PRIZMICH: Mr. Chairman, I'd like to --

8 CHAIRMAN SPITLER: Commissioner Prizmi ch.

9 COMMISSIONER PRIZMICH: I -- I've looked through

10 the -- the testimony here and -- and don't see supporting

11 documentation that would fund this for zero dollars and would

12 like to go with the staff recommendation on this grant.

13 COMMISSIONER WALDHEIM: I'll second the motion.

14 COMMISSIONER PRIZMICH: So I make that motion.

15 CHAIRMAN SPITLER: Discussion?

16 Okay. We have a motion and second to adopt the staff

17 recommendation.

18 All those in favor?

19 (Commissioner simultaneously voted.)

20 CHAIRMAN SPITLER: Opposed?

21 COMMISSIONER THOMAS: No.

22 CHAIRMAN SPITLER: Motion carries.

23 OR-1-CD-319.

24 MS. MILLER: You ready?

25 CHAIRMAN SPITLER: OR-1-CD-319, BLM, Palm Springs,

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1 Trail Maintenance?

2 MR. P. JENKINS: It's coming up.

3 Okay. OR-1-CD-319, criteria reads as follows: The

4 application demonstrates -- this is a trail maintenance,

5 trail conservation, and trail re-route project. The

6 application demonstrates that the project provides for
7 efficient use of OHV funds taking into consideration the use
8 of partnerships and other sources of funding, quality of --
9 quality and quantity of work performed, funds to be spent
10 similar -- comparable previous experience. Out of a possible
11 15, the Division gave 1.3, and the Commission gave 10.

12 The application demonstrates the implications of not
13 funding the proposed project taking into consideration risk
14 for loss of trail use or opportunity, harm to surrounding
15 resources, higher maintenance costs in the future. Out of a
16 possible 25, the Division gave a score of 12.3, and the
17 Commission gave a score of 25.

18 The application demonstrates that the proposed
19 project supports a unique recreation opportunity or
20 experience. Out of a possible 15, the Division gave 0
21 points, and the Commission gave 15 points.

22 The application demonstrates that the proposed
23 project helps extend the useful life of the trail system
24 taking into consideration consistent trail maintenance to
25 prevent unauthorized routes, meets user needs and are

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1 challenged levels, maintenance performed with the intended
2 use in mind, maintenance adequate to protect and conserve
3 resources and high use levels. Out of a possible 25 points,
4 the Division gave 5 points, the Commission gave 25 points.

5 The application demonstrates that volunteer
6 participation enhances the ability to perform trail
7 maintenance, trail conservation, and trail re-route
8 activities taking into consideration the number of
9 volunteers, volunteer hours, anticipate services provided,
10 and capability of volunteers. Out of a possible 20 points,
11 the Division determination was 5 points, and the Commission
12 gave a total of 20 points, for a total of 24 points from the
13 Division, and 95 points from the Commission. The 95 points
14 from the Commission would result in full funding of \$61,000.

15 CHAIRMAN SPITLER: Okay. Members of the public wish
16 to comment on OR-1-CD-319?

17 MR. AMADOR: Yeah, just -- just one short point of
18 order, too. A concern I have is I urge the Commission and
19 counsel to go back and look at that original motion to
20 rescind all the grants.

21 (Multiple speakers.)

22 CHAIRMAN SPITLER: Excuse me, this is on OR-1-CD-319.

23 MR. AMADOR: I'm not sure we're (unintelligible)
24 correctly.

25 I am. I don't want to proceed illegally here. And

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1 I'm concerned that the original --

2 (Multiple speakers.)

3 MR. AMADOR: -- motions to --

4 CHAIRMAN SPITLER: Excuse me. The public comment on
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5 items not on today's agenda have been concluded.

6 MR. AMADOR: No, this grant is on the agenda. I'm
7 concerned that the -- the wording in the original motion to
8 rescind the grants was not clear. And I don't want to -- I
9 can't comment on this if it's going to proceed in an illegal
10 fashion.

11 CHAIRMAN SPITLER: Okay. Thank you.

12 Comments on OR-1-CD-319?

13 MR. STEWART: John Stewart, California Association of
14 Four-Wheel Drive Club, United Four-Wheel Drive Association.

15 We accept the Division funding determination based on
16 the competitive scoring.

17 MR. SOENS: Harold Soens, President, San Diego
18 Off-Road Coalition.

19 I would go with staff recommendation on this because
20 there is none, zero to no OHV recreation in that area.

21 Thank you.

22 CHAIRMAN SPITLER: Other public comments?

23 Okay. Public comment period is closed.

24 Commissioners?

25 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to go

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1 with staff determination on OR-1-CD-319.

2 COMMISSIONER PRIZMICH: I'll second.

3 COMMISSIONER ANDERSON: Mr. Chair, I'd like to offer

4 an -- an amendment.

5 CHAIRMAN SPITLER: Commissioner Anderson.

6 COMMISSIONER ANDERSON: This is -- wait a minute.

7 I'm sorry. I may have the wrong number here. This is 319,
8 right?

9 COMMISSIONER THOMAS: Yes.

10 COMMISSIONER ANDERSON: Okay. I found that -- from
11 the information provided in the maps, in particular that the
12 proximity of the riding areas in the Palm Springs area that
13 where they were discussing use is, in fact, adjacent to
14 several wilderness areas, three of them, and national
15 recreation areas, and a national park. So I -- I think that
16 the score of 25 for the implications of not funding the
17 proposed project, loss of opportunity, and harm to
18 surrounding resources is fully justified.

19 The use of partnerships and other sources of funding,
20 within the public testimony, Mr. Stewart indicated a number
21 of hours of volunteer improve- -- assistance, and I think
22 that justified the increase in the score for the use of
23 partnerships and efficiency of the dollars being spent.

24 In Category 3, there was mention of several major
25 recreation areas, one of which being the historic Bradshaw

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1 Trail, which runs into a part of this area, is certainly an
2 important and unique recreation opportunity, and I think
3 justifies the adjustment of the score to the Commission's

4 recommendation in that -- in the third category.

5 With regard to a general approach that I have that
6 consistent trail maintenance keeps users on the route and
7 prevents them from -- no, "prevent" is the wrong word --
8 encourages them to stay on -- on approved route is certainly
9 enhanced through trail maintenance. And I think that this
10 will provide consistent trail maintenance and prevent such
11 off-route use.

12 And, again, in Mr. Stewart's testimony indicating
13 that there were volunteer groups that worked in this area, I
14 think that the increase in the score in the last category is
15 also justified.

16 So I would recommend living with the Commission
17 scores as recommended in our December meeting. That's my
18 motion --

19 COMMISSIONER THOMAS: Second.

20 COMMISSIONER ANDERSON: -- or amendment. Excuse me.

21 CHAIRMAN SPITLER: Discussion?

22 COMMISSIONER THOMAS: Call the vote.

23 CHAIRMAN SPITLER: Okay. We'll do a vote on the
24 amendment first. The amendment is to revise the scores
25 upward from the staff-recommended score of -- I can't read

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1 the board --

2 COMMISSIONER ANDERSON: 24.

3 CHAIRMAN SPITLER: -- 24 to a Commission-recommended
4 score of 95 -- 95.
5 Can we do a roll-call vote on the amendment?
6 MS. ELDER: Anderson?
7 COMMISSIONER ANDERSON: Aye
8 MS. ELDER: Bri ssenden?
9 COMMISSIONER BRI SSENDEN: Aye.
10 MS. ELDER: Spi tler?
11 CHAIRMAN SPITLER: No.
12 MS. ELDER: Thomas?
13 COMMISSIONER THOMAS: Aye.
14 MS. ELDER: Pri zmi ch?
15 COMMISSIONER PRI ZMI CH: No.
16 MS. ELDER: Wal dhei m?
17 COMMISSIONER WALDHEIM: No.
18 MS. ELDER: Tie.
19 CHAIRMAN SPITLER: Okay. The motion fails.
20 We'll vote on the original motion, which is funding
21 Palm Springs at the level of -- excuse me, not funding,
22 excuse me, scoring Palm Springs at a score of 24.
23 Can we do a roll-call vote?
24 MS. ELDER: Anderson?
25 COMMISSIONER ANDERSON: No.

1 MS. ELDER: Bri ssenden?
2 COMMISSIONER BRI SSENDEN: No.
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3 MS. ELDER: Spi tler?
4 CHAIRMAN SPITLER: Aye.
5 MS. ELDER: Thomas?
6 COMMISSIONER THOMAS: No.
7 MS. ELDER: Pri zmi ch?
8 COMMISSIONER PRIZMICH: Aye.
9 MS. ELDER: Wal dhei m?
10 COMMISSIONER WALDHEIM: Aye.
11 MS. ELDER: Another tie vote.
12 CHAIRMAN SPITLER: Okay. The motion fails.
13 COMMISSIONER PRIZMICH: Mr. Chair man? Mr. Chair man?
14 CHAIRMAN SPITLER: Commi ssi oner Pri zmi ch.
15 COMMISSIONER PRIZMICH: Wi th thi s fail ure of the --
16 of this motion and -- and amendment, does that mean that the
17 original action stands, or would that mean -- should I ask
18 counsel ?
19 CHAIRMAN SPITLER: It's already been rescinded.
20 COMMISSIONER PRIZMICH: It's already been -- so -- so
21 that's what's -- that's the --
22 CHAIRMAN SPITLER: At this point this grant has no
23 score from the Commi ssi on.
24 COMMISSIONER PRIZMICH: Okay.
25 CHAIRMAN SPITLER: And I think it likely needs a

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1 score.

2 COMMISSIONER WALDHEIM: We want the staff
3 determination. The vote was to staff determination.
4 CHAIRMAN SPITLER: No. No, that motion failed.
5 COMMISSIONER WALDHEIM: No, it didn't.
6 CHAIRMAN SPITLER: Yes, it did.
7 COMMISSIONER ANDERSON: Yeah, it did.
8 CHAIRMAN SPITLER: It failed 3:3. The motion failed
9 3:3.
10 COMMISSIONER THOMAS: So it reverts back to --
11 CHAIRMAN SPITLER: There's no action and no score on
12 that.
13 COMMISSIONER WALDHEIM: So it will not be funded.
14 CHAIRMAN SPITLER: It has no score from the
15 Commission.
16 COMMISSIONER WALDHEIM: So, in essence, it defaults.
17 COMMISSIONER THOMAS: We don't know.
18 COMMISSIONER WALDHEIM: It defaults.
19 COMMISSIONER THOMAS: It's up to the Division.
20 MR. LaFRANCHI: The -- at -- at the moment, the way I
21 read the procedure, you rescinded. This one goes back to no
22 approval. You just tied; therefore, the grant has not been
23 approved. Robert's Rules, if you're relying on Robert's
24 Rules, would say that you may not renew a motion at the same
25 meeting unless it's on a substantially different question.

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2 the Commission is the approval of this grant. Therefore, my
3 conclusion is that this has died for lack of approval, and
4 that the grant could not go forward.

5 COMMISSIONER THOMAS: Mr. Chairman, I would agree
6 that the motion has died for lack of approval, but that's not
7 to say that a substitute or supplemental or -- or additional
8 motion could be made at a later time on the same subject if
9 that motion were to be based upon different analytical
10 decisions -- analytical facts.

11 MR. LaFRANCHI: That would be correct, Chairman
12 Spittler. At a later meeting, it could come back before you,
13 but not at this meeting, according to Robert's Rules, again.
14 That's all I'm -- I'm just citing to Robert's Rules.

15 COMMISSIONER THOMAS: My -- my suggestion to the
16 Chair is that the Chair makes those ruling, and we would
17 appreciate the information.

18 CHAIRMAN SPITLER: I'm going to make a motion that we
19 reconsider this grant, OR-1-CD-319.

20 Is there a second?

21 COMMISSIONER THOMAS: What's the motion?

22 CHAIRMAN SPITLER: Motion to reconsider the grant.

23 COMMISSIONER ANDERSON: The one -- the one we just
24 moved on.

25 COMMISSIONER THOMAS: Motion to reconsider --

1 CHAIRMAN SPITLER: OR-1-CD-319.

2 COMMISSIONER ANDERSON: I --

3 COMMISSIONER THOMAS: Not legal.

4 COMMISSIONER ANDERSON: I don't know how we do it.

5 MR. LaFRANCHI: No, a -- a motion to re- -- a motion
6 to reconsider could be considered at this meeting. It would
7 require a -- moving by one of the losing votes -- one of the
8 Commissioners who cast a losing vote -- a "no" vote. The
9 majority --

10 CHAIRMAN SPITLER: Okay. Motion dies for lack of a
11 second.

12 OR-1-CD-324, BLM El Centro Field Office, Law
13 Enforcement.

14 MR. P. JENKINS: BLM El Centro Field Office was
15 requesting \$1,202,000. On the scoring sheets, the
16 application demonstrates that the proposed project is
17 designed to provide for efficient use of funds. Out of a
18 possible 15 points, the Division came to 9.7, the Commission
19 came to 5 points.

20 On the second criteria, the application demonstrates
21 that not funding the project -- funding the proposed project
22 results in negative outcomes taking into consideration such
23 things as harm to public health and safety, harm to natural
24 and cultural resources, responsibility to be used in illegal
25 trespass. Out of a possible 20 points, the Division

1 determination was 9.3, the Commission scoring was 10 points.

2 The application demonstrates that the proposed
3 project addresses a unique enforcement issue. Out of a
4 possible 10, the Division came to 10 points on their
5 determination, the Commission awarded 5 points.

6 The application demonstrates that the proposed
7 project provides the level of law enforcement adequate to
8 address issues taking into consideration staffing, equipment,
9 and the number of users. Out of 25 points, the Division came
10 to 12.3, the Commission came to 15 points.

11 The application demonstrates that the proposed
12 project protects and improves the recreation experience, the
13 environmental -- environment, public safety, and the
14 recreation opportunity. Out of 15 points, the Division
15 determination was 13.3, the Commission awarded 12 points.

16 The application demonstrates that the participation
17 by volunteers enhances the ability to perform law enforcement
18 activities taking into consideration number of volunteers,
19 number of hours, anticipated services. Out of 15 points, the
20 Division awarded a determination of 7 points, the Commission
21 awarded 10 points for a total of 62 points by the Division
22 determination which would result in a 55 percent funding
23 determination, and 57 points by the Commission which would
24 result in a 45 percent determination or \$540,900.

25 CHAIRMAN SPITLER: Okay. Public comment on

1 OR-1-CD-324.

2 COMMISSIONER PRIZMICH: Mr. Chairman, was the
3 Division handing out hard copies? I'm having a lot of
4 difficulty --

5 (Multiple speakers.)

6 CHAIRMAN SPITLER: I think they're -- we're trying to
7 get them printed, and hopefully we'll have them soon.

8 MR. P. JENKINS: Right. They're on their way shortly
9 here.

10 CHAIRMAN SPITLER: We'll take a break for lunch after
11 this one, and hopefully we'll have them for the rest -- after
12 lunch.

13 Okay. Public comment on OR-1-CD-324.

14 MR. STEWART: John Stewart, California Association of
15 Four-Wheel Drive Clubs, United Four-Wheel Drive Association.

16 We support the staff funding determinations based on
17 the score of 62. We do support the fact that, yes, it's law
18 enforcement; yes, we do need it. We accept the -- the staff
19 funding determination.

20 Thank you.

21 CHAIRMAN SPITLER: Thank you.

22 MR. SOENS: Yeah, Harold Soens, President, San Diego
23 Off-Road Coalition.

24 We would go with staff -- staff recommendations on
25 this grant. There's over a million visitor days a season. A

1 season starts in October and ends in May. That's -- you
2 know, we need law enforcement.

3 Thank you.

4 CHAIRMAN SPITLER: Okay. Thank you.

5 Other public comments on OR-1-CD-324?

6 MR. PICKETT: David Pickett, District 36 Motorcycle
7 Sports Committee.

8 We support the Division funding recommendations.

9 Thank you.

10 CHAIRMAN SPITLER: Thank you.

11 Other public comments?

12 Okay. Public comment period is closed.

13 Commissioners?

14 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
15 move OR-1-CD-324 to staff determination.

16 COMMISSIONER PRIZMICH: Second.

17 CHAIRMAN SPITLER: Discussion?

18 All those in favor?

19 (Commissioners simultaneously voted.)

20 CHAIRMAN SPITLER: Opposed?

21 COMMISSIONER THOMAS: No.

22 CHAIRMAN SPITLER: Motion carries 4:2.

23 Let's -- why don't we -- before we get into the rest
24 of these, let's stop for lunch. We'll come back at 1:15, and
25 hopefully we can have the sheets to show the Commission for

1 the rest of them.

2 (Lunch recess, 12:08 p.m. to 1:15 p.m.)

3 (Commissioner Brissenden was not present for the
4 afternoon and evening sessions of the hearing.)

5 CHAIRMAN SPITLER: Grab your seats.

6 Next grant to consider is OR-1-CD-325, BLM El Centro
7 Field Office, Restoration.

8 MR. P. JENKINS: OR-1-CD-325, at a possible score --
9 sorry, Division determination of 62 out of 100, and
10 Commission score of 97 out of 100. Division's determination
11 was a result in -- I'm sorry, Commission determination would
12 result in \$479,000, which is 100 percent funding.

13 CHAIRMAN SPITLER: Okay. Public comment on
14 OR-1-CD-325, El Centro, Restoration? Does anybody from the
15 public wish to comment on OR-1-CD-325?

16 MR. BRAZIL: Bruce Brazil, California Enduro Riders
17 Association.

18 Just looking at the big difference between the
19 scoring between the Commission and the Division, I just hope
20 that if the Commission does not go along with the Division
21 scoring, that they're very explicit in their explanation as
22 to why. Thank you.

23 CHAIRMAN SPITLER: Okay. Any other comments on
24 OR-1-CD-325?

25 Okay. Commissioners?

1 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
2 move OR-1-CD-325 to staff determination.

3 COMMISSIONER PRIZMICH: I'll second that.

4 CHAIRMAN SPITLER: Discussion?

5 COMMISSIONER ANDERSON: Comment.

6 CHAIRMAN SPITLER: Commissioner Anderson?

7 COMMISSIONER ANDERSON: Yeah, I'm trying to figure
8 out where I am here. I'm sorry. Looking at --

9 CHAIRMAN SPITLER: Okay.

10 COMMISSIONER ANDERSON: I guess I'm satisfied.

11 CHAIRMAN SPITLER: Okay. I have a -- I have a few
12 comments. The Division noted that the Commission did not --
13 did not address or support its rationale for increasing
14 scores on the first, second, and sixth criteria. I note on
15 the application, page 168 and 169, the first criteria was law
16 enforcement which is -- 168 and 169 describes the extensive
17 law enforcement efforts including monitoring the citations of
18 off-route travel, and the Student Conservation Association
19 contacting visitors in the area. I think that warrants a
20 higher score.

21 The second category describes the efficient use of
22 OHV funds. Page 161 and 163 describes the three separate
23 sites for (unintelligible) that would be a restorative
24 partnership of the Student Conservation Association and the
25 high-quality sites that were selected for restoration.

1 Regarding the sixth category, participation by
2 volunteers, I notice on page 163 of the application that the
3 CESA approves all volunteers, and the application also
4 describes the volunteer efforts.

5 Regarding the third, fourth, and fifth categories,
6 the Division noted in its comments that the higher scores
7 given by the Commission -- so those categories in December
8 were warranted by the -- the additional facts in the
9 application itself.

10 Therefore, I would move that we score the application
11 similar to what was scored in December, a score of 17 for the
12 first category, 10 for the second, 10 for the third, 30 for
13 the fourth, 20 for the third -- for the fifth, and 10 for the
14 sixth for a combined score of 97. I would make that --
15 propose that amendment.

16 COMMISSIONER ANDERSON: I'll second that.

17 CHAIRMAN SPITLER: Discussion?

18 COMMISSIONER THOMAS: Call the question.

19 CHAIRMAN SPITLER: Okay. We'll vote -- we'll vote on
20 the amendment first, that's to amend the total score from a
21 62 to a 97.

22 Sandy, can we do a roll call, please.

23 MS. ELDER: Anderson?

24 COMMISSIONER ANDERSON: Aye.

25 MS. ELDER: Bri ssenden?

1 (Commi ssi oner Bri ssenden was not present.)
2 MS. ELDER: Chavez -- oh, I don't need to call
3 Chavez.
4 Spi tler?
5 CHAIRMAN SPITLER: Aye.
6 MS. ELDER: Thomas?
7 COMMI SSI ONER THOMAS: Aye.
8 MS. ELDER: Pri zmi ch:
9 COMMI SSI ONER PRI ZMI CH: No.
10 MS. ELDER: Wal dhei m?
11 COMMI SSI ONER WALDHEIM: No.
12 MS. ELDER: 3:2.
13 CHAIRMAN SPITLER: Okay. Now we'll vote on the
14 ori gi nal moti on as amended, whi ch was for 97.
15 Cou ld we do a rol l call, Sandy?
16 MS. ELDER: Anderson?
17 COMMI SSI ONER ANDERSON: Aye.
18 MS. ELDER: Bri ssenden?
19 (Commi ssi oner Bri ssenden was not present.)
20 MS. ELDER: Spi tler?
21 CHAIRMAN SPITLER: Aye.
22 MS. ELDER: Thomas?
23 COMMI SSI ONER THOMAS: Aye.
24 MS. ELDER: Pri zmi ch?
25 COMMI SSI ONER PRI ZMI CH: No.

1 MS. ELDER: Waldheim?

2 COMMISSIONER WALDHEIM: No.

3 MS. ELDER: 3:2.

4 CHAIRMAN SPITLER: Okay. Motion carries.

5 OR-1-CD-326, BLM El Centro Field Office.

6 MR. P. JENKINS: This application, the Division
7 scoring determination was 74 points, which would result in 65
8 percent funding or \$266,500, and the Commission score was 44,
9 which would result in 0 funding.

10 CHAIRMAN SPITLER: Any members of the public wish to
11 comment on OR-1-CD-326?

12 MR. PICKETT: David Pickett, District 36, Motorcycle
13 Sports Committee.

14 The Division recommendations seem to be in order here
15 based on statements from the testimony that there was no
16 factual support or discussion other than Commissioner
17 comment. And since it was 0 funded based on the Commission
18 and user fees are not a criteria in the evaluation process,
19 we need to go back to Division's recommendations on this
20 grant at least for consideration. Thank you.

21 MR. STEWART: John Stewart, California Association of
22 Four-Wheel Drive Clubs and United Four-Wheel Drive.

23 I'm kind of troubled with the fact that the
24 Commissioner comment was -- you know, attributed that user
25 fees were available to pay for services. Well, no, there is

1 user fees in this area that support a Resource Management
2 Plan for things which is not this type of operation that this
3 grant was requesting. So that is an erroneous assumption.
4 And any decision based on there is really not part of the
5 criteria. By the way, we support the staff funding
6 determinations.

7 CHAIRMAN SPITLER: Thank you.

8 Any other public comments on OR-1-CD-326?

9 MR. DART: Bill Dart with the Off-Road Business
10 Association.

11 We strongly support the staff recommendation. Some
12 of these scorings don't seem to make sense. The Commission
13 score -- for example, the first category, number of visitors
14 per year, this has the highest visitation of any OHV area in
15 the world and that remains pretty high. And the implication
16 of not funding it with the most popular OHV area in world
17 also seems to be pretty serious. Frankly, you seem to be way
18 off on the Commission scoring last time. We would highly
19 recommend (unintelligible) and higher funding.

20 Thank you.

21 CHAIRMAN SPITLER: Any other public comment on
22 OR-1-CD-326? Public comment period is closed.

23 Commissioners?

24 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
25 move OR-1-CD-326 to staff determination. I agree with the

1 last speaker, that the Division score -- Division's
2 determinations are appropriate, especially with the number of
3 visitors. For some reason, I have no idea why, the
4 Commission rated a million visitors as 5 -- to a 5 or a 10 or
5 a 15. So I think we should just go with the staff
6 determination.

7 COMMISSIONER PRIZMICH: Second that.

8 CHAIRMAN SPITLER: Discussion?

9 COMMISSIONER WALDHEIM: Call for the question.

10 CHAIRMAN SPITLER: Okay. Any discussion for the
11 Commission?

12 Okay. We have a motion and a second.

13 All those in favor?

14 (Commissioners simultaneously voted.)

15 CHAIRMAN SPITLER: Opposed?

16 COMMISSIONER THOMAS: No.

17 CHAIRMAN SPITLER: Motion carries.

18 OR-1-CD-327.

19 MR. P. JENKINS: OR-1-CD-327, this is the BLM
20 El Centro Field Office, Planning Project. The Division
21 funding determination is based on a score of 11 out of 100,
22 which would result in 0 funding. The Commission scoring was
23 52 out of 100, which would be 45 percent scoring or \$280,20.

24 CHAIRMAN SPITLER: Okay. Any members of the public
25 wish to comment on OR-1-CD-327?

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1 MR. STEWART: John Stewart, California Association of
2 Four-Wheel Drive Clubs, United Four-Wheel Drive.

3 With this particular grant, we accept and believe
4 that the staff funding determination is appropriate and that
5 the grant just did not meet the criteria as defined within
6 the competitive process.

7 CHAIRMAN SPITLER: Other public comment on
8 OR-1-CD-327?

9 Okay. Public comment is closed.

10 Commis sioners?

11 COMMI SSIONER WALDHEIM: Mr. Chairman, I'd like to
12 move OR-1-CD-327 for staff determination.

13 COMMI SSIONER PRI ZMI CH: Second.

14 CHAIRMAN SPITLER: Any di scussi on?

15 Commis sioner Anderson?

16 COMMI SSIONER ANDERSON: I -- I have some concern
17 about not just this application, but others where it says one
18 Commissioner noted the applicant does not have the funds
19 needed in the staff justi fication for -- asking for review of
20 this or not being able to go forward with it. It is my firm
21 belief at someplace in the criteria a sufficiently high value
22 needs to be assigned somewhere to need, otherwise we're not
23 acting in what I would consider to be a progressive manner.
24 We're only giving those who have wonderful -looking
25 applications high scores with no consideration of where the

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1 need or the needs lie for the overall support on a balanced
2 program across the state.

3 And I don't know how -- I haven't looked recently at
4 the new criteria that we're using. I'll admit that need is
5 not -- is not a big component of the existing criteria. But
6 at some point we really need to look at this program with
7 need as an important criteria. It would be the equivalent of
8 colleges only giving scholarships to those who were
9 straight-A students, and they'd never be able to give a
10 basketball scholarship because that would be on the basis of
11 need rather than scholarship, and the basketball star may not
12 have wonderful grades.

13 So I think that there's a need basis, and there are
14 other criteria. And I'm very disappointed that need is not
15 more important. That may not be totally germane for this
16 particular application, but I couldn't resist making the
17 point.

18 CHAIRMAN SPITLER: Discussion on OR-1-CD-327?

19 Okay. All those in favor?

20 (Commissioners simultaneously voted.)

21 CHAIRMAN SPITLER: Opposed?

22 COMMISSIONER THOMAS: No.

23 CHAIRMAN SPITLER: Motion carries.

24 OR-1-CD-328.

25 MR. P. JENKINS: OR-1-CD-328 is BLM El Centro Field

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1 Office, Resource Management Project. The Division scoring
2 determination was 61 points, which will result in 55 percent
3 funding for \$717,750. The Commission's score was 46, which
4 would result in 0 funding.

5 CHAIRMAN SPITLER: Public comment on OR-1-CD-328?

6 MR. STEWART: John Stewart, California Association of
7 Four-Wheel Drive Clubs, United Four-Wheel Drive.

8 On this particular grant, we support the staff
9 scoring determination within the competitive process in that
10 it's -- this is -- there's no reason at all why this should
11 have been 0 funded. This grant is important. And having a
12 personal reference -- or feeling, that is, that Exhibit A was
13 injected into the decision by the Commission, there is no
14 basis for personal beliefs and personal feelings in the
15 scoring criteria, so that would be inappropriate,
16 determination is in play here. And the reality is, the staff
17 scoring determination of 61 is appropriate.

18 CHAIRMAN SPITLER: Thank you.

19 Other public comment on OR-1-CD-328?

20 Public comment is closed.

21 Commissioners?

22 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
23 move OR-1-CD-328 to staff determination.

24 Commissioner Prizmich?

25 COMMISSIONER PRIZMICH: And I'll second that.

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1 CHAIRMAN SPITLER: I'd like to propose an amendment.
2 I think that the score -- most of the scores between the
3 Division and the Commission were very close, within a point
4 and a half or so, save one, and that was that the Criteria
5 No. 2 of the application demonstrates the implications of not
6 funding the proposed project taking into consideration
7 negative outcomes. I do note that on the application within
8 page 189, 202, and 208, there is some reference to potential
9 negative implications. However, the negative implications
10 are purely speculative, the theory that potentially some
11 areas may be closed in the future if somehow monitoring does
12 not take place. Frankly, I don't think that those potential
13 outcomes warrant the significant score that the Division gave
14 the application. I think it warrants a lower score. And I
15 know that two of the reviewers on the Division staff scored
16 the application in that category as a 10 and an 8 as well.

17 So I would -- I would move to amend that score from
18 the Division recommendation from 16.7 to the Commission score
19 of 8, thus giving the application a final score of 50. And,
20 again, that is based on my review that the -- I don't believe
21 that the negative implications described in the application
22 really are sufficient. They're purely speculative and
23 hypothetical and really don't warrant a score that some of
24 the Division staff gave the application.

25 So I would -- I would make that amendment.

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1 COMMISSIONER ANDERSON: I'll second that.

2 CHAIRMAN SPITLER: Discussion?

3 Okay. We'll take the amendment first. That was an
4 amendment to a final score of 50 from lowering the second
5 score to 8.

6 Sandy, would you do a roll call, please.

7 MS. ELDER: Anderson?

8 COMMISSIONER ANDERSON: Aye.

9 MS. ELDER: BRISSENDEN?

10 (Commissioner Brisenden was not present.)

11 MS. ELDER: Spitler?

12 CHAIRMAN SPITLER: Aye.

13 MS. ELDER: Thomas?

14 COMMISSIONER THOMAS: Aye.

15 MS. ELDER: Prizmich?

16 COMMISSIONER PRIZMICH: No.

17 MS. ELDER: Waldheim?

18 COMMISSIONER WALDHEIM: No.

19 CHAIRMAN SPITLER: Okay. The amendment carries.

20 Now we'll vote on the original motion as amended.

21 Sandy, could you do a roll call, please.

22 MS. ELDER: Anderson?

23 COMMISSIONER ANDERSON: Aye.

24 MS. ELDER: Brisenden?

25 2006-2-27 OHV.txt
(Commi ssi oner Bri ssenden was not present.)

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1 MS. ELDER: Spi tler?
2 CHAIRMAN SPITLER: Aye.
3 MS. ELDER: Thomas?
4 COMMI SSI ONER THOMAS: Aye.
5 MS. ELDER: Pri zmi ch?
6 COMMI SSI ONER PRI ZMI CH: No.
7 MS. ELDER: Wal dhei m?
8 COMMI SSI ONER WALDHEIM: No.
9 CHAIRMAN SPITLER: The moti on carri es.
10 MR. P. JENKINS: I'm sorry, I'm just lost a little
11 bit on -- could you just read down the five scores?
12 CHAIRMAN SPITLER: All the scores are the same. The
13 second cri teria category went from 16.7 to 8.0.
14 So scores would be 7.3, 8, 13, 20, and 1.7 for a
15 total score of 50.
16 Okay. OR-1-CD-329, BLM, Desert Di stri ct Offi ce,
17 Restorati on.
18 MS. MILLER: Good afternoon, Commi ssi oners.
19 OR-1-CD-329, BLM, Cal i forni a Desert Di stri ct,
20 Restorati on Project. Di vi si on score was 32 for a 0 percent
21 fundi ng determi nati on. Commi ssi on score was 97, for a
22 determi nati on of \$390,000.
23 CHAIRMAN SPITLER: Okay. Any members of the public
24 wi sh to comment on OR-1-CD-329, Cal i forni a Desert Di stri ct

25 Restorati on?

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1 MR. STEWART: John Stewart, Cali forni a Associ ati on of
2 Four-wheel Drive Clubs, and Uni ted Four-wheel Drive
3 Associ ati ons.

4 This grant, we would support the Di visi on scoring
5 wi thi n the competi ti ve process. Thi s was not a well -wri tten
6 grant to begi n wi th. And we just heard now personal
7 observati ons and specul ati on and subj ecti ve determi nati ons
8 are not to be used as cri teri a and how i t plays out i n thi s,
9 whereas Exhi bi t A i ndi cates that accordi ng to personal
10 observati ons, deci si ons were made based on thi s grant. The
11 staff determi nati ons are appropri ate. Thi s was not a
12 well -wri tten grant to begi n wi th, and as such, i t's -- 32 i s
13 an appropri ate score.

14 MR. BRAZIL: Bruce Brazi l , Cali forni a Enduro Ri ders
15 Associ ati on.

16 And once again, I see quite a di spari ty between the
17 two scores. And I'm just wonderi ng i f the Di visi on and the
18 Commi ssi on were readi ng the same appli cations and taki ng the
19 same i nputs from the publi c i n the determi nati ons. I'd go
20 wi th Di visi on scoring on thi s.

21 Thank you.

22 MR. PICKETT: Davi d Pi cket t, Di stri ct 36.

23 I, too, am concerned how the Commi ssi on can tri ple a

24 recommendation from Division. A lot of work went into this.
25 It was fairly poorly written. And personal observation by a

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1 Commissioner should not warrant tripling the score. And we
2 have to support Division's recommendations on this. I just
3 don't think there was enough homework done by the Commission
4 prior to voting on this, and it needs a review.

5 Thank you.

6 CHAIRMAN SPITLER: Any other comments on the Desert
7 District Office Restoration?

8 Public comment is closed.

9 Commissioner Priznich?

10 COMMISSIONER PRIZNICH: I reviewed the commentary,
11 and frankly don't see any commentary in the area that I'm
12 most interested in. As several of the speakers have already
13 mentioned, there's quite a disparity between the Division
14 score and the Commission score. And I -- I can't find in
15 the -- in the record where the support for that increase was
16 at all. Can somebody help me out on...

17 CHAIRMAN SPITLER: So I will start with the top here.
18 The first category is that the proposed application
19 demonstrates law enforcement efforts to be included. I know
20 that the Division's staff -- the Commission increased that
21 score, and the Division staff noted that the increased score
22 was warranted. In that category, as well as the second and
23 third categories, which is proposed -- the student -- the

24 implications of not funding the proposed project as well as
25 the demonstration that the project protects, restores, and

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1 conserves resources. Also note on page 8 and 9 of the
2 application, there is a rather complete description of the
3 efficient use of funds and the implications of not funding
4 the proposed project.

5 Category 4 talks about the application -- excuse me,
6 Category 3 was the application demonstrates the implications
7 of not funding.

8 Category 4 is the application demonstrates that the
9 proposed project protects, restores, and conserves resources
10 impacted by improper or illegal OHV use, taking into
11 consideration a number of items. Page 9 of the application
12 describes the implications of not funding the proposed
13 project, the -- and the goals of the project to protect,
14 restore, and conserve natural resources, doing the research
15 necessary to analyze the data collected (unintelligible) to
16 lead to the most efficient management practices and decisions
17 to preserve critical habitat and (unintelligible) recreation
18 areas, cost-efficient techniques are also being researched
19 (unintelligible). I think that description -- also note that
20 the application on page 78 describes the goals of facility
21 restoration throughout the desert, the sites collective
22 (unintelligible) chosen based on their habitat value and

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23 recovery potential.

24 Regarding the fifth criteria, application
25 demonstrates community approaches. Page 9 describes

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1 (unintelligible) elements of the project including OHV rider
2 motivation for -- excuse me, collecting data and analyzing
3 data on motivation for compliance and non-compliance,
4 effectiveness, and so on, (unintelligible), survival rates
5 and (unintelligible) species, adapt (unintelligible) habitat
6 and success of a variety of (unintelligible) -- excuse me,
7 describing techniques, and comparisons of restored sites and
8 (unintelligible) sites.

9 The final category was Category 6, which is the
10 incorporation of volunteers. Again, page 9 and 10 -- excuse
11 me, page 9 of the application describes the use of volunteers
12 and how volunteer efforts when pursued on (unintelligible)
13 surround the desert areas.

14 Based on -- based on that information, I believe that
15 the score -- the application warrants the score -- excuse me,
16 the Division -- excuse me, that the Commission gave in
17 December, that is a combined score of 97, with a score on
18 each category of 20, 10, 10, 30, 17, and 10. And I would so
19 move.

20 COMMISSIONER ANDERSON: I'll second that.

21 COMMISSIONER PRIZMICH: Was that a motion?

22 CHAIRMAN SPITLER: Yes, that was the motion.

23 COMMISSIONER THOMAS: Call the question.
24 CHAIRMAN SPITLER: Discussion?
25 All those in favor?

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1 (Commissioners simultaneously voted.)
2 CHAIRMAN SPITLER: Opposed?
3 Motion carries.
4 OR-1-CD-335, BLM Ridgecrest, Restoration.
5 MS. MILLER: OR-1-CD-335, Ridgecrest Field Office.
6 Division score was 39, with 0 percent funding determination.
7 Commission score of 99, for a determination of funding
8 \$824,000.
9 CHAIRMAN SPITLER: Okay. Public comments on
10 OR-1-CD-335?
11 MR. AMADOR: Don Amador, Blue Ribbon Coalition.
12 You know, I wanted to comment on this grant, but the
13 Chair says that he doesn't believe in speculation, and then
14 for the last grant that's all I heard was speculation. So I
15 don't know how to comment on these grants anymore. Which is
16 it: Do we support speculation, or we don't?
17 Thank you.
18 CHAIRMAN SPITLER: Thank you for your comments.
19 John Stewart.
20 MR. STEWART: John Stewart, California Association of
21 Four-Wheel Drive Clubs, and United Four-Wheel Drive

22 Associati ons.

23 Looking at the scores of this grant and seeing that
24 it more than doubled with virtually no supporting criteria in
25 going back and looking at the record, the record does not

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1 reflect that significant an increase in the score. Again,
2 like these others under the Restoration category, these
3 grants were poorly written and did not meet the criteria
4 defined -- that were used for scoring of the grants. If they
5 do not meet the grant criteria, how can you change the grant
6 criteria in order to make them all of a sudden become so
7 wonderful? These do reflect very much a personal bias,
8 subjectivity, and pure speculation is the outcome of these
9 grants. These grants -- this grant in specific was poorly
10 written and does not deserve that high score.

11 CHAIRMAN SPITLER: Thank you.

12 MR. PICKETT: David Pickett. District 36 Motorcycle
13 Sports Committee.

14 Mr. Stewart just made comments that do fall in line
15 with the criteria. And of note of the grants that we've
16 talked about today, this is the fourth one where Division's
17 recommendations were basically totally ignored. Scores of 0
18 are moved to 71, 32s went to 97, 37 moved to 90, and now 33
19 to 99, all restoration. Come on, guys, what do you think we
20 are feeling out here? It seems like, as we've talked about
21 meeting after meeting after meeting, restoration,

22 restoration, restoration. I need folks with money on the
23 ground and law enforcement supplied. If you don't give them
24 the tools to do it and give everything for restoration, we're
25 just going around in circles. You've heard this before from

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1 the speakers. That's all I have to say.

2 Thank you.

3 CHAIRMAN SPITLER: Thank you.

4 MS. SCHAMBACH: Karen Schambach, Public Employees
5 Environmental Responsibility.

6 Ridgecrest Restoration is an important project. It's
7 important to show that -- you know, that we can protect areas
8 adjacent to riding areas. It may not be the best-written
9 grant, but the criteria -- it doesn't depend on good writing;
10 it depends on the information in there to support the grant.
11 I believe that it is in this one.

12 Thanks.

13 CHAIRMAN SPITLER: Thank you.

14 MR. UNIDENTIFIED SPEAKER: George Lowry, California
15 Enduro Riders Association, Georgetown resident.

16 This is tough watching this meeting here. This is
17 deja vu all over again from December. And I'm sure this
18 grants' going to go the same way.

19 Thank you.

20 CHAIRMAN SPITLER: Thank you.

21 Other public comments on OR-1-CD-335?

22 Okay.

23 COMMISSIONER WALDHEIM: Mr. Chairman, this is -- it's
24 interesting with the comments we're making where we agree
25 that the staff determination, they went through the law, they

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1 went through what is deemed to be proper on this one. This
2 particular case and the one before -- and it may surprise my
3 colleagues out there in the audience -- I am personally
4 involved with these particular grants. I mean when I mean
5 personally involved, I'm out in the field; I am forking hay
6 bales; I am digging ditches; I am putting signs up,
7 maintaining trails. So I know exactly what we're doing with
8 this restoration project, and that is to make sure that our
9 designated route system is maintained and the folks comply
10 with the rules that are out on the land. It also helps law
11 enforcement to clearly see exactly where a trespass takes
12 place so it can issue citations. In other words, when they
13 go and issue a ticket and they take a picture of a person
14 going around a hay bale or going around a restored area, the
15 Court will uphold that ticket. If you do not do that, the
16 Court more than likely will throw it out.

17 So personally, I feel very strongly about these two
18 restoration projects. It's unfortunate that we didn't write
19 them properly or didn't do the best job we could have done on
20 these grants. But we are really accomplishing in this grant

21 and the one before what we've set out to do, a combination
22 between good trail maintenance, route inventory, route
23 designation, and the restoration. So if there ever was a
24 good system to approve, this is one of them.

25 And, Mr. Chairman, I don't know if you want to leave

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1 the same score or what you want to do with this. I'll leave
2 that up to you.

3 CHAIRMAN SPITLER: Commissioner Priznich, followed by
4 Commissioner Anderson.

5 COMMISSIONER PRIZNICH: We're here again, and I see a
6 tremendous disparity between Commission's scoring and the
7 Division score. I don't see the -- the supporting
8 documentation and testimony. I'm concerned that -- that
9 we're doing virtually the very same thing with this meeting
10 that we did in the December meeting.

11 CHAIRMAN SPITLER: Commissioner Anderson.

12 COMMISSIONER ANDERSON: To enlighten the public
13 somewhat about my feelings about the restoration grants, when
14 I looked at them in general very early in the process when we
15 first received them, I noticed that the restoration grants as
16 a category were pretty uniformly receiving lower scores than
17 the other categories. And one of the questions that I asked
18 at one of the subcommittee meetings of Daphne Greene was,
19 what was the procedure that the staff used in order to arrive

20 at these scores? I tried to find out if there was a systemic
21 problem. I don't want to call it a bias, but it may have
22 been the particular choice. But Ms. Greene, if I remember
23 correctly, told me that each different category had a
24 different team of evaluators, and that all the restoration
25 grants were evaluated by basically the same team.

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1 So I find no inconsistency in attempting to make
2 modifications, if you like, to the scoring that was assigned
3 uniformly to the restoration grants and bumping those numbers
4 in what I see as a -- as an attempt to make it more
5 equitable.

6 I've had discussions with the staff about the
7 procedures for assigning staff to evaluate grants in the
8 future so that there is no, if you like the charge on my part
9 and there's no opportunity for a charge on my part, that
10 there might be some systemic bias either for or against the
11 particular kind of grant so that we're sure that the grants
12 in all categories are all evaluated fairly. And that
13 perhaps -- perhaps the people assigned to the restoration
14 grants were more critical than those assigned to evaluate
15 grants in other categories. I have no way of really knowing
16 that. I can only look at the results.

17 And so in my -- in the case of my judgments, I found
18 that this information led to some justification for some of
19 the increases in Commission scores for restoration grants as

20 a category. That being said, I don't have any particular
21 numbers to suggest for this restoration grant.

22 CHAIRMAN SPITLER: Is I'll go ahead and propose them,
23 then.

24 COMMISSIONER ANDERSON: Okay

25 CHAIRMAN SPITLER: I'm going to propose the

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1 Commission scores as scored in December. And I will state
2 for the record why I'm making that proposal, why I think it's
3 justified by the -- by the record.

4 In the first category I note that the staff noted
5 that the -- that the Commission score was increased based on
6 the testimony on the record. That category regards law
7 enforcement. Also, I note on page 53 and 62 of the
8 application, it also described what I would consider broad
9 and widespread law enforcement efforts associated with the
10 project.

11 The second category deals with whether the project is
12 designed to provide for efficient use of funds. And, again,
13 on page 48 and 57 of the application, there's a description
14 of why the project is an efficient use of funds. There's
15 numerous sites being chosen. Sites are being chosen based on
16 potential habitat value and proximity to critical habitat,
17 and potential OHV compliance and a number of other factors.
18 There's also the fact that the project is, in fact, in

19 partnership with local organizations and -- including SCA and
20 others, Student Conservation Associations, and really
21 provides a good working relationship and an efficient use of
22 funds.

23 Regarding the third category, the application
24 demonstrates the implications of not funding the proposed
25 project. Again, page 48 and 57 of the application described

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1 the impacts of not funding the proposed project, continued
2 route cooperation, mismanagement of habitat, potential
3 lawsuits, and other impacts throughout the desert area, and
4 fragmentation of habitat and trails, de facto routes of
5 travel, et cetera, mismanagement of species habitat and more
6 closures.

7 Regarding the fourth category, I note that the staff
8 acknowledged that the Commission increase in that category
9 was warranted by the information provided in the application
10 and testimony. I will also note on page 48 and 49 and 57, 58
11 of the application, there is a sufficient description of the
12 proposed project to protect habitat, limit the impacts, all
13 benefiting the resources identified in the criteria.

14 Regarding the fifth category, that the application
15 demonstrates innovative approaches to restoration that will
16 lead to enhanced recovery of impacted resources. Page 49 and
17 58 of the application describes the innovations involved in
18 this project. First of all, the desert restoration

19 techniques are innovative of their own. There's also
20 integral data collection regarding effectiveness of the
21 techniques, survival of outlying species, adaptive
22 management, success of the disguising techniques and
23 comparisons (unintelligible) historical sites, all of which
24 are a very innovative approach to restoration.

25 Finally, the sixth category regarding participation

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1 of volunteers, I'll first note that the SCA crews are
2 essentially composed of volunteers in terms of receiving a
3 small stipend, and, as the application describes on page 49
4 and 58, there's other volunteers, including the Sierra and
5 Audubon Society volunteers as well involved in this project.

6 Based on that information contained within the
7 application, I will move that the Commission score from
8 December of 99 be approved here today.

9 COMMISSIONER ANDERSON: I'll second that.

10 CHAIRMAN SPITLER: Discussion amongst the
11 Commissioners?

12 COMMISSIONER PRIZMICH: Other than identifying some
13 pages, I didn't see or hear a lot of specifics. So I'm going
14 to -- to (unintelligible).

15 CHAIRMAN SPITLER: More discussion from the
16 Commission?

17 Okay. Sandy, could we do a roll-call vote, please.

18 MS. ELDER: Anderson?
19 COMMISSIONER ANDERSON: Aye.
20 MS. ELDER: Bri ssenden?
21 (Commi ssi oner Bri ssenden was not present.)
22 MS. ELDER: Spi tler?
23 CHAIRMAN SPITLER: Aye.
24 MS. ELDER: Thomas?
25 COMMISSIONER THOMAS: Aye.

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1 MS. ELDER: Pri zmi ch?
2 COMMISSIONER PRI ZMI CH: No.
3 MS. ELDER: Wal dhei m?
4 COMMISSIONER WALDHEIM: Aye.
5 CHAIRMAN SPITLER: Okay. The moti on carri es.
6 OR-734, Camp Fi re USA.
7 MS. MILLER: OR-734, OHV Safety or Educati on Program.
8 Di vi si on score of 91, 90 percent fundi ng determi nati on for
9 \$80,100. Commi ssi on score of 56, for 45 percent fundi ng
10 determi nati on at \$40,050.

11 CHAIRMAN SPITLER: Any members of the publi c wish to
12 comment on OR-734?

13 MR. STEWART: John Stewart, Cali forni a Associ ati on of
14 Four-Wheel Drive Clubs, Uni ted Four-Wheel Drive Associ ati ons.

15 And (uni ntell i gi ble) data all over again. We went
16 through thi s grant very in depth in excruciating detail in
17 December. The Di vi si on scori ng fundi ng determi nati on was 91

18 points. This was a well-written grant. This grant addresses
19 critical issues, and yet, according to Exhibit A, it was
20 downgraded because of concerns about training our kids.
21 Well, this is part of the OHV Program. This is teaching
22 responsible ethics. This is teaching the young people a land
23 ethic. This is pushing responsible recreation. And we have
24 Commissioners not paying attention. So there's this -- you
25 know, this grant is important. This grant deserves to be

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1 funded at the Division determined allocation.

2 Thank you.

3 MR. BRAZIL: Bruce Brazil, California Enduro Riders
4 Association.

5 I find the scoring on this one was very confusing.
6 On the third item down here, you're scoring it full
7 compliance saying that it meets the required fee training,
8 and yet the previous stipulations where you're going to be
9 instructing the public about harm to the public health and
10 safety and responsible OHV use, trespass, you're going to be
11 eliminating a lot of these items. The -- it's just crazy
12 here. And, also, one of the things Public Resources Code
13 says that OHV projects, the whole system, one of your items
14 to do is to set up a safety course. This will be a big step
15 in fulfilling that. Number of volunteers rated at half of
16 what the Division had. If you look through your notes,

17 you'll find out that a majority of the people that are doing
18 this function, teaching the kids are volunteers. And if
19 you're going to try to reach someone at the right time, catch
20 them while they're young. And, who knows, even with their
21 parents there, maybe the parents are going to pick up and
22 listen to what's going on. And you'll be doing a vast
23 service to all the areas that you're concerned with, both
24 your safety, your rider education, responsible usage of OHVs.
25 Part of the program has to do with the ecology, resources.

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1 If anything, rather than decreasing this Division's request,
2 I'd like to see it increased to a full 100 percent.

3 Thank you.

4 MR. AMADOR: Don Amador, Blue Ribbon Coalition.

5 There's one thing this congressman said, he said, "I
6 think there's a whole lot of speculating going on here
7 today." But with regard to this grant, I think if you review
8 your notes, most of the objection to the Commission was the
9 fact that they thought a policy should be enacted by the
10 Commission to outlaw youth riding ATVs, which is clearly a
11 legal activity in the state of California. So I would ask
12 you to review your notes to see if that criteria is even a
13 criteria upon which you can base a grant judgment.

14 Thank you.

15 MR. WAKELEE: Heath Wakelee, Audubon Society.

16 We support the Division's evaluation on this grant,
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17 believing that the single grant for OHV safety and education
18 on the table right now being re-considered is this grant. We
19 believe that education is a very important component. If
20 there was better education, we would need less law
21 enforcement and less need for restoration. We believe the
22 Commission should fund this back to the 90 percent.

23 Thank you.

24 MR. DART: Bill Dart representing the Off-Road
25 Business Association.

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1 And I concur with all the previous speakers. We
2 would support the Division recommendation. Safety and
3 education of our youth today is one of the most important
4 things we need to do to teach them how to ride safely and
5 appropriately with the right amount of ethics so they will
6 take care of the land and take of (unintelligible.)

7 So I would hope that you would agree that with all
8 the kids out there today that it would be appropriate to
9 train them properly on how to ride and how to behave
10 properly.

11 Thank you.

12 MR. PICKETT: David Pickett, District 36 Motorcycles
13 Sports Committee.

14 I concur with the previous testimony that was just
15 given. And I'd like to remind you that the first time we

16 talked about this, it had basically 100 percent support from
17 all groups. And looking back to Exhibit A again, on funding
18 approvals (unintelligible) on non-compliant, I just want to
19 say two things here. I'm going to highlight this one: All
20 the factual information and testimony supported the higher
21 score as submitted. Again, another case of a personal
22 opinion and agenda towards a program that an individual
23 Commissioner did not care for. That is not the criteria.
24 Leave the personal agenda at home, please, when you make
25 these financial decisions concerning our children for the

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1 future.

2 Thank you.

3 CHAIRMAN SPITLER: Any other public comments on
4 OR-734?

5 Commissioners?

6 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
7 move OR-734 to staff determinations.

8 COMMISSIONER ANDERSON: I'll second that.

9 COMMISSIONER PRIZMICH: I'll second.

10 COMMISSIONER THOMAS: I'd like to -- well,
11 discuss on.

12 CHAIRMAN SPITLER: Discuss on?

13 Commission on Thomas.

14 COMMISSIONER THOMAS: OR-734 was rated by the
15 Commission in harm to public safety or responsible OHV use,

16 illegal trespass category as a 6. Division scored it as a
17 19.3. On the basis of my --

18 COMMISSIONER ANDERSON: What?

19 COMMISSIONER THOMAS: The Commission scored it as a
20 6, that category, and the Division scored it at 19.3.

21 The basis for my argument that the 6 was an
22 appropriate Commission score was that it is dangerous to
23 public health and safety to be training five and
24 six-year-olds on motors. The analogy is, you wouldn't
25 negligently or deliberately expose a youngster to harm from

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1 an industrial machine in a factory or in your home, and
2 certainly not under the guise of public direction and public
3 funding. And to five and six-year-olds, these machines are
4 dangerous and expose us as the government to liability. And
5 it is that basis that I felt harm to public health and safety
6 was significant enough to reduce it.

7 And I would vote -- I would move to restore that
8 particular number. That's the only number that counts in our
9 analysis. But just for sake of making my point, I'll move
10 that. If it doesn't get a second, that's fine. But I'm not
11 going on record voting to put five-year-olds on ATVs.

12 COMMISSIONER WALDHEIM: Good question.

13 CHAIRMAN SPITLER: There's a proposed amendment.

14 COMMISSIONER WALDHEIM: That was my concern.

15 CHAIRMAN SPITLER: I understand. I just want to make
16 sure there's no second.
17 COMMISSIONER WALDHEIM: Call for the question.
18 CHAIRMAN SPITLER: More discussion on that motion?
19 Okay. Sandy, could we do a roll call with this.
20 MS. ELDER: On the original motion?
21 CHAIRMAN SPITLER: On the original motion.
22 MS. ELDER: This one died for no second?
23 COMMISSIONER THOMAS: Died for lack of a second.
24 MS. ELDER: Anderson?
25 COMMISSIONER ANDERSON: Aye.

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1 MS. ELDER: Bri ssenden?
2 (Commi ssi oner Bri ssenden was not present.)
3 MS. ELDER: Spi tler?
4 CHAIRMAN SPITLER: No.
5 MS. ELDER: Thomas?
6 COMMISSIONER THOMAS: No.
7 MS. ELDER: Pri zmi ch?
8 COMMISSIONER PRI ZMI CH: Aye.
9 MS. ELDER: Wal dheim?
10 COMMISSIONER WALDHEIM: Aye.
11 MS. ELDER: 3: 2.
12 CHAIRMAN SPITLER: Okay. Moti on carri es.
13 OR-1-CD-339, BLM Ri dgecrest.
14 MS. MI LLER: OR-1-CD-339, Ri dgecrest, Equi pment.
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15 Division score of 52, with a 55 percent funding
16 determination, for \$16,500. Commission score of 42, with a
17 0 percent funding determination, 0 dollar.

18 CHAIRMAN SPITLER: Anyone from the public wish to
19 comment on OR-1-CD-339?

20 MR. STEWART: John Stewart, California Association of
21 Four-Wheel Drive Clubs, United Four-Wheel Drive Associations.

22 Seeing the number of problems here with -- this grant
23 was reduced and it was cited as an -- under Exhibit A as a
24 funding situation that could be helped by a local volunteer
25 group. In other words, that implies that volunteer funding

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1 can offset the funding from the state. And yet we just got
2 through hearing how the Chairman really lauded the fact that
3 volunteer funding was not a criteria -- volunteer was not a
4 criteria in funding a restoration grant in the fact that a
5 restoration grant was still funded. There's a dual --
6 (unintelligible). There's a bias put in here. There is a
7 problem with this kind of logic in that -- the fact of the --
8 you know, this funding situation, the fact that there is a
9 local volunteer group available, that is not part of the
10 criteria. So, again, grants are being funded, grants are
11 being approved and scored and looked at and addressed, but
12 we're not addressing the criteria. This is the fundamental
13 problem with the Grants Program. This grant is scored at 62

14 by the Division through the competitive scoring process, and
15 that is the appropriate score.

16 CHAIRMAN SPITLER: Any other comments on OR-1-CD-339?

17 Okay. Public comment is closed.

18 Commissioners?

19 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
20 move OR-1-CD-339 for staff determination.

21 COMMISSIONER PRIZMICH: I'll second that.

22 CHAIRMAN SPITLER: Discussion?

23 All those in favor?

24 (Commissioners simultaneously voted.)

25 CHAIRMAN SPITLER: Opposed?

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1 COMMISSIONER PRIZMICH: No.

2 CHAIRMAN SPITLER: Motion carries.

3 OR-1-CD-340, BLM Barstow, Law Enforcement.

4 MS. MILLER: OR-1-CD-340, Law Enforcement. Division
5 score 79, with 65 percent funding determination for \$387,800.
6 Commission score of 59, with 45 percent funding determination
7 of \$266,400.

8 CHAIRMAN SPITLER: Public comments on OR-1-CD-340?

9 MR. STEWART: John Stewart. California Association
10 of Four-Wheel Drive Clubs, United Four-Wheel Drive
11 Associations.

12 We support this at the staff determined scoring and
13 under the competitive process. And it's noted in here under

14 Exhibit A that -- it's misstated as funding is not available
15 and no other grant (unintelligible). Well, that's not a
16 criteria. Part of the criteria is to find scoring based on
17 the scores -- or based on the criteria that are defined in
18 the regulation. The lack of funding is not part of the
19 evaluation criteria. It is purely a matter of the process
20 and following the process and scoring the grants -- that is,
21 scoring the grants, not allocating funds. So as such, this
22 grant, it seems to have been approved for a funding under
23 false pretenses in that it was -- you know, criteria outside
24 the regulations was used in order to keep (unintelligible).
25 And that is inappropriate. So we support the 79 score that

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1 the Division determined.

2 CHAIRMAN SPITLER: More public comments on
3 OR-1-CD-340?

4 Okay. Public comment is closed.

5 Commissioners?

6 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
7 move OR-1-CD-340 with staff determination.

8 COMMISSIONER PRIZMICH: I'd like to second that with
9 a commentary.

10 CHAIRMAN SPITLER: Okay. We have a motion and a
11 second.

12 Discussion?

13 2006-2-27 OHV.txt
Commi ssi oner Pri zmi ch.

14 COMMI SSI ONER PRI ZMI CH: I noted in the documents
15 provided at the last hearing that -- that specific testimony
16 was given from this Commission that -- that this was a large
17 operation and that law enforcement was utilized in
18 cooperation with other agencies and utilized at various --
19 different efforts to reduce the crime and make the -- the
20 events a safer place. And I think the Commission itself was
21 seeking a way of increasing the scoring in the Division -- in
22 Category 1 and Category 2, and that somehow we came out with
23 a lower score. So I would at least want to know what the
24 Division score -- that's why I seconded that, but I think we
25 have our own testimony that we see specifically that law

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1 enforcement is -- is dramatically needed in that area due to
2 visi tor visi tati on there.

3 I would support the recommendati on (uni ntelli gi ble).

4 CHAI RMAN SPI TLER: Okay. More di scussi on?

5 Okay. All those in favor?

6 (Commi ssi oners si mul taneou sly voted.)

7 CHAI RMAN SPI TLER: Opposed?

8 COMMI SSI ONER THOMAS: No.

9 CHAI RMAN SPI TLER: Moti on carri es.

10 OR-1-CD-341, BLM Barstow, Faci li ti es.

11 MS. MI LLER: OR-1-CD-341, Bui l di ng Operati on and

12 Mai ntenance. Di vi si on score of 87, wi th a 75 percent fundi ng

13 determination for \$525,750. Commission score of 67, with
14 55 percent funding determination for \$385,550.

15 CHAIRMAN SPITLER: Public comment on OR-1-CD-341?

16 MR. STEWART: John Stewart, California Association of
17 Four-Wheel Drive Clubs, and United Four-Wheel Drive
18 Association.

19 With this particular grant, this area is heavily
20 impacted by usage. There is a significant usage. This grant
21 was scored very well in the -- against the existing criteria
22 and based on the regulations, within the regulations, and yet
23 it was down-scored based on speculation. We hear earlier
24 where speculation is not to be part of the grant process. In
25 fact, if so, using speculation to adjust the score downward

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1 is inappropriate and against the regulations.

2 So we support the 87 score that was staff
3 determination.

4 Thank you.

5 CHAIRMAN SPITLER: Other comments?

6 Okay. Public comment period is closed on
7 OR-1-CD-341.

8 COMMISSIONER WALDHEIM: Mr. Chairman, I move
9 OR-1-CD-341 to staff determination.

10 CHAIRMAN SPITLER: Is there a second?

11 COMMISSIONER PRIZMICH: Second.

12 CHAIRMAN SPITLER: Discussion?
13 Commissioner Anderson.
14 COMMISSIONER ANDERSON: I had a question. I'm sorry,
15 I'm drawing a blank on this proposal. Where was this Visitor
16 Center?
17 COMMISSIONER WALDHEIM: The Visitor Center is at
18 El Mirage.
19 COMMISSIONER ANDERSON: At El Mirage. Okay. Thank
20 you.
21 CHAIRMAN SPITLER: More discussion?
22 Okay. We have a motion and a second.
23 All those in favor?
24 (Commissioners simultaneously voted.)
25 CHAIRMAN SPITLER: Opposed?

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1 COMMISSIONER THOMAS: No.
2 CHAIRMAN SPITLER: Motion carries.
3 OR-1-NO-53, Arcata, Restoration.
4 MS. MILLER: OR-1-NO-53, Restoration. Division score
5 of 27, 0 percent funding determination, 0 dollars. And a
6 Commission score of 95, for 100 percent funding
7 determination, for \$38,000.
8 CHAIRMAN SPITLER: Okay. Public comment on
9 OR-1-NO-53, Arcata Restoration?
10 MR. KLUSMAN: Thought I went home, huh?
11 CHAIRMAN SPITLER: Just hoping.

12 MR. KLUSMAN: Yeah, I know you were hoping,
13 Mr. Chairman.

14 Well, this one we might even agree on, and that would
15 be a shock. But as I spoke in public testimony on this grant
16 in December, there -- there are some facts that were
17 overlooked, and I don't know why the team from the Division
18 overlooked that. But there was an agreement made with the
19 California Coastal Commission among the users, BLM, at that
20 time the past Administration, Division, and this Commission
21 at that time to make sure that restoration was part of the
22 operating permit for this area -- for the use of this land.
23 So I would encourage you to justify your scoring that you did
24 in December to make this grant 100 percent fundable. There
25 are -- hopefully the Chairman has done his homework on this

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1 one as well as he has the others to show those pages that are
2 germane to this. I would ask for the full funding on it.

3 Thank you.

4 MR. AMADOR: Yeah, Don Amador, Blue Ribbon Coalition.
5 I, too, wanted to come up and say that I agree with
6 the Commission here where they actually took factual
7 statements regarding the Coastal Commission's requirement
8 that these restoration projects be tied to the OHV Recreation
9 Program there. I would encourage the funding there at 95
10 percent.

11

Thank you.

12

13

MR. BRAZIL: Bruce Brazil. California Enduro Riders Association.

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And if I recall correctly, the Arcata group up here was trying to put together a full package to encompass a lot of different areas just being part of it. If you can give them the complete package, I'm sure they all will give you what you want to both OHV access, environmental concerns, public concerns.

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And I'd heard previously a concern about how the restoration projects may have been by the Division scored low in an entirety, but I don't think that the entirety would have necessarily shown the difference between a 27 score and a 95 score on this. But anyway, like my two predecessors said, we'd like to see the funding go through for this.

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1

Thank you.

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CHAIRMAN SPITLER: Thank you.

3

4

Other public comments on OR-1-N0-53, Arcata, Restoration?

5

Okay. Commission?

6

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COMMISSIONER WALDHEIM: Mr. Chairman, in view of what my colleagues are stating, they would like us to reiterate the stand that we took at the Commission meeting in December that the Coastal Commission and the cooperation that they're working on had the justification for the increase of the

11 score to the 95. So I'd like to move that we score it at 20,
12 10, 10, 30, 20, and 5, for a total score of 95.

13 CHAIRMAN SPITLER: Is there a second?

14 COMMISSIONER ANDERSON: I'll second.

15 CHAIRMAN SPITLER: Commissioner Thomas?

16 COMMISSIONER THOMAS: Question for the maker of the
17 motion. Maybe I don't have this correct. Are you moving the
18 Division score from 1.7 to 30?

19 COMMISSIONER WALDHEIM: I am -- Mr. Chairman -- I
20 mean, Commissioner Thomas, I am reiterating the scoring
21 that's on the Commission column.

22 COMMISSIONER THOMAS: Yes. And what is your
23 rationale for moving from 1.7 to 30?

24 CHAIRMAN SPITLER: I'd like to speak to the -- unless
25 Commissioner --

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1 COMMISSIONER THOMAS: I just wanted to find out what
2 Commissioner Waldheim's thinking was in this matter
3 because --

4 COMMISSIONER WALDHEIM: My --

5 COMMISSIONER THOMAS: -- we have to dispose our
6 thinking --

7 (Multiple speakers.)

8 COMMISSIONER WALDHEIM: My thinking that the
9 testimony that was done in December and the testimony that's

10 in the grant application talks about the partnerships and the
11 involvement with the different communities and involvement
12 with the Fish and -- I guess Fish & Wildlife Service and what
13 they're trying to accomplish in that area. But Mr. Spittler,
14 I'm sure, will be more specific in the book. I don't have it
15 in the book in front of me.

16 COMMISSIONER THOMAS: It's the fourth criteria, and I
17 don't know if any of the criteria that you just listed are
18 included in that criteria.

19 COMMISSIONER WALDHEIM: Okay.

20 COMMISSIONER THOMAS: Well, I just -- you know,
21 because we want to be consistent here --

22 COMMISSIONER WALDHEIM: I agree.

23 COMMISSIONER THOMAS: -- because, my God, we love
24 consistency.

25 COMMISSIONER WALDHEIM: I agree.

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1 CHAIRMAN SPITLER: I'd to actually speak to the
2 application. The -- regarding the first criteria, page --
3 page 38 of the application describes the law enforcement
4 efforts and the BLM patrol around the restoration sites and
5 the work of the outdoor rec (unintelligible) and to make
6 repairs within two days on the site, and that the law
7 enforcement visits have proposed sites, at least once per
8 week.

9 Regarding the second criteria of the efficient use of
Page 117

10 funds, note that this is a partnership project with the
11 California Conservation Corps, and the Corps will contribute
12 10 percent of their time as free in-kind labor.

13 Also, regarding the third criteria, that the
14 application demonstrates the implications of not funding the
15 proposed project, that the application notes on page 35 that
16 the -- without this project, invasive species will continue
17 to encroach into sensitive habitat areas to prevent -- and
18 prevent need of a dune-mat species from repopulating our
19 previous size and area, and as an invasive species expands,
20 future eradication --

21 (Section of hearing not electronically recorded.)

22 CHAIRMAN SPITLER: -- more expensive.

23 Regarding the fourth criteria, the application
24 demonstrates that the proposed project protects, restores,
25 and conserves resources enacted by improper illegal OHV use.

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1 I will note that the application on page 35 describes how the
2 project will lead to the recovery of two federally listed
3 endangered plants, the Humboldt Bay wallflower, and beach
4 lava, as well as several other special-status plants.

5 Regarding the fifth criteria, that the application
6 demonstrates innovative approaches, I think that the
7 innovative restoration techniques being utilized, the hand
8 digging up of the yellow bush loop and the ice plant, the

9 European beach grass that have occupied this site and the
10 later burning is a very innovative technique particularly
11 when it comes to beach dune restoration.

12 Finally, regarding the participation by volunteers in
13 the last criteria, page 35 describes the Conservation Corps
14 contributing 10 percent of their time as free in-kind labor
15 and the potential for fourth grade volunteers to volunteer on
16 the -- excuse me, fourth grade students to volunteer on the
17 project as well.

18 I think based on those factors which are within the
19 application, it warrants the score that the Commission gave
20 in December and will support the motion of Commissioner
21 Waldheim.

22 COMMISSIONER THOMAS: Okay. In light of that
23 Encyclopedic knowledge of the record, I would be the last to
24 vote against such a measure. So I'm going to throw my weight
25 in behind that wonderful articulation of fact.

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1 COMMISSIONER WALDHEIM: Even though I made the
2 motion.

3 COMMISSIONER PRIZMICH: Well, I must say that that --
4 that was very comprehensive, and you got my vote, too.

5 CHAIRMAN SPITLER: Thank you.
6 Is there more discussion?

7 COMMISSIONER WALDHEIM: (Unintelligible.)

8 CHAIRMAN SPITLER: Okay. At least we're laughing.

9 Motion and a second.
10 All those in favor?
11 (Commissioners simultaneously voted.)
12 CHAIRMAN SPITLER: Opposed?
13 (No audible opposition.)
14 CHAIRMAN SPITLER: Okay. Motion carries.
15 OR-1-N0-59, BLM Uki ah, Law Enforcement.
16 MS. MILLER: OR-1-N0-59, Law Enforcement. Division
17 score of 67, 55 percent funding determination for \$56,100.
18 Commission score of 43, 0 percent funding determination,
19 0 dollars.
20 CHAIRMAN SPITLER: Okay. Public comment on
21 OR-1-N0-59?
22 MR. KLUSMAN: Don Klusman, California Four-Wheel
23 Drive Association.
24 As I testified in December on this grant, I believe
25 this application does show the criteria and -- and the

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1 reasons for what the Division score is. I would even score
2 it higher than what Division scored because of the need and
3 the -- for this money on the ground. This is an OHV area
4 that has shined in the past, still does. There are some
5 trespass issues, and they are handling them. When -- when
6 the fences go down, they put them back up. It says so in the
7 application, pages 7 and 8.

8 I would support, as I did in December, the staff's
9 determination of the score there. I know it's not a lot of
10 money, but it's some money to them, and they -- they could
11 sure use it.

12 Thank you.

13 MR. STEWART: John Stewart, California Association of
14 Four-Wheel Drive Clubs, and United Four-Wheel Drive
15 Associations.

16 I support the 67 score as the staff funding
17 determination under the regulations and the criteria
18 established. And according to Exhibit A and -- which is out
19 of the transcript of the last meeting, the decision to
20 down-score this was based on insufficient funds to continue
21 to fund law enforcement. This process is about scoring
22 grants, and it is then establishing a competitive score
23 within the grant process and how the grants are ranked will
24 then determine the funding. This is not about scoring or
25 determining something based on speculation of money may or

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1 may not be available. The process is about scoring grants,
2 which that process has not been followed.

3 I'd support the 67 score.

4 Thank you.

5 MR. DART: Bill Dart representing the Off-Road
6 Business Association.

7 And we also support full funding at -- at the staff
Page 121

8 level. Actually, we would support funding above that level.
9 The Cobb Mountain (phonetic) area is one of the most popular
10 areas in the state, very well managed. And the listing of
11 the criteria for insufficient funds to fund it, you know, is
12 not -- not a valid criteria for scoring this grant.

13 Additionally, I'm disturbed that this grant --
14 this -- this is the only grant the Ukiah office is asking for
15 is for law enforcement. Traditionally they've got operations
16 and maintenance money, but this Commission has discouraged
17 that -- that applicant from even putting in an application
18 for -- for O&M funding. And now -- now you've -- in the past
19 you've zeroed out their law enforcement funding. It's --
20 this is also a combination of BLM and County law enforcement.

21 So we think this is a worthwhile project, and we
22 would encourage this -- this agency to come back with a more
23 comprehensive grant next year.

24 Thank you.

25 MR. AMADOR: Yeah, Don Amador, Blue Ribbon Coalition.

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1 And we'd like to support this grant because, as I
2 said before, I think the Commission's at a crossroads where
3 they talk about law enforcement and then de-fund it to
4 destination areas like Cobb Mountain and Clear Creek. We'd
5 like to see those funds restored again, Mr. Spittler. I know
6 you're smiling there. But like to see the program get back

7 on track and some funds going where they should be going.

8 Thank you.

9 MR. PICKETT: David Pickett, District 36 Motorcycle
10 Sports Committee.

11 At the last meeting -- I'm also referencing
12 Exhibit A -- the general comment from the Chair was that
13 there was insufficient funds to continue to fund law
14 enforcement applications. I'd like to remind the Commission
15 that that is not a criteria for scoring the applications, and
16 to give this serious review. I've said it a hundred times,
17 District 36 supports law enforcement. I mirror the comments
18 of the prior speakers. And please take that into
19 consideration as you re-evaluate this.

20 Thank you very much.

21 MR. LOWERY: George Lowery, California Enduros Riders
22 Association, Georgetown resident.

23 I'm not sure what Commissioner's turn it is for this
24 one, but I'm waiting your downgrade on this grant.

25 Thank you.

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1 CHAIRMAN SPITLER: Any other public comment on
2 OR-1-N0-59?

3 Okay. Public comment is closed.

4 Commissioners?

5 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
6 move OR-1- -- I'd like to move OR-1-N0-59 to staff

7 determi nati on.
8 COMMI SSIONER PRI ZMI CH: Second that.
9 CHAI RMAN SPI TLER: Di scussi on?
10 Okay. All those i n favor?
11 (Commi ssi oners si mul taneousl y voted.)
12 CHAI RMAN SPI TLER: Opposed?
13 (No audi bl e opposi ti on.)
14 CHAI RMAN SPI TLER: Moti on carri es.
15 OR-1-NO-62, BLM Reddi ng --
16 MR. P. JENKI NS: Excuse me, Commi ssi oner, I thi nk our
17 transcri ber needs a short break.
18 CHAI RMAN SPI TLER: Oh, okay.
19 MR. P. JENKI NS: I don' t know i f thi s woul d be a good
20 ti me or not.
21 CHAI RMAN SPI TLER: Let' s take a short break, and
22 we' ll reconvene.
23 (Bri ef recess, 2: 32 p.m. to 2: 51 p.m.)
24 CHAI RMAN SPI TLER: Okay. Next grant i s OR-1-NO-62,
25 BLM Reddi ng, Resource Management. OR-1-NO-62, BLM Reddi ng,

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1 Resource Management.
2 MS. MI LLER: OR-1-NO-62, BLM, Resource Management.
3 Di vi si on score OF 68, 55 percent fundi ng determi nati on for
4 55,550. Commi ssi on score was 43, wi th a 0 fundi ng
5 determi nati on.

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Management.

Anyone from the public want to comment on BLM Redding?

MR. KLUSMAN: Don Klusman, California Four-Wheel Drive Association.

Where the -- as I testified at the last hearing, I have some real concerns with how the Commission scored on the -- well, basically, all the categories on this grant. On page 23 and 24 of the application, the -- I believe this demonstrates the need -- when they're talking about law enforcement, they're talking about the French Gulch area community, which has long been a community of conflict of uses which now we have under control in that area. There -- sure, there still are some people that are unhappy. There's gonna be people that don't like a particular motorcycle or a particular type of recreation in any area. We have had public meetings there, worked on these issues. Personally, I -- when I got up I believe in December, I asked for more funding than what the -- what the staff has determined here.

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But at this point, I understand that -- where the money's at and so forth. I would ask that you support the Division's -- Division's determination.

Thank you.

(Chairman Spitzer departs the proceedings.)

6 MR. STEWART: John Stewart, California Association of
7 Four-Wheel Drive Clubs, and United Four-Wheel Drive
8 Association.

9 I also support the Division funding determination
10 within the competitive grant process. This project is
11 important and does need to be -- be funded, and it was scored
12 in a competitive manner with other grants. And yet when you
13 look at Exhibit A, the only rationale for reducing the score
14 was that compared to another project, the other one was
15 superior. Well, that is not part of the competitive process.
16 That is not part of the criteria by which these grants are
17 supposed to be scored. And that's -- I want to, you know,
18 make sure people are aware that these grants are scored in a
19 competitive process. And, again, this highlights the fact
20 that the grants were evaluated and scored with criteria other
21 than what is in the regulations. And it's to that extent
22 they are deficient. And we support the staff funding
23 determination.

24 MR. DART: Bill Dart representing the Off-Road
25 Business Association.

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1 And I agree with Mr. Stewart's comments about this is
2 a competitive process. These -- these grants should be
3 scored on their -- on their merits and not on their
4 relationship to other grants, and let the -- let the scoring

5 determine which gets funded and what does not get funded.
6 There was no new facts or discussion presented at the -- at
7 the last hearing to -- to support a -- a change of such a
8 significant amount of scoring.

9 This is a very important area. They're -- they're
10 doing a great job up there. We would support the staff
11 recommendation.

12 Thank you.

13 COMMISSIONER PRIZMICH: Any further public comment?
14 Close public comment.

15 Chairman Spittler had to step out for just a moment.
16 So what is the Commission's determination?

17 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
18 move OR-1-NO-62 to staff determination.

19 COMMISSIONER THOMAS: Mr. Chairman, can I have the
20 staff put the cut list up on the screen so that we can see
21 where the staff determination will give us in the funding.

22 (Mr. Pelonio complies.)

23 COMMISSIONER THOMAS: So where are we on this list?
24 Let's see. So we're \$600,000 in the hole? Is that what it
25 says?

1 COMMISSIONER ANDERSON: Yeah, that would be --

2 COMMISSIONER THOMAS: I'm just going --

3 (Multiple speakers.)

4 COMMISSIONER THOMAS: So does that mean every --

5 everything in black will be funded, and everything in red
6 will not?

7 COMMISSIONER WALDHEIM: 10-4.

8 COMMISSIONER PRIZMICH: Mr. Jenkins --

9 COMMISSIONER THOMAS: And as we approve more items,
10 then that list will change. Gosh, this is really an
11 objective, fair process.

12 COMMISSIONER PRIZMICH: We have a motion and a -- is
13 there a second to the motion?

14 (Chairman Spittler rejoins the proceedings.)

15 COMMISSIONER ANDERSON: I'll second the motion.

16 COMMISSIONER PRIZMICH: Mr. Chairman, there's been a
17 motion made by Chairman -- or Commission Waldheim and
18 seconded by Commissioner Anderson to go with the staff
19 recommendations. I'll turn it back over to you.

20 CHAIRMAN SPITTLER: Thank you.

21 Discussion?

22 COMMISSIONER ANDERSON: (Unintelligible.)

23 CHAIRMAN SPITTLER: I just did that.

24 (Multiple speakers.)

25 COMMISSIONER ANDERSON: Oh. Excuse me. I'm sorry.

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1 CHAIRMAN SPITTLER: More discussion of the motion?

2 All those in -- all those in favor?

3 (Commissioners simultaneously voted.)

4 CHAIRMAN SPITLER: All right. Opposed?

5 COMMISSIONER THOMAS: No.

6 CHAIRMAN SPITLER: Motion carries.

7 OR-1-NO-64.

8 MS. MILLER: OR-1-NO-64, Acquisition. Division score
9 of 81, 75 percent funding determination for \$295,500; 47
10 points for the Commission score, 0 percent funding
11 determination in dollar.

12 CHAIRMAN SPITLER: Okay. Public comments on
13 OR-1-NO-64.

14 MR. AMADOR: Yeah, Don Amador, Blue Ribbon Coalition.
15 Again, we support the Division score of 81.

16 We're -- we're frustrated by the fact that we had
17 numerous public officials, sheriffs, elected officials, and
18 user groups getting up to support this grant, yet the
19 Commission used a criteria of lack of funding in other places
20 which is not a criteria. So I'd urge you to follow the --
21 the guidelines in making a decision on this grant.

22 Thank you.

23 MR. STEWART: John Stewart, California Association of
24 Four-Wheel Drive Clubs, and United Four-Wheel Drive
25 Associations.

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1 I keep coming up here and then looking at the same
2 thing grant after grant after grant. This is a process
3 issue. The process is broken. The process was not followed

4 in order to score the grants. External criteria is being
5 used to evaluate the grants and apply a scoring which is
6 outside what is within regulations. Therefore, this process
7 is seriously flawed.

8 The fact that -- that funds were no longer available
9 is not a criteria. We recommend that the scoring of this
10 grant at 81, as the Commission -- or as the Division
11 determined within the criteria -- or within the competitive
12 process.

13 Thank you.

14 MR. KLUSMAN: Don Klusman, California Four-Wheel
15 Drive Association.

16 This grant was a victim of the end of the day, to put
17 it easily. It was talked about was there money, wasn't
18 their money. It wasn't talked about -- really, about the
19 need or the -- how good this grant was written. You heard in
20 December not only the OHV community get up here in front of
21 you and support this grant, but the environmental community,
22 the non-motorized community. Everyone was in favor of this
23 grant, and it came down to, well, there wasn't the money, so
24 we're gonna -- we're gonna make it so it's 0 funding.

25 This grant is absolutely important, as I said in

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1 December. To make -- where some illegal riding is taking
2 place on private property, we have willing sellers to make

3 this public lands and then justify what is going on on their
4 property and make it legal. And without these acquisitions,
5 we are still -- and -- and the private property owner has
6 kind of turned a blind eye and say, "Yeah, the trail goes
7 through my property, so I'm not going to do anything." But
8 at some point those trails may be closed. And this
9 Commission along with Commissions in the past has made an
10 effort to try to close all those areas -- or -- I shouldn't
11 say "closed" -- tried to make all those areas that are
12 surrounded by public land now in this area public lands.
13 This was done through a full environmental process of the
14 Inner Lakes Plan where it was decided then that the BLM move
15 forward to get these islands out of -- of private land out of
16 the public. They have done trading and so forth. These
17 people want to sell their land. They don't want to trade it.
18 And this has been a three-year process. They came in and
19 asked for the money four years ago, actually. We've split it
20 up. This is the fourth year, because last year you did not
21 fund them. This is the fourth -- or third installment that
22 was supposed to have been done last year.

23 I honestly urge you to go with the staff
24 determination. I would like to say full funding. But I
25 can't say that because of the last time I -- I went with this

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1 determination, also.

2 So, please, fund this.
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3 MR. BRAZIL: Bruce Brazil, California Enduro Riders
4 Association.

5 I gotta say here that some of the scoring is kind of
6 unusual. Acquisition time line, I think this could go
7 through a whole lot quicker than some of the other
8 acquisition projects that have been on the table for several
9 years. You've got a willing seller. You've got willing
10 buyers. You've got a commitment from the sellers. Potential
11 loss of OHV opportunity if it's not funded, that's true.
12 Someone else goes in there and buys that property, they can
13 close off the trails. We've got a chance here to increase
14 the OHV opportunity, something that's -- that has been a
15 rarity since I've been coming to these meetings.

16 By keeping it in the public lands or putting it in
17 the public lands, you'll get rid of the -- you'll -- won't
18 have a problem with conflict or potentials for conflicts. It
19 will be public land. Private property owners won't be
20 bothered with it. You will not have the illegal riding and
21 trespass because it would be on public lands.

22 So I vote for Division's recommendations on this.

23 Thank you.

24 MR. DART: Bill Dart representing the Off-Road
25 Business Association.

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1 The Redding project has already had investments of

2 millions of dollars from this program to purchase lands, to
3 develop the system, and we would -- this is a key piece to --
4 to continue that -- that acquisition process. It's urgently
5 needed for now, as well as long term.

6 In the last decade, a recent Forest Service study
7 found that OHV recreation has gone from about 15 percent
8 of the population have enjoyed it in the last year to over 25
9 percent. That trend is continuing to grow, and yet this
10 Commission is spending millions on -- on eliminating
11 opportunity and virtually nothing to add -- we urge you to
12 add opportunity.

13 Thank you.

14 MR. WAKELEE: Heath Wakel ee, Audubon Soci ety.

15 We also support this grant believing that if we can
16 offer more opportunity to the public, there will be less
17 illegal riding, less enforcement, and less restoration
18 needed. Also, if we can provide a -- a -- an opportunity
19 within a confined space, there will be better opportunity to
20 evaluate the resource damage for that space and restore it if
21 necessary. We do support this.

22 Thank you.

23 MR. PICKETT: Davi d Pi cket t, Di strict 36 Motorcycl e
24 Sports Commi ttee.

25 We also hi ghly support thi s grant appli cati on at

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2 speakers before me were pretty clear on their feelings.
3 Looks like we have support across the board for this.

4 So the discussion earlier at the last meeting had to
5 do with a delay on this one to come back and see if there was
6 funding available. That's not the issue here. It's -- the
7 scoring and the funding determinations are what should be the
8 mandate to put this one into motion. So please support this
9 one at Division's suggested amount.

10 Thank you.

11 MR. LOWERY: George Lowery, California Enduros Riders
12 Association, Georgetown resident.

13 I wasn't able to stick around in December for Sunday
14 when this got left over, but I -- staff determination would
15 be good for this one. I -- I think this is what this
16 Commission was created for.

17 Thank you.

18 CHAIRMAN SPITLER: Any other public comment on
19 OR-1-NO-64?

20 Okay. Public comment is closed.

21 Commissioners?

22 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
23 move OR-1-NO-64 to staff determination.

24 COMMISSIONER PRIZMICH: Second.

25 CHAIRMAN SPITLER: Discussion?

1 COMMISSIONER THOMAS: Yeah. I -- I -- I'm interested
2 in supporting this, but I continue to be bothered by what the
3 impact of loading up a bunch of ratings up on the one end of
4 the process and then not knowing what I'm doing to the other
5 91 grants at the back end of the process or however many
6 grants are inside this particular funding pocket. Does
7 that -- this is not fiscally responsible to act without any
8 cognizance of what the fiscal implications and certainly not
9 fiscally responsible to spend in deficit. How could you not
10 have a program where budget availability is part of your
11 consideration? That's like saying we make decisions in a
12 vacuum regardless of whether there are taxes in the pot or
13 not.

14 So may I ask the Chair, how do we know what -- what
15 the fiscal implications are of this decision?

16 CHAIRMAN SPITLER: My response to that is that our
17 job is not to make those determinations here today but,
18 rather, to score each -- each grant that's before us based on
19 the competitive process and the criteria that are included in
20 the scoring system in the regulations.

21 COMMISSIONER THOMAS: And ultimately do we go back to
22 legislature and just say it was our -- not our responsibility
23 to -- to function in a fiscally sound manner, but it was
24 somebody else's problem? Is that what we're really saying?
25 I mean that really bothers me --

1 COMMISSIONER WALDHEIM: May I -- may I make a
2 comment, Mr. Chair?

3 CHAIRMAN SPITLER: Mr. Waldheim.

4 COMMISSIONER WALDHEIM: As I understand the
5 competitive process, as Mr. Chairman stated, we have to go
6 based on what the law is and what the competitive process is.
7 Then based on the pockets of money or the buckets of money
8 that we did the allocation, the staff goes and sees if the
9 funds are there or they're not there. That's the competitive
10 process -- unless -- I don't know what he's trying to tell --
11 we could enlarge the --

12 MR. AMADOR: Increase the bucket.

13 COMMISSIONER WALDHEIM: Increase the bucket. I agree
14 with you 100 percent there. We've got to increase the
15 bucket. But this is a regular process that we have to go
16 through each grant that's going on. And we got ourselves in
17 trouble at the last meeting where we were trying to fit these
18 grants into this bucket, and that's how we got ourselves into
19 trouble, because we were starting to massage and -- and
20 monkey around with the criteria where we shouldn't have been
21 doing that. So we're doing it the clean way now.

22 COMMISSIONER THOMAS: I understand. Thank you.

23 COMMISSIONER PRIZMICH: If I might --

24 CHAIRMAN SPITLER: Commissioner Priznich.

25 COMMISSIONER PRIZMICH: I'm completely comfortable

1 with allowing the legislature to tell us how to spend our
2 money.

3 COMMISSIONER THOMAS: Good for you. They've already
4 done that. They've already done that with the \$18 million
5 allocation in the Grants Program. I thought we were
6 allocating another Grant Program.

7 CHAIRMAN SPITLER: Okay. More discussion of
8 OR-1-NO-64?

9 We have a motion and a second.

10 All those in favor?

11 (Commissioners simultaneously voted.)

12 CHAIRMAN SPITLER: Opposed?

13 COMMISSIONER THOMAS: No.

14 CHAIRMAN SPITLER: Okay. Motion carries.

15 OR-1-SW-36, BLM California State office.

16 MS. MILLER: OR-1-SW-36, BLM Facilities, Operation and
17 Maintenance Project. Division score of 61, 55 percent
18 funding determination, \$410,000. Commission score is 50 for
19 a 45 percent funding determination of \$90,000.

20 CHAIRMAN SPITLER: Public comment on OR-1-SW-36?

21 MR. STEWART: John Stewart, California Association of
22 Four-Wheel Drive Clubs, United Four-Wheel Drive Association.

23 Again, we're back to simply a reevaluation by our
24 previous Commissioners what -- that we're in a process to
25 score grants. Yes, this scoring of the grants is in a

1 competitive process. We support the funding determination
2 from the scores within the competitive process as defined or
3 as set -- or as defined in regulations and as conducted
4 within their evaluation and review by the Division. And note
5 that under Exhibit A is that testimony at the last meeting,
6 compare this grant to other grants, well, that's not the
7 purpose of regulations. That's not a criteria. Again,
8 criteria outside the regulations have been used to review
9 these grants.

10 Thank you.

11 MR. AMADOR: Yeah, Don Amador of Blue Ribbon
12 Coalition.

13 I mean de-funding this grant is sort of like -- you
14 know, we depend on our partners here in the state for
15 providing the OHV opportunity. Doing this -- 0 funding this
16 grant is sort of like inviting somebody to a marriage and
17 then a couple days later you give them divorce papers, you
18 know. So please reconsider, particularly after your recent
19 nuptial experience, Mr. Spittler.

20 Thank you.

21 CHAIRMAN SPITLER: Okay. More comments on our
22 nuptial experience with the Bureau of Land Management?

23 Okay. Public comment is closed.

24 COMMISSIONER WALDHEIM: Mr. Chairman, as much as I
25 like Mr. Keeler, I'm going to vote -- I would like to move

1 OR-1-SW-36 to staff determination.
2 COMMISSIONER THOMAS: Could we look at the cut list?
3 CHAIRMAN SPITLER: Is there a second?
4 COMMISSIONER PRIZMICH: I'll second.
5 CHAIRMAN SPITLER: Okay. Discussion of OR-1-SW-36?
6 Commissioner Anderson.
7 Do you have a comment, Commissioner Anderson?
8 COMMISSIONER ANDERSON: No. (Unintelligible.)
9 CHAIRMAN SPITLER: Okay. More discussion or
10 OR-1-SW-36.
11 Okay. All those in favor?
12 (Commissioners simultaneously voted.)
13 CHAIRMAN SPITLER: Opposed?
14 COMMISSIONER THOMAS: No.
15 CHAIRMAN SPITLER: Motion carries.
16 OR-2-E-68, El Dorado National Forest, Law
17 Enforcement.
18 MS. MILLER: OR-2-E-68, Law Enforcement. Division
19 score of 70, 65 percent funding determination for 147,550.
20 The Commission score was 89 for a 75 percent funding
21 determination of \$170,250.
22 CHAIRMAN SPITLER: Okay. Public comment on
23 OR-2-E-68, El Dorado, Law Enforcement.
24 MR. LUBETKIN: Good afternoon. Lester Lubetkin,
25 El Dorado National Forest, Recreation Officer.

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1 Appreciate the opportunity. I'd like to -- I have
2 available the same handouts that were provided on the
3 December 8th meeting and that are referenced in the
4 transcript on page 191 through 193, if my might.

5 CHAIRMAN SPITLER: If you could just provide those to
6 the staff, that would be great.

7 MR. LUBETKIN: In particular, for OR-2-E-68, the law
8 enforcement, we identified that there was information in our
9 application that addressed a number of the criteria,
10 specifically, efficient use of funds, the -- on page 8 it
11 addressed -- let's see, the appropriate mix of forest
12 protection officers and law enforcement officers, the use of
13 volunteers, information kiosks in certain areas, and also
14 that it included summer and winter law enforcement
15 cooperative efforts with counties and other agencies. In the
16 criteria relating to the negative impacts if not funded, the
17 application on page 8 identified that we do have a new forest
18 order that is being implemented, maps distributed, et cetera,
19 that deals with restricting use to designated -- or, excuse
20 me, to system roads and trails, and that there had been a
21 loss of funding to El Dorado County and the Carson Ranger
22 District, adjacent units that do some of the law enforcement
23 in the general area.

24 And the criteria relating to providing law
25 enforcement to address specific issues, in the application on

1 pages 10 through 14 talked about nine significant law
2 enforcement issues across the forest, and then in the
3 narrative it described how we would address those. And then
4 in the criteria relating to protecting and improving
5 recreation experience, health and safety, the environment, we
6 had identified on pages 9 through 14 of the application that
7 there were a number of areas identified, both summer and
8 winter use, the Rubicon Four-Wheel Drive Trail, Gold Node
9 area, that we're serving the urban area of Sacramento,
10 Stockton, and other counties, and also providing protection
11 for desolation of Mokulme wilderness areas.

12 Thank you.

13 CHAIRMAN SPITLER: Thank you.

14 Other comments on --

15 MR. KLUSMAN: Yeah.

16 CHAIRMAN SPITLER: -- El Dorado --

17 (Multiple speakers.)

18 MR. KLUSMAN: Don Klusman --

19 CHAIRMAN SPITLER: -- (unintelligible).

20 MR. KLUSMAN: -- California Four-Wheel Drive
21 Association.

22 As I spoke on this in December, I would agree with
23 your criteria and all your scoring of this grant. One of the
24 things that was -- I don't believe that was taken into
25 consideration when the Division did it was at that time we

1 did not know that El Dorado County was going to write a --
2 such a terrible grant that would never even see -- get in
3 front of you. With the court case, as it came down, and
4 going to the designated route earlier than a lot of other
5 forests, I believe this law enforcement is needed. I know
6 that Commissioner Thomas was in favor of this when -- when we
7 talked about it back in December. And I would encourage you
8 to just use your -- your scoring and do the correct
9 justification for it.

10 Thank you.

11 MS. SCHAMBACH: Karen Schambach, Center for
12 Sierra-Nevada Conservation.

13 I also support the higher score for this law
14 enforcement grant for all the reasons my good friend, Don
15 Klusman, just discussed. But, also, I think that the -- the
16 information provided by the Forest at the last meeting
17 justified the increase in the score.

18 Thank you.

19 MR. PICKETT: David Pickett, District 36 Motorcycle
20 Sports Committee.

21 I concur with all the prior speakers on this. We can
22 go with either of the scores as presented.

23 Thank you.

24 CHAIRMAN SPITLER: Any other public comment on
25 El Dorado Law Enforcement?

1 COMMISSIONER PRIZMICH: Mr. Chairman?

2 CHAIRMAN SPITLER: Commissioner Prizmich.

3 COMMISSIONER PRIZMICH: I've read through the record
4 here, and this is one that I -- I mean I'd like to make a
5 recommendation that we go with the Commission's scoring on
6 this one because this is one that I -- I believe is -- the
7 record reflects quite a bit of support for the -- the grant
8 here. So I -- I don't really understand why -- why it was
9 zeroed out. So I would like to go with the original
10 Commission score, which was 89.

11 CHAIRMAN SPITLER: Is there a second?

12 COMMISSIONER THOMAS: Second.

13 I've reviewed the record myself. There's two
14 sections of transcript: One that was provided to us behind
15 our -- the grant number, and I believe there was also a later
16 reconsideration. I don't -- didn't see in the packet the
17 transcript from the later reconsideration, although I
18 remember a discussion about volunteer hours and staffing,
19 equipment, and the allocation of law enforcement across the
20 various districts. The ranger, in fact, I remember,
21 specifically describing an allocation structure for the
22 Pacific District, the Georgetown District, and the
23 Placerville District in some priority -- in a priority. As
24 well, the -- each of those comments were addressed to both
25 the staffing criteria and the illegal use, harm to natural

1 resources criteria in the second set of criteria, which we
2 increased to 20 from 13. And the reason we increased it was,
3 in fact, based on the discussion and facts that we both
4 listened to and reviewed as part of the applications and have
5 been articulated by -- and which facts have been articulated
6 by Mr. Lubetkin today as he reiterates what was in the
7 application.

8 So I think the application addressed the factors and
9 certainly the illegal trespass, irresponsible use, harm to
10 public safety justifying the 20. And I believe our
11 conversation at the last hearing supported that view. And
12 it's for that reason I would move the staff -- or the
13 Commission recommendation and score.

14 COMMISSIONER PRIZMICH: That was a second of mine.
15 And I would like to point out that I think there was
16 extensive testimony in the Commission meeting and in the
17 record here relative to the volunteers. I think the user
18 groups are -- are quite heavily involved in the -- the
19 process there. So that -- that would, in my view, completely
20 justify a score of 15 on the -- on that last category.

21 CHAIRMAN SPITLER: Is your recommendation also --

22 COMMISSIONER PRIZMICH: My recommendation is for the
23 Commission score, 89.

24 CHAIRMAN SPITLER: I understand. Is your
25 recommendation based in part on the handout that was provided

1 by the -- El Dorado that provides the extensive justification
2 for each of the scores?

3 COMMISSIONER PRIZMICH: Provided in the -- the record
4 that -- that was given us and -- and my recollection of the
5 testimony that was given to us on --

6 CHAIRMAN SPITLER: Okay.

7 COMMISSIONER PRIZMICH: -- in December.

8 CHAIRMAN SPITLER: I'm just making note of the fact
9 that we do have a handout from the El Dorado that --

10 COMMISSIONER PRIZMICH: Right.

11 CHAIRMAN SPITLER: -- addresses point by point each
12 of the scores and -- and provides good justification for
13 increasing those scores.

14 COMMISSIONER THOMAS: It's my understanding that
15 handout was given to refresh our recollection of the facts
16 that were presented to us at the prior hearing and the facts
17 contained within the application that we considered.

18 CHAIRMAN SPITLER: And that the handout was also
19 provided at the December hearing.

20 COMMISSIONER THOMAS: And, in addition, the handout
21 was provided, yes.

22 COMMISSIONER PRIZMICH: Mr. Chairman, just for
23 clarification, I made the motion on -- on --

24 CHAIRMAN SPITLER: We have a motion and a second.
25 Is there more discussion?

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1 Okay. All those in favor?
2 (Commissioners simultaneously voted.)
3 CHAIRMAN SPITLER: Opposed?

4 (No audible opposition.)
5 CHAIRMAN SPITLER: Motion carries.
6 OR-2-E-69.

7 MS. MILLER: OR-2-E-69, Trail Maintenance,
8 Conservation, and Trail Reroute Projects. Division score of
9 79, 65 percent funding determination for \$65,000. Commission
10 score of 45, for a 0 percent funding determination and
11 allocation.

12 CHAIRMAN SPITLER: Public comments on OR-2-E-69?

13 MR. LUBETKIN: Good afternoon. Lester Lubetkin,
14 El Dorado National Forest, Recreation Officer.

15 Thank you, again, for the opportunity to speak. I'd
16 like to point out in the transcript from the December 8th
17 meeting on pages, again, 191 through 193, that there had been
18 a handout provided which identified some of the elements that
19 were in the application that we feel substantiated higher
20 point values for some of the various criteria. I can quickly
21 summarize those. Under the criteria of whether the project
22 provide -- includes law enforcement, that it was addressed on
23 page 45 of the application, including existing travel
24 restriction -- the existing travel restriction order,
25 signing, monitoring that's going on, and that some of the

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1 projects are for planning, for restoration, not specifically
2 for implementation.

3 As related to the criteria for the -- whether or not
4 there's efficient use of the funds, that the forest -- the
5 handout identified that on pages 45 through 46 of the
6 application, there was a contribution of Forest Service funds
7 and that its efficient use of Forest Service equipment,
8 the -- and personnel provide -- assisting with the
9 implementation of the -- the projects -- restoration
10 projects, also grouping of sites, again, for efficiency to
11 minimize costs, and then the costs for planning. Those
12 specific planning projects were shared with federal funds
13 related to relocation of routes where there's closure of --
14 closure of a route and relocation.

15 The negative impacts of not funding is addressed in
16 the application on page 46, that there are sites that have
17 been identified by the inter-disciplinary team of highest
18 concerns, so that we were trying to focus on the ones that
19 were most in need. Potential impacts of not implementing
20 would include impacts to red-legged frog habitat on Sopiago
21 Creek, potential further impact to sensitive plant species,
22 sensitive wildlife and archeological sites, and those are
23 described in the application, and then the protection of
24 existing restoration that's been done in the area
25 specifically using federal funds, again, not -- not state

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1 funds.

2 The criteria dealing with whether or not the project
3 restores, protects, or conserves resources, the -- on pages
4 43 through 46, the application addressed that it does protect
5 prehistoric archeological sites, it will restore areas
6 impacted by vehicle use, in particular in some of the --
7 around some of the staging areas and also where there's been
8 unauthorized routes leading off of existing routes. It will
9 allow -- it allows for natural regeneration of plant
10 communities. And then the planning projects address ongoing
11 resource impacts at stream crossings and sensitive areas.

12 The criteria relating to whether or not there's
13 innovative approaches, that the -- on page 46 of the
14 application, we identified that we're -- learn -- using
15 techniques and experience that's been learned from other
16 projects and feel that we're using the most effective and
17 efficient means for restoration, particularly in those areas
18 where we're doing on-the-ground work.

19 And the use of volunteers, we have used volunteers in
20 the past, particularly the Polka-Dot Motorcycle Club, Webber
21 Institute for Applied Science, which is a group of high
22 school students -- that's identified on page 46 -- and that
23 we would be continuing to use volunteers for some of the work
24 for -- in particular the -- those implementation projects.
25 Again, that was information that was in the application.

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1 CHAIRMAN SPITLER: Okay. Thank you.
2 Is there other public comment on OR-2-E-69?
3 MS. MICK: He just did restoration and
4 (unintelligible).
5 (Multiple speakers.)
6 CHAIRMAN SPITLER: Yeah. Then I'll --
7 MR. LUBETKIN: Oh, I did. I apologize. I got -- I
8 got mixed up. Can I do 69? Do I still have time or --
9 UNIDENTIFIED SPEAKER: Real quick.
10 MS. MICK: That was just restoration, so maybe that
11 one (unintelligible).
12 (Multiple speakers.)
13 CHAIRMAN SPITLER: Just go ahead and do that.
14 MR. LUBETKIN: And the information's in the handout.
15 CHAIRMAN SPITLER: Is it okay with the Commission if
16 we go ahead and do OR-2-E-69?
17 COMMISSIONER PRIZMICH: I had my heart set on 2- --
18 CHAIRMAN SPITLER: Okay.
19 (Multiple speakers.)
20 UNIDENTIFIED SPEAKER: 7, 0.
21 CHAIRMAN SPITLER: Is that okay with the Commission?
22 Okay. We'll go ahead and do -- I'm sorry for the
23 curve ball here. We'll go ahead and do OR-2-E-70 since we
24 already heard that (unintelligible). We'll do 69 after...
25 MS. MILLER: OR-2-E-70, Restoration. Division score
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1 45, 0 percent funding determination. And 97 score by the
2 Commission for a funding determination of 100 percent,
3 \$228,000.

4 CHAIRMAN SPITLER: Okay. Comment on 2-E-70.

5 MR. DART: Thank you. Bill Dart with the Off-Road
6 Business Association.

7 This is another example where the system is broken
8 where, you know, we have plenty of money for restoration on
9 this forest, but other grants were turned down for -- for
10 taking care of the trails, you know, the -- taking care of
11 the opportunity and investment we have on the ground. You
12 know, we -- we believe in restoration, taking care of
13 problems, but we think a little balance has got to be brought
14 back.

15 We support the staff recommendation on restoration.

16 Thank you.

17 MR. KLUSMAN: Don Klusman, California Four-Wheel
18 Drive Association.

19 I would concur with Mr. Lubetkin's very eloquent
20 reasoning of why this grant should be funded at the level
21 that you funded it at.

22 There are some -- some issues out there that need to
23 be taken care of. And since we do have the money, as I said
24 before, let's get it out there on the ground.

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1 Nevada Conservation.

2 I would disagree with the -- the staff conclusion
3 that no new facts or discussion of facts related to the
4 criteria since Mr. Lubetkin gave these same comments at the
5 last meeting. And I think that the Commission was right to
6 revise the score upward. And I would support the Commission
7 score of 97 for restoration projects on the El Dorado.

8 Thanks.

9 CHAIRMAN SPITLER: Other comments on OR-2-E-70?

10 All right. I think that the information that
11 Mr. Lubetkin provided, the score sheet that he provided to
12 the Commission in December, which includes justification for
13 each of the scoring categories, as well as my review of the
14 application warrants a higher score than the staff warranted.
15 Page 48 of the -- regarding the first category, page 48 of
16 the application describes the law enforcement effort that
17 will (unintelligible) the restoration (unintelligible).

18 Regarding the second criteria that the application
19 demonstrates that the proposed project is provided to -- is
20 designed to provide efficient use of funds, the -- I notice
21 that the -- there are no mobilization costs, they're
22 utilizing Forest Service crews -- this is all described on
23 page 48 and 49 and 56, 57 of the application -- contribution
24 of Forest Service funds as well the efficient use of Forest

25 Service equipment and personnel, grouping of sites and

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1 restoration costs for planning projects are shared with the
2 relocation project.

3 Regarding the third category in the application,
4 demonstrates the implications of not funding the project,
5 again the application describes on page 48, 49, and 56, 57
6 the critical need for overall health and protection of the
7 watershed and the botanical archeological resources, and
8 without funding, that the resources will continue to
9 deteriorate.

10 Regarding the fourth criteria, that the project
11 protects and conserves resources, the application notes that
12 the project prevents erosion and regenerates
13 (unintelligible), promotes nesting for the California spotted
14 owl and protects archeological sites.

15 Regarding the fifth criteria, the application
16 demonstrates innovative approaches. Note that the
17 application described how the project is tiered to other
18 projects in the area, it's utilizing successful restoration
19 models and putting them in motion.

20 And finally, regarding the last criteria of volunteer
21 utilization, the use of the Polka-Dot Motorcycle Club, the
22 high school students, the Webber Institute for Applied
23 Science all provides justification for the increase for

24 (unintelligible) I would move the Commission score from the
25 December meeting.

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1 COMMISSIONER PRIZMICH: Second.

2 CHAIRMAN SPITLER: Discussion?

3 All those in favor?

4 (Commissioners simultaneously voted.)

5 CHAIRMAN SPITLER: Opposed?

6 COMMISSIONER THOMAS: No.

7 CHAIRMAN SPITLER: Motion carries.

8 Okay. We'll go on to OR-2-E-69, El Dorado Trail
9 Maintenance.

10 MS. MILLER: OR-2-E-69, Trail Maintenance, Trail
11 Conservation, and Trail Reroute Projects. Division score is
12 79, 65 percent funding determination for \$65,000. And the
13 Commission score of 45 for a 0 percent funding determination.

14 CHAIRMAN SPITLER: Okay. Public comment on
15 OR-2-E-69, El Dorado Trail Maintenance, Trail Conservation,
16 and Trail Reroute Projects.

17 MR. LUBETKIN: Lester Lubetkin, El Dorado National
18 Forest, Recreation Officer. I apologize for that. I think
19 I'm on the right page now. Sorry.

20 And we concur with the Division's scoring and feel
21 that it adequately reflected what's in our application. The
22 one -- as was pointed out in our -- in the handout that was
23 provided on December 8th, as referenced in the -- the

24 testimony from pages 191 through 193, that under the criteria
25 of whether or not it demonstrates proposed projects supports

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1 a unique recreation opportunity, that was one area we felt
2 there was -- the Commission had -- or, excuse me, the
3 Division had not recognized that we're serving a -- the large
4 urban areas of Sacramento, the Bay Area, that we offer a
5 variety of seasons of opportunity, and that it's a variety of
6 opportunities from four-wheel drive through single-track
7 motorcycle and other types of use.

8 Thank you.

9 CHAIRMAN SPITLER: Thank you.

10 MR. BRAZIL: Bruce Brazil, California Enduro Riders
11 Association.

12 And I would like to see this funded per the Division
13 and partly because of all the criteria that was just given
14 for the restoration project. I think just about all of that
15 would apply for the descriptions necessary for this one.

16 CHAIRMAN SPITLER: Actually, the criteria are
17 different for restoration than for trail maintenance.

18 MR. BRAZIL: Well, as far as volunteers, as far as
19 ecological aspects, that's what I'm saying. The -- very
20 similar justification could apply to this one, also.

21 I also find it quite unusual in that I've checked
22 over, I guess about the last four or five years, and this

23 Commission has not given El Dorado Forest any money for
24 trails. Something to consider, folks.
25 Thank you.

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1 CHAIRMAN SPITLER: Thank you.
2 MR. DART: Bill Dart with the Off-Road Business
3 Association.
4 And I'd like to amplify a little bit on Bruce
5 Brazil's remarks about the fact that this program has asked
6 the El Dorado Forest to comply with state soil standards and
7 trail rating systems, which they've done, and -- and you
8 haven't given them any money for -- for four years at least
9 that I'm aware of. It's -- we think that's -- that's
10 inappropriate that you expect them to live up to your
11 standards without giving them the money and the tools to do
12 the job that you've asked them to do. This forest has done a
13 good job overall. It's got a tremendous volunteer program
14 led by the California Enduro Riders Association and other
15 clubs. They've got a big project coming up soon.
16 There's -- a lot of these scoring criteria don't seem
17 to match -- you know, this is an excellent opportunity. It's
18 the closest forest riding area to the Sacramento metropolitan
19 area here and gets a lot of use. And we think it's worthy of
20 giving them this very, very modest amount of money to do
21 trail work.
22 Thank you.

23 MS. SCHAMBACH: Karen Schambach, Center for
24 Sierra-Nevada Conservati on.
25 I would agree that the El Dorado having done some

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1 attitude revisal is -- should get some money for trail
2 maintenance. But I would still say, and I don't know how
3 the -- how this Commission can do it or how the Division can
4 do it, but the Rock Creek Record of Decision says they would
5 not need any grant money to implement it. And I would much
6 rather see the maintenance money go to portions of the forest
7 that need it than to one district that --

8 (Section of hearing not electronically recorded.)

9 UNIDENTIFIED SPEAKER: -- volunteers to our
10 association, our clubs have volunteered not only to be kind
11 of gatekeepers of the Rubicon on the summer months, but also
12 on the Iron Mountain Road for winter uses to segregate the
13 non-motorized and the motorized uses and -- on winter. So
14 the volunteer effort is definitely there. I would ask you to
15 support the Division recommendation.

16 Thank you.

17 MR. STEWART: John Stewart, California Association of
18 Four-Wheel Drive Clubs, United Four-Wheel Drive Associations.

19 In looking at these scores, I see there's just almost
20 a 50 percent reduction from the Division under the
21 competitive process to the Commission-determined score, and

22 yet there was no deciding factors cited that would underscore
23 why that radical shift was done. Again, this underscores the
24 problems within the -- within this process of -- which the
25 80 -- or 79 score within the competitive process determined

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1 by the Division review and evaluation is appropriate. And,
2 really, would support that and find that there is no
3 justification other than this did not compare favorably with
4 late grants. That is not part of the scoring criteria, and
5 as such that means that this process as used by the
6 Division -- or, excuse me, as used by the Commission to
7 evaluate and score grants is flawed and it's biased. And
8 this grant really deserves to be funded.

9 MR. PICKETT: David Pickett, District 36 Motorcycle
10 Sports Committee.

11 This grant, to me, is -- is what this program is all
12 about. There are two members of the California Enduro Riders
13 Association at this meeting today. I know both of them
14 personally. I also know between the two of them, they
15 probably put 3,000 volunteer hours into that forest, just the
16 two of them through decades of work. That one club has been
17 going up there since the seventies. The Polka-Dot MC, also,
18 uses this forest, and they have also put in thousands and
19 thousands of hours of volunteer time.

20 Division funding recommendations will work here.

21 You've heard others say there has not been funding going into
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22 this forest for a number of years in the maintenance arena.
23 I strongly urge that you go with Division recommend- --
24 excuse me, Division funding determination on this. It's a
25 good forest. We've got the program going. They're under a

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1 lot of pressure with the winter this year, so let's go with
2 this one.

3 Thanks.

4 CHAIRMAN SPITLER: Any other public comment on
5 OR-2-E-69?

6 MR. LOWERY: George Lowery, California Enduro Riders
7 Association, Georgetown resident.

8 I've moved my life up there for that trail system.
9 It would be nice if we can fund that area, please.

10 Thank you.

11 CHAIRMAN SPITLER: Okay. No public -- no more public
12 comments on OR-2-E-69?

13 Okay. Public comment is closed.

14 Commissioners?

15 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
16 move OR-2-E-69 with staff determination.

17 COMMISSIONER PRIZMICH: Second that.

18 CHAIRMAN SPITLER: Discussion?

19 Commissioner Anderson?

20 COMMISSIONER ANDERSON: Yeah, I've got a question

21 that I raised at the December meeting, and I -- I heard
22 reminders of it here concerning the funding for the area
23 around Rock Creek. And I remember asking the question about
24 whether or not the Commission had the discretion to fund a
25 part of a grant application but not another part and was told

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1 by Mr. Jenkins that that was, indeed, possible for us to
2 indicate which deliverables we were interested in and which
3 ones we were not. And then Mr. Lubetkin indicated that he
4 was not amenable, if I'm reading the record correctly, to
5 that sort of thing, and that he -- that if he got the
6 funding, that he would spread it across all the resource
7 areas or districts, and that -- so I was wondering whether --
8 whether the Division staff had given any thought to
9 looking -- when they looked at that response.

10 MR. P. JENKINS: Once the Commission has decided on a
11 funding level for a particular grant, then the next process
12 is, when we write that project agreement, if there is no
13 specific direction given, then -- you know, then, that is one
14 option, to spread that money out. However, the Commission
15 does have the ability to say, "Okay, we're going to fund
16 these deliverables," and then that would then be written into
17 the project agreement.

18 COMMISSIONER ANDERSON: Well -- okay. So for that
19 purpose, I'll express my reservations of including funding
20 for Rock Creek within the deliverables should we vote to

21 approve funding for this. I don't know whether you want --
22 whether the entire Commission has to vote on that or -- or
23 not. That's the Chair --

24 CHAIRMAN SPITLER: Probably -- might want to just see
25 if the maker of the motion would consider that -- including

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1 that in the motion.

2 COMMISSIONER WALDHEIM: Mr. Chair, Ms. Anderson,
3 \$65,000 is not going to get you very much. I don't
4 understand the justification of trying to take one piece out
5 of the forest. That puts us back into micro-management. I
6 thought we're going to let the Forest Service make the
7 determination on how they spend that -- those funds. It's
8 not our job to start telling them where to spend every dime
9 of the money. For -- \$65,000 hardly is worth putting a
10 condition on this grant.

11 CHAIRMAN SPITLER: Maybe you'd like --

12 COMMISSIONER ANDERSON: I think that was a "no," huh?

13 CHAIRMAN SPITLER: Maybe you'd like to consider that
14 as an amendment to the motion.

15 COMMISSIONER ANDERSON: All right. I'll move an
16 amendment to the motion to -- to indicate that we're not
17 interested in funding Rock Creek.

18 COMMISSIONER THOMAS: Second.

19 COMMISSIONER WALDHEIM: Mr. Chairman, on -- on that

20 amendment of the motion, Ms. Anderson, I fail to understand
21 exactly what it is you're trying to go after. Use does take
22 place; it as an activity that is legal in specific routes, as
23 I understand it. To say you don't want to maintain it, it
24 makes absolutely no sense. I -- I just don't understand it.
25 If we're trying to look -- a way of justifying that things

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1 are not being taken care of, well, then, that's not really a
2 route that we want to take. It's our job to maintain trails,
3 and here this is a trail maintenance thing, and now we're
4 going to exclude an area that is being used? It just doesn't
5 make any sense. I'm -- I'm -- with all respect, I -- I don't
6 understand your reasoning for that. If no activity were
7 taking place in Rock Creek, then why would we spend money?
8 But we are using Rock Creek. It is an area that is used. So
9 I don't get it.

10 COMMISSIONER THOMAS: Well, let's assume there were
11 three trails, all of which were badly degraded, and you could
12 spend a dollar, and 33 cents on each trail would get you an
13 inadequate job on all three. But then you decided that "I
14 will spend a dollar on the one trail, and get a good job, and
15 then we'll go to our other budget, which the Division has
16 heard tell that the feds have another budget, and we'll get
17 the second dollar from that other budget," and that's the
18 thinking behind this discussion.

19 COMMISSIONER WALDHEIM: Mr. Chairman, Mr. Thomas,
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20 that's like me making a decision, okay, I'm going to buy one
21 thing at Costco, another thing at Stater Brothers, other --
22 another one in another area. It is not our job to tell the
23 Forest Service on a specific area where to go -- at least I
24 hope we're not starting to do that. Then we're putting
25 ourselves in their shoes as being managers of public lands.

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1 We are not the managers. We are providing the funds. The
2 scoring that was accepted by the Division as a determination
3 was based on that -- on that application. For us to start
4 doing now micro-managing, I think it's contrary to what this
5 Commission should be doing.

6 CHAIRMAN SPITLER: Okay. More discussion of the
7 amendment?

8 Okay. We'll take the amendment first. That is to
9 restrict the funds from being spent in the Rock Creek area.

10 Sandy, could we do a roll call, please.

11 MS. ELDER: Anderson?

12 COMMISSIONER ANDERSON: Aye.

13 MS. ELDER: Bri ssenden?

14 (Commissioner Bri ssenden was not present.)

15 MS. ELDER: Spi tler?

16 CHAIRMAN SPITLER: Aye.

17 MS. ELDER: Thomas?

18 COMMISSIONER THOMAS: Aye.

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19 MS. ELDER: Pri zmi ch?
20 COMMI SSI ONER PRI ZMI CH: No.
21 MS. ELDER: Wal dhei m?
22 COMMI SSI ONER WALDHEI M: No.
23 MS. ELDER: 3: 2.
24 CHAI RMAN SPI TLER: Okay. Moti on carri es.
25 Now we' ll vote on the origi nal moti on as amended,

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1 staff recommendati on wi th the restri cti on propos ed by the
2 amendme nt.
3 Cou ld we do a rol l call , please, Sandy.
4 MS. ELDER: Anderson?
5 COMMI SSI ONER ANDERSON: Aye.
6 MS. ELDER: Bri ssenden?
7 (Commi ssi oner Bri ssenden was not present.)
8 MS. ELDER: Spi tler?
9 CHAI RMAN SPI TLER: Aye.
10 MS. ELDER: Thomas?
11 COMMI SSI ONER THOMAS: Aye.
12 MS. ELDER: Pri zmi ch?
13 COMMI SSI ONER PRI ZMI CH: Aye.
14 MS. ELDER: Wal dhei m?
15 COMMI SSI ONER WALDHEI M: Aye.
16 CHAI RMAN SPI TLER: Okay. OR-2-HT-13,
17 Humbol dt-Toi yabe, Equi pment.
18 MS. MI LLER: OR-2-HT-13, Equi pment Proj ect. Di vi si on
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19 score of 61, 55 percent funding determination for \$20,900.
20 The Commission score of 42, 100 percent funding determination
21 for \$38,000.

22 CHAIRMAN SPITLER: Okay. Public comment, OR-2-HT-13?

23 MR. LEVEILLE: Yeah, Dave Leveille, Patrol Captain
24 for the Humboldt-Toiyabe National Forest.

25 On our equipment grant, we currently have about 70

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1 miles of wilderness boundaries that we need to be patrolling
2 and about 350,000 acres of open snowmobile area we need to be
3 patrolling, not counting our areas that are closed.
4 Currently, two of our snowmobiles out of the four we have are
5 17 years old and need to be replaced. They're old-model
6 snowmobiles that won't keep up with -- with what people are
7 using nowadays and won't allow the Forest Service to assist
8 law enforcement in our patrolling. The rest of the District
9 are FPOs, and those that ride without LEOs have no equipment
10 that's serviceable at this time for them to ride with us.
11 So, therefore, I have to take my law enforcement officers
12 from my two districts and pair them up together so we can
13 cover one area at a time. So we're only getting 50 percent
14 of the coverage right now that we should be getting because
15 the Forest Service, the non-law enforcement side's vehicles
16 are just not up to snuff. They're 17 years old.

17 You currently fund the three forests that we partner

18 with: The El Dorado, the Stanislaus, and the Inyo. We try
19 to use their guys as much as we can. We try to tie in with
20 them to give us extra support. And you're currently not
21 funding Mono County Sheriff. So we don't have a whole lot of
22 people we can partner with in-house; we can only partner with
23 our neighbors next to us. And we've used them where we can,
24 but, again, with their demand -- their high demand and what
25 they've got going on, doesn't give us a lot of opportunity

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1 without additional snowmobiles to get out there and patrol
2 the areas we need to be patrolling for public safety and
3 public health and for compliance and stuff. We've had two
4 search and rescues this year; one resulted in a fatality that
5 we were unable to get out there because we did not have
6 enough machines to go out and assist the county, which is one
7 of the things we do is assist the county on those things.
8 So -- because the machines we had would not make it in that
9 area because they're 17 years old.

10 CHAIRMAN SPITLER: Thank you.

11 Other public comment?

12 MS. PROBERT: Good afternoon, Mr. Chairman, and
13 Commissioners. Cheryl Probert, District Ranger, Bridgeport
14 Ranger District on the Humboldt-Toiyabe National Forest.

15 Thank you for the opportunity to again speak in
16 support of our equipment grant. A score of 61 recommended by
17 the Division would grant us approximately \$20,000 so that we

18 could purchase two new snowmobiles and an enclosed snowmobile
19 trailer. I believe that the facts that we've presented in
20 December as well as those in our grant application support
21 that recommendation.

22 To reiterate, first, does the request demonstrate
23 efficient use of funds? Yes, I believe that it's inefficient
24 to repair 1989 vintage snowmobiles, nor is it cost effective
25 for my personnel to be spending their time running up and

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1 down the road taking the sleds to the shop every two -- two
2 outings. We also have volunteers lined up to assist with our
3 monitoring enforcement, yet we have nothing -- no sleds for
4 them to ride.

5 Second, what are the negative implications of not
6 funding? Without new snowmobiles, as Captain Leveille said,
7 my district personnel can't support our law enforcement
8 officers. My biologist cannot monitor for emergence of
9 sub -- subnative amphibians, we can't assist with snowmobile
10 search and rescue, and we cannot act on reports of wilderness
11 intrusions in a timely manner. We also need sleds in order
12 to install and maintain signs along our long-standing and our
13 new boundaries.

14 Third, how does this address a new and unique need?
15 We've had increase in snowmobile use, particularly in our
16 extreme riding areas. We have snowmobile use in habitat

17 occupied by federally listed amphibian species, yet no way to
18 monitor potential impacts on these animals. Our 17-year-old
19 sleds are incapable of accessing many of the areas that are
20 open to snowmobile use.

21 In conclusion, I urge you to accept the Division's
22 scoring recommendation so that the Carson and Bridge Fort
23 Ranger Districts can begin to monitor the environmental
24 effects of snowmobile use, we can more effectively administer
25 wilderness and other restricted area boundaries, and we can

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1 support law enforcement and search and effort -- or search
2 and rescue efforts.

3 Thank you.

4 CHAIRMAN SPITLER: Thank you.

5 Any other public comments on OR-2-HT-13?

6 MR. WILEY: Good afternoon, Commission. Fred Wiley
7 with the Off-Road Business Association, and also President of
8 the California-Nevada snowmobile Association.

9 I'd like the Commission to really look back at the
10 work that's been done in that area. Reopening the West
11 Hoover to snowmobile use without providing equipment to
12 patrol it is really asking for huge problems in the area.
13 They also need this equipment for search and rescue. These
14 small rural counties have no other way of funding things.

15 And so I would like to support the Division
16 determination on this grant.

17 Thank you.

18 MR. AMADOR: Don Amador with the Blue Ribbon
19 Coalition.

20 And, you know, I've just got to say, between this
21 Commission and Karen Schambach's group, nobody complains
22 louder about law enforcement issues up in this area, and I
23 just find it ludicrous that you won't fund this agency
24 equipment to do the job that you complain about them not
25 doing. So I just urge you to go with the staff

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1 recommendations, and let's get some law enforcement and
2 support the program up there.

3 Thank you.

4 MR. STEWART: Don Stewart, California Association of
5 Four-Wheel Drive Clubs, and the United Four-Wheel Drive
6 Association.

7 We support the Division scoring determination at 61
8 points. And, again, we find that this is another one of
9 those on a continuing line here where no factual discussion
10 has been presented that would substantiate a reduction of the
11 score, and especially a reduction from 61 to 0. This is an
12 important issue that needs to be addressed. The Division's
13 competitive scoring criteria was used, and it was found to
14 rank out at 61. That's an appropriate grant.

15 Thank you.

16 MR. BRAZIL: Bruce Brazil, California Enduro Riders
17 Association.

18 In looking over the Division's concerns, I notice
19 that most of the discussion had to do with this being a
20 possible wilderness area in the future. I'm just wondering
21 what your scoring would have been for this had it not been a
22 potential wilderness area, if you would have scored it just
23 as a regular national forest properties.

24 Thank you.

25 CHAIRMAN SPITLER: Any more public comment on

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1 OR-2-HT-13?

2 Okay. Commissioners?

3 COMMISSIONER ANDERSON: I'll take the brave action of
4 moving the Division determinations.

5 COMMISSIONER WALDHEIM: I'll second that.

6 CHAIRMAN SPITLER: Okay. We have a motion for staff
7 recommendation with a second.

8 Is there a discussion?

9 Okay. All those in favor?

10 (Commissioners simultaneously voted.)

11 CHAIRMAN SPITLER: Opposed?

12 COMMISSIONER THOMAS: No.

13 CHAIRMAN SPITLER: Okay. Motion carries.

14 I just want to do a time check at this point. We are
15 at 4:00 in the afternoon, and we have -- that grant marks the

16 halfway point in our process today. So I don't want to
17 short-circuit any of the public comment or Commission
18 discussion, but to the extent that the public comments could
19 be kept as brief as possible, that would do a service to all
20 of the people -- not only the grants that you're commenting
21 on so we can have time to consider them, but all the grants
22 that come after them so that we can, we hope, get through the
23 remaining half of the grants today. And I would just ask
24 that the public just keep their comments as brief as possible
25 while -- while getting your point across.

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1 MS. GREENE: Chairman Spittler, if I may, as well, we
2 do have the room -- at first we thought we had to be out by
3 6:00. We do have it until about 6:30 or -- or 7:00. The
4 only concern that I have for those people directly across the
5 street or the next garage down, the State garages, those do
6 close at 5:00. However, for those of you who may have parked
7 further down, I think maybe three or four blocks, I believe
8 those are open until 6:00. But I don't -- without knowing
9 exactly which garage you're talking about, it's difficult for
10 us to say.

11 CHAIRMAN SPITTLER: Okay. So we are going to need to
12 evacuate at some point. It would really do a disservice to
13 this entire process were we not able to complete our efforts
14 today. So to the extent the public can help us, that would

15 be great.

16 OR-2-I-70, Inyo Law -- Inyo National Forest, Law
17 Enforcement.

18 MS. MILLER: OR-2-1-70 [sic], Law Enforcement, Inyo
19 National Forest. Division score of 78 with a 65 percent
20 funding determination for \$114,400. Commission score of 53
21 with a 45 percent funding determination for \$79,200.

22 CHAIRMAN SPITLER: Okay. Public comment?

23 MR. ELLSWORTH: Good afternoon, Commissioners. I'm
24 Don Ellsworth, OHV Program Manager for the Inyo National
25 Forest.

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1 I'll be extremely brief. I believe our law
2 enforcement grants, pages 5 through 12, address the six
3 criteria as reflected in the staff score of 78. And I
4 respectfully request the Commission to approve the staff
5 score.

6 Thank you.

7 CHAIRMAN SPITLER: Okay. Thank you.

8 MR. STEWART: John Stewart, California Association of
9 Four-Wheel Drive Clubs, and United Four-Wheel Drive
10 Associations.

11 We support the staff funding determination at 78
12 points and find that there is ample discussion within that
13 grant to match the criteria that came out at that score. And
14 note that the -- again, the process is broken down as that

15 there was no determinations or there's no referencing of
16 criteria that was used to reduce the score in the first
17 place. So leave it at the...

18 CHAIRMAN SPITLER: Great. Thank you.

19 Other public comments on OR-2-I-70?

20 Okay. Public comment's closed.

21 Commissioners?

22 COMMISSIONER WALDHEIM: Mr. Chair --

23 COMMISSIONER ANDERSON: I have a question.

24 In -- in reading the draft minutes -- let's see, I'm looking
25 at sheet 39, page 150, it says that Mr. Ellsworth passed out

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1 an updated criteria score sheet for the restoration grant.
2 We've received those from some of the other applicants, but
3 I've noticed that this one is not included. Is there -- do
4 you have that information?

5 CHAIRMAN SPITLER: Staff, that was a question.

6 MR. P. JENKINS: Let us look at our materials there.
7 I know we had -- from those meetings we had a stack of all
8 the materials, and I thought we had pulled everything out
9 that was relevant to these grants. But if you don't see
10 that, let me see if I can locate it for you. Might take a
11 moment. Forest Service may have brought it, perhaps.

12 UNIDENTIFIED SPEAKER: I didn't. The restoration
13 grant was not being addressed, so I didn't bring that

14 material with me today.
15 MR. P. JENKINS: Okay.
16 COMMISSIONER ANDERSON: Okay. Okay. Thank you.
17 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
18 make a motion to move OR-2-1-70 [sic] -- oh, that's "I-70,"
19 sorry -- I-70 to staff determination.
20 COMMISSIONER PRIZMICH: I'll second that.
21 CHAIRMAN SPITLER: Discussion?
22 All those in favor?
23 (Commissioners simultaneously voted.)
24 CHAIRMAN SPITLER: Opposed?
25 COMMISSIONER ANDERSON: No.

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1 CHAIRMAN SPITLER: Commission Anderson votes "no."
2 OR-2-LA-87, Lassen, Law Enforcement.
3 Staff -- could staff present OR-2-LA-87, Lassen
4 National Forest?
5 MS. MILLER: OR-2-LA-87, Lassen National Forest, Law
6 Enforcement. Division score of 69, 55 percent funding
7 determination for \$62,150. Commission score of 44, with a 0
8 percent funding determination, 0 dollars.
9 CHAIRMAN SPITLER: Public comment?
10 MR. ZUNINO: Good afternoon, and thank you. My name
11 is Mike Zunino -- Z-u-n-i-n-o. I'm the Patrol Captain for
12 the Lassen National Forest, been involved with the Grant
13 Program since 1987 and, in particular, on that forest, and
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14 involved in the Law Enforcement Program as a law enforcement
15 officer and now a captain.

16 I do believe that the Commission has all the facts
17 before them within the grant that we submitted along with
18 information that was presented in the December 8th meeting.
19 The only additional comment I would like to make, if the
20 Chair would allow me, we have a spreadsheet that refers to a
21 comment by the Chair I believe on December 8th on page 254 of
22 the minutes showing a concern about number of contacts,
23 warnings, and citations issued, and I believe the Chair's
24 correct in questioning that and being concerned about it.
25 And I just felt that I should explain to you, there's -- or

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1 at least give you my opinion. And I believe you might know
2 this, but there's more to law enforcement than statistics and
3 many reasons why maybe we don't have the number of contacts
4 that you would like to see or violations issued. It could be
5 due to work force. I've had positions vacant for years. I
6 just basically wanted you to know it's not due to us not
7 trying. We didn't get to the Law Enforcement Program on the
8 last national forest where we're at at current because of
9 lack of effort. We've put in a significant amount of effort
10 up there. And we wish you to reconsider the findings that
11 the Division came up with. And with that said, I would like
12 to submit these spreadsheets in case either you or the staff

13 would like to look.

14 CHAIRMAN SPITLER: Present those to staff. Thank
15 you.

16 Mr. Stewart.

17 MR. ZUNINO: And with that said, I'd just like to
18 thank you for the time.

19 CHAIRMAN SPITLER: Okay. Thank you.

20 MR. STEWART: John Stewart, California Association of
21 Four-Wheel Drive Clubs, and United Four-Wheel Drive
22 Association.

23 The transcript from the last meeting actually
24 introduced facts which support the 69 point score from this
25 staff funding determination. We urge the -- that score to be

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1 what it is. And note that anyone looking back through the
2 transcripts, we could find no place where invalid criteria
3 was used to provide a lower score. And, in fact, it was
4 commented that available funding and other criteria which are
5 not part of the evaluation criteria were what the decision is
6 based on. Again, this is a competitive evaluation process to
7 determine scores for grants in a competitive grant cycle. It
8 is not a funding contest.

9 CHAIRMAN SPITLER: Any other public comments on
10 OR-2-LA-87?

11 Okay. Public comment's closed.

12 Commis sioners?

13 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
14 move OR-2-LA-87 to staff determination.
15 COMMISSIONER PRIZMICH: Second that.
16 CHAIRMAN SPITLER: Discussion?
17 All those in favor?
18 (Commissioners simultaneously voted.)
19 CHAIRMAN SPITLER: Opposed?
20 COMMISSIONER THOMAS: No.
21 CHAIRMAN SPITLER: Motion carries.
22 OR-2-LA-90, Lassen, Restoration.
23 MS. MILLER: OR-2-LA-90, Restoration Projects for
24 Lassen National Forest. Division score of 69, 55 percent
25 funding determination for \$30,250. Commission score of 96,

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1 100 percent funding determination of \$55,000.
2 CHAIRMAN SPITLER: Okay. Public comment on
3 OR-2-LA-90?
4 Mr. Stewart.
5 MR. STEWART: John Stewart, California Association of
6 Four-Wheel Drive Clubs.
7 Again, a continuing trend that the discussions appear
8 to be centered on availability of funds and not on evaluation
9 of criteria as within the regulations that are there.
10 We do not believe that this grant warrants the
11 increase in the score, and there is no supporting

12 documentation to cover the increase in score. We support it
13 at the 69 point score.

14 CHAIRMAN SPITLER: Any other comments on OR-2-LA-90?

15 COMMISSIONER WALDHEIM: Mr. Chairman -- did you close
16 it?

17 CHAIRMAN SPITLER: Yeah, public comment is closed.

18 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
19 move OR-2-LA-90 to staff determination.

20 COMMISSIONER PRIZMICH: Second that.

21 CHAIRMAN SPITLER: Discussion?

22 COMMISSIONER ANDERSON: This is another one where in
23 looking at the -- the staff -- the collective staff
24 recommendations that I felt that there was inadequate
25 attention given to the effects of the restoration on

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1 improving law enforcement efforts -- I'm sorry, I can't cite
2 a specific page -- nor sufficient attention given to
3 Criteria 3 on restoration and conservation and resources
4 impacted by the restoration project. I could live with staff
5 recommendations on all but those two categories. And I would
6 recommend for Category 1 a score of 18, which was the
7 Commission number, and 30, the Commission number in -- 1, 2,
8 3 -- 4. So that's kind of halfway in between, if you like.

9 COMMISSIONER THOMAS: What's the number in 4?

10 COMMISSIONER ANDERSON: Let's see. If I added 9 and
11 9 -- that would 18 more than 69, so -- which would take it to

12 87.
13 COMMISSIONER THOMAS: I'm sorry, Category 4 went
14 from --
15 COMMISSIONER ANDERSON: Is that 30?
16 COMMISSIONER THOMAS: -- 10 --
17 COMMISSIONER ANDERSON: No. Thirty?
18 (Unintelligible discussion.)
19 COMMISSIONER ANDERSON: Yes. Category 1 is at the
20 Commission-recommended 18, and Category 4 at the
21 Commission-recommended 30. And the others are the staff
22 numbers -- the staff recommendation levels.
23 COMMISSIONER WALDHEIM: So what's your total?
24 COMMISSIONER ANDERSON: And the total would be 87.
25 CHAIRMAN SPITLER: Discussion?

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1 COMMISSIONER THOMAS: Could we look at the running
2 list of the restoration grants so we can see the
3 (unintelligible).
4 COMMISSIONER ANDERSON: Probably nothing.
5 COMMISSIONER THOMAS: I'd still like to see it. Does
6 it have a prorata effect, a reduction, a score of 87?
7 COMMISSIONER ANDERSON: No. It would fit --
8 COMMISSIONER THOMAS: It would be profunda.
9 COMMISSIONER ANDERSON: No, I'm sorry, 87 is what
10 funding level? I've forgotten.

11 COMMISSIONER THOMAS: Eighty-seven -- I can't tell
12 you what --

13 (Multiple speakers.)

14 COMMISSIONER ANDERSON: Staff, a score of 87 is
15 what -- is what percentage?

16 (Unintelligible discussion.)

17 COMMISSIONER WALDHEIM: You've got to give them the
18 individual numbers.

19 COMMISSIONER ANDERSON: A score of 87 is what?

20 COMMISSIONER WALDHEIM: No, you've got to give them
21 the individual numbers.

22 COMMISSIONER ANDERSON: Okay.

23 CHAIRMAN SPITLER: Okay. Commissioner Anderson, I
24 just -- I just wanted to make -- I just wanted to make a
25 couple comments on your motion. I'm just looking at the

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1 application on page 53, the first criteria describes law
2 enforcement efforts associated with the restoration project.
3 And the application on page 53 does describe an effective law
4 enforcement program with regular patrols, public contacts,
5 officers monitoring fence conditions, et cetera, and damage
6 being properly repaired and monitored. I think that does
7 increase the score on the law enforcement component.

8 Regarding the rest -- Criteria 4, demonstrating that
9 the project protects, restores, and conserves resources, I
10 will note on the -- page 48 of the application, there's a
Page 179

11 description of the resources that will be conserved including
12 a 30-acre meadow, and the damage to the meadow will be
13 controlled by the fencing, and species diversity within the
14 aspen and meadow environments will be preserved through
15 the -- through the proposed action.

16 So I do think that the information included in the
17 application warrants the increased scores that you're
18 recommending. So I will be supporting your motion.

19 COMMISSIONER WALDHEIM: So, Mr. Chairman --
20 Ms. Anderson, please provide the exact numbers so staff can
21 write them in, and then --

22 COMMISSIONER ANDERSON: They're in there.

23 COMMISSIONER WALDHEIM: -- and then Mike will add --

24 COMMISSIONER ANDERSON: They're in there.

25 COMMISSIONER WALDHEIM: You've got 'em?

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1 COMMISSIONER ANDERSON: They're in there now on the
2 screen.

3 COMMISSIONER WALDHEIM: So that should show you what
4 the overall is.

5 COMMISSIONER ANDERSON: Seventy-five percent.

6 COMMISSIONER THOMAS: We were at 100.

7 COMMISSIONER WALDHEIM: Now we're at 96.

8 COMMISSIONER ANDERSON: Well, the Commission was.

9 CHAIRMAN SPITLER: Okay. So -- was -- I'm sorry, was

10 there a second to that --

11 COMMISSIONER WALDHEIM: Yeah, I think I made the
12 motion. I had made the motion, and Ms. Anderson had done the
13 second.

14 COMMISSIONER ANDERSON: Huh? No.

15 COMMISSIONER WALDHEIM: On this motion, on 90 --

16 COMMISSIONER ANDERSON: No, on this one. I made

17 CHAIRMAN SPITLER: Yes.

18 COMMISSIONER ANDERSON: I made the motion with these
19 numbers.

20 CHAIRMAN SPITLER: Was it -- the amendment. Was
21 there a second to that amendment?

22 COMMISSIONER ANDERSON: Oh, excuse me.

23 COMMISSIONER WALDHEIM: I'll second that amendment.

24 CHAIRMAN SPITLER: Commissioner Waldheim, maybe
25 you'd --

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1 COMMISSIONER PRIZMICH: Point of order --

2 COMMISSIONER WALDHEIM: Mr. Chairman, I had made the
3 motion to accept staff determination. Ms. Anderson had made
4 an amendment to the motion and to change the numbers.

5 CHAIRMAN SPITLER: Okay.

6 COMMISSIONER WALDHEIM: That's where we are. And I'm
7 saying I'll accept her amendment.

8 CHAIRMAN SPITLER: I'll -- I'll -- was -- will the
9 second of the original motion accept the amendment?

10 COMMISSIONER PRIZMICH: Sure.
11 CHAIRMAN SPITLER: Okay. Thank you. Okay. So we
12 have a -- we have a motion that's for a final score of 87 as
13 described by the motion.
14 Is there more discussion?
15 Okay. All those in favor?
16 (Commissioners simultaneously voted.)
17 CHAIRMAN SPITLER: Opposed?
18 (No audible opposition.)
19 CHAIRMAN SPITLER: Motion carries.
20 We'll do one more and take a break.
21 OR-2-LA-92, Lassen, Resource Management.
22 MS. MILLER: OR-2-LA-92, Resource Management
23 Projects, U.S. Forest Service, Lassen National Forest.
24 Division score of 71, 65 percent funding allocation for
25 \$30,550. Commission score of 41, 0 percent funding

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1 determination, 0 dollars.
2 MS. NORTON: Good afternoon, Commissioners.
3 Elizabeth Norton, Public Services Officer on the Lassen
4 National Forest.
5 And we are fine with the Division's recommendations,
6 and that's what we indicated in December 8th at the hearing.
7 Thank you.
8 CHAIRMAN SPITLER: Okay. Thank you.

9 Mr. Stewart.
10 MR. STEWART: John Stewart, California Association of
11 Four-Wheel Drive Clubs, United Four-Wheel Drive Associations.
12 We support the Division scoring determinations of 71.
13 We find that there is no rationale in the testimony to
14 support a reduction. And this is an important area for
15 recreation.
16 Thank you.
17 CHAIRMAN SPITLER: Thank you.
18 Other public comments?
19 Okay. Public comment is closed.
20 Commissioners?
21 COMMISSIONER WALDHEIM: Mr. Chairman, I'll move
22 OR-2-LA-92 to staff determination.
23 COMMISSIONER PRIZMICH: Second.
24 CHAIRMAN SPITLER: Discussion?
25 All those in favor?

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1 (Commissioners simultaneously voted.)
2 CHAIRMAN SPITLER: Opposed?
3 (No audible opposition.)
4 CHAIRMAN SPITLER: Motion carries.
5 Let's take a five-minute break -- seven-minute
6 break -- ten-minute break.
7 (Recess, 4:15 p.m. to 4:30 p.m.)
8 MS. MILLER: OR-2-LTB-56, Law Enforcement. Division
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9 score of 75, 65 percent funding determination for \$79,950.
10 Commission score of 45, 0 percent funding determination, 0
11 dollars.

12 CHAIRMAN SPITLER: Ms. Mick.

13 MS. MICK: Kathleen Mick -- M-i-c-k, last name --
14 U.S. Forest Service.

15 The Lake Tahoe Basin felt that their application was
16 adequately reflected in the score that they received from the
17 Off-Highway Vehicle Division, and their application reflects
18 all those points that were addressed in the criteria.

19 CHAIRMAN SPITLER: All right. Thank you.

20 Any other public comments on OR-2-LTB-56?

21 Okay. Commissioners?

22 (Commissioner Priemich departs the proceedings.)

23 COMMISSIONER THOMAS: Are we closed?

24 CHAIRMAN SPITLER: We're closed.

25 COMMISSIONER THOMAS: Okay. The staff provided us

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1 with -- I believe it is -- staff Exhibit A provided us with a
2 statement about this grant indicating that the overall score
3 was reduced from 75 to 45 resulting in 0 funding because no
4 new factual presentation or discussion was related to the
5 established criteria. Now, I went back to the transcript
6 that's located in our packet, starting at page -- the bottom
7 of page 220 of the December 8th, 2005 transcript, continuing

8 from 220 to 235 in the middle of the page, all of which was a
9 discussion of this particular grant. Mr. Klusman testified
10 that this was a inefficient and difficult grant to support
11 because the opportunity in the area had -- had been reduced
12 considerably due to the presence of multi-million-dollar
13 mansions and that we were not getting a -- basically, the
14 same size -- we weren't getting a good return for our money,
15 and he -- he supported a different allocation than the staff
16 was providing. In -- in my conversation and discussion of
17 the matter beginning on page 229, we reduced a number of
18 criteria, which are outlined at lines 1 through 5, and we
19 talked -- I talked about --

20 (Cell phone interruption in the proceedings.)

21 CHAIRMAN SPITLER: Your time is up.

22 COMMISSIONER THOMAS: Yes, typical.

23 I talked about illegal trails, which is one of the
24 criteria -- actually, it's Criteria 2 -- irresponsible OHV
25 use, illegal trespass, loss or recreational opportunity --

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1 that's what Mr. Klusman was talking about, that's what I was
2 talking about. We were talking about poor law enforcement
3 agreements between Placer County and the Forest Service, the
4 inability to use barriers, the proliferation of illegal
5 trails based on a Field Analysis which took place on a
6 walk-up -- I think it was Benwood -- one of the meadows
7 that's located on the west shore of Tahoe. And it was that

8 basis that we reduced -- or I recommended that we reduce the
9 14 criteria scored it and had it -- and asked that it be
10 scored at 4, which was done. We talked about the number of
11 incursions, problems, staffing issues. Mr. Ridley testified
12 on page 232, which is the third criteria, and we reduced
13 the --

14 COMMISSIONER ANDERSON: Fourth.

15 COMMISSIONER THOMAS: Is it fourth? No, one, two --
16 I'm sorry, you're right -- one, two, three -- fourth
17 criteria, which he indicated that they were inadequately
18 staffed. We reduced the program from Division rating of 15
19 to 5.

20 (Commissioner Priznich rejoins the proceedings.)

21 COMMISSIONER THOMAS: All in all, I believe the
22 record is quite complete as to our analysis of factors that
23 were presented in the grant's program, and -- and -- and the
24 decision of the Commission was based upon both the testimony
25 of Commissioners and the testimony of members of the public.

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1 So I would move the Commission's original -- well,
2 final recommendation of 45.

3 COMMISSIONER ANDERSON: I'll second that.

4 CHAIRMAN SPITLER: Okay. Discussion?

5 Okay. There's a motion and a second.

6 All those in favor?

2006-2-27 OHV.txt
7 (Commissioners simultaneously voted.)
8 CHAIRMAN SPITLER: Opposed?
9 COMMISSIONER WALDHEIM: No.
10 CHAIRMAN SPITLER: Motion carries.
11 OR-2-LTB-57, Tahoe Basin, Restoration.
12 MS. MILLER: OR-2-LTB-57, Restoration Project.
13 Division score of 47, percent of funding 0, 0 dollars.
14 Commission score of 96, 100 percent funding determination for
15 \$147.
16 MS. MICK: Kathleen Mick, U.S. Forest Service, here
17 representing the Lake Tahoe Basin.
18 The Tahoe Basin, much like most of the Restoration
19 Projects throughout the region that were submitted were
20 scored and evaluated as a whole instead of individually. So
21 when you're trying to justify five different projects that
22 should have been evaluated separately, they've all kind of
23 been lumped together. But stay with me and we'll go through
24 this here.
25 So for all the projects, although some of the

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1 justifications may be on different pages for different
2 projects, the -- the Basin did present at the last meeting
3 that's in the transcripts that on the first criteria they
4 would have given themselves a score of 15, on the second a
5 score of 8, the third a score of 5, the fourth a score of 15,
6 the fifth a score of 15, and the last a score of 5, for a
Page 187

7 total of 63. Those scores -- apparently, that sheet didn't
8 make it into the records for the Division somehow. Maybe
9 Doug forgot to hand it to Sandy. The justifications can be
10 found for the first criteria on pages 185 of 208 in the
11 Division Volume Book 11, the second can be found on page 190
12 of 208, the third on page 182 of 208, the fourth on page 185
13 of 208, the next one is the same page as 185 of 208, on the
14 next criteria, Item 17 on page 195 of 208, and the last on
15 page 195 of 208. And if you flip back and forth, you'll see
16 that within the application itself, they talk about all of
17 the different criteria and how that -- the project fits
18 within those criteria. So...

19 CHAIRMAN SPITLER: Thank you.

20 Other public comments?

21 MR. AMADOR: Yeah. Don Amador, Blue Ribbon
22 Coalition.

23 I would just ask the Commission to, you know,
24 carefully review whether these restoration grants have
25 something to do with improper or illegal OHV use against

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1 state regulations, acquire that there's a nexus and there be
2 some sort of a connection between improper or illegal OHV
3 use.

4 Thank you.

5 CHAIRMAN SPITLER: Thank you.

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Other public comments?

Okay. In response to Mr. Amador, I -- I do note that on page 190 and page 185 of the application describes the damage to meadows in riparian areas as a result from illegal off-road vehicles. I also note in regards to the criteria -- Criteria 1 on page 185 and 195 of the application it describes the law enforcement efforts including patrols by USDA Forest Service personnel, FPOs, fire prevention technicians, and law enforcement officers.

Regarding Criteria 3, the application describes the impacts of continued illegal use on page 185 and 195, continued damage to riparian resources, meadows, and eventually Lake Tahoe itself.

Regarding Criteria 4 that the application demonstrates that the proposed project restores, protects, or conserves resources. Page 185, 190, and 195 all describe the potential impacts to Lake Tahoe itself, the water quality in Lake Tahoe from continued off-road vehicle use in these areas, and that the goal of the project is to restore and protect the water quality of Lake Tahoe itself.

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Regarding the fifth criteria, enhanced recovery of impacted resources, again page 185, 190, and 195 describe the recovery to the riparian areas and meadows that are to be restored as well as -- as well as Lake Tahoe. Also, they describe the innovative approaches, which is a combination of

6 barriers and barrier posts and revegetation, and they expect
7 that the revegetation will successfully be achieved by 70
8 percent of the plot producing native grass and vegetation.

9 Finally, regards to the last criteria regarding
10 volunteers, page 185 of the application describes the
11 volunteer efforts of TAMBA, the Tahoe Area Mountain Bike
12 Association. And, therefore, I believe that category
13 warrants a higher score as well.

14 Based on that, I would make a motion for the
15 Commission score from December, which is a final score of 96.

16 COMMISSIONER THOMAS: Second.

17 CHAIRMAN SPITLER: Discussion?

18 Okay. All those in favor?

19 (Commissioners simultaneously voted.)

20 CHAIRMAN SPITLER: Opposed?

21 COMMISSIONER WALDHEIM: No.

22 CHAIRMAN SPITLER: Motion carries.

23 OR-2-ST-63, Stanislaus National Forest, Law
24 Enforcement.

25 MS. MILLER: OR-2-ST-63, Law Enforcement Project,

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1 Stanislaus National Forest. Division score of 41, percent of
2 funding determination is 0 with 0 dollars allocated.
3 Commission score of 58, 0 percent funding, and 0 dollars --
4 funding determination, and 0 dollars.

5 COMMISSIONER THOMAS: Could you show the cut list on
6 the screen, please.

7 (Mr. Pelonio complies.)

8 CHAIRMAN SPITLER: Yes?

9 MS. WARREN: Good afternoon. Sue Warren, Public
10 Service Area Leader -- Leader for the Stanislaus National
11 Forest. With the winds howling outside, it's hard to get
12 your head clear inside.

13 Last December, we made comment and ranked our
14 application for law enforcement at 58 and, with the able help
15 of public comment, identified those areas that had been
16 missed by the Division. I submitted to staff the rationale
17 for the scoring of these applications and where that
18 information can be found as well as for restoration
19 development and the planning grant. So I'm not going to go
20 into any great detail on where all that can be found, but for
21 your consideration again, the information was available from
22 the September meeting, the December meeting, as well as in
23 the grant application itself. And I'm ready to be able to
24 answer any questions for you.

25 Thank you.

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1 CHAIRMAN SPITLER: Okay. Thank you.

2 Any member of the public comment on the Stanislaus
3 law enforcement?

4 MR. STEWART: Yes. John Stewart, California
Page 191

5 Association of Four-Wheel Drive Clubs, and the United
6 Four-Wheel Drive Associations.

7 Looking at this grant, it's very problematic in that,
8 yeah, public comment is supported and testimony within the
9 record is supporting a higher score. We agree with a higher
10 score; it should be at least a 58. We do find that when we
11 look at this competitive process -- and a negative
12 competitive process is what it is, is the fact that the
13 Commission chose to zero the scores looks to be punitive in
14 nature and not within the competitive process.

15 Thank you.

16 MR. AMADOR: Yeah, Don Amador with the Blue Ribbon
17 Coalition.

18 I don't want to speak for my good friend Judith
19 Spencer, but I think all of us -- a number of us got up here
20 and spoke in favor of actually a higher score because we felt
21 that a lot of the public outreach and effort put on by not
22 only environmental groups but the off-road groups with the
23 Forest Service to address some of the law enforcement
24 concerns up there didn't adequately get considered by the
25 Division. And so I would agree with John supporting a 58,

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1 and I like your consideration on that.

2 Thank you.

3 CHAIRMAN SPITLER: Thank you.

4 MS. SPENCER: Judith Spencer with CORE.

5 I don't want to take too much time. I know
6 everyone's tired. But I do want to give a little bit of
7 specificity about the things that I think --

8 (Section of hearing not electronically recorded.)

9 MS. SPENCER: -- there's -- unfortunately didn't have
10 at first access to the application that -- the booklet that
11 the Division provided, so I pulled up -- one off line. So
12 some of my page numbers are off, so I will not mention those
13 numbers, but I will mention the ones you can find. And under
14 the first criterion, the efficient use of funds, there was,
15 particularly with this forest, a lot of discussion repeatedly
16 about how they're working with the three sheriff's
17 departments and that -- even doing some community planning --
18 on page 87 of the minutes, they discuss doing community
19 planning in a -- in an area in West Point that's giving us a
20 lot of trouble now. So I think that's really important.
21 Page 15 of the application from the staff talks about that
22 cooperation. They talk about education on page 14 using
23 signing. They talk about it on page 10 of training for noise
24 monitoring. They talk about on page 9 cooperation -- or
25 aerial oversight for wilderness and cooperating on page 14

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1 with search and rescue, that sort of thing. And also on
2 the -- in the application -- I don't know what page it is on
3 yours because the pictures weren't there, I don't think, but

4 pictures of the signage that they're using -- okay, I think
5 that -- that addresses pretty well that.

6 The negative outcomes, at that -- at the December
7 meeting, I brought a packet of eight letters from
8 organizations, most of which -- I think seven of which
9 supported the enforcement by the Stanislaus. And so about
10 the negative outcomes, they're found in those letters. The
11 Rim Trail Association talking about the community investment
12 and involvement will be lost if they're not -- if they're not
13 funded, Central Sierra Environmental Resource Center talks
14 about the need for enforcement along with restoration, but
15 that things need to be enforced if there's going to be
16 continued cooperation. Mill Woods Association homeowners
17 talk about the damage, torn-down gates, how they get
18 affected. And Sierra Pacific Industries talk about the
19 increase in illegal things. That kind of damage is well
20 documented.

21 The unique enforcement issues is as well documented.
22 It talks about, you know, they interface with so many --
23 what, two wildernesses -- wildernesses -- that's easy -- that
24 they have an enforcement situation that requires targeted
25 time and levels of enforcement, and they've got a grant

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1 application that says they'll put the LPOs where they need
2 them, the FPOs where they need them and switch them when they

3 need to. I think that's pretty innovative. And they're
4 dealing with a unique situation. Then you tack in the
5 interface, that would be page 12. And, also, on page 12,
6 there's an area in West Point where there's SPI land, BLM
7 land, and Forest Service land, and other private land which
8 provides a really interesting enforcement situation.

9 Is it adequate? And on page -- well, that page 34
10 was in the other application that I had. But it would be
11 enough if they're funded. And they have sufficient staffing.
12 They already have a an OH -- they have a motorcycle, they
13 have an ATV, they have a truck for the -- you know, they --
14 they have more than one of those. But so they have the
15 equipment they need to work. And they will be -- the work
16 will be done primarily on weekends and holidays. That makes
17 it work.

18 Does it improve the recreation experience and the
19 environment? That's almost self-explanatory, but they
20 explain it anyway, that you're going to improve the
21 experience if the use is on designated routes. That's on
22 page 34. And, also, you've got a safer environment. You
23 have directional signs; people know where to go, blah, blah,
24 blah, all of that stuff.

25 Volunteers is addressed on page 9 of the application,

1 and they -- they participate in various ways. Wilderness
2 volunteers do signage, club members do trail maintenance and

3 signing, which is -- of course, helps with the enforcement.
4 CORE has been building signs in preparation for the Interface
5 Plan to be finally fully implemented. And we're going to be
6 moving into phases where the community can actually help
7 directly -- more directly with enforcement. So that was all
8 in the documents. No new information.

9 Thank you.

10 MR. DART: Bill Dart representing the Off-Road
11 Business Association.

12 And Stanislaus Forest has got a -- several major
13 summer OHV areas. It's got a lot of winter recreation. And
14 it's hard to understand how you could give it 0 points in
15 your first scoring for this forest. There are sheriff
16 operations there, but the Forest Service needs to have a good
17 operation of their own to work with those guys. And, you
18 know, it's -- we -- want to see the problems addressed up
19 front with -- with proper enforcement so we don't have to
20 spend more money like on the next grant for restoration where
21 you went from a similar score to a 93. So, you know, it
22 doesn't make sense to me to have plenty of money for
23 restoration to solve problems that law enforcement would have
24 stopped from being created in the first place.

25 Thank you.

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1 CHAIRMAN SPITLER: Any other public comment?

2 Okay. Public comment period is closed.

3 I want to just correct the record. There appears to
4 be an error in the Exhibit A list that's led to some of the
5 public confusion on this one. The Exhibit A says that the
6 overall score was reduced from 41 to 0. Actually, that's not
7 what happened at the last meeting. What happened at the last
8 meeting was that the Commission had a motion to increase the
9 score to 58, and that motion failed on a tie vote ending up
10 with no funding determination from the Commission. So there
11 was never an effort by the Commission to reduce the score to
12 simply; it was simply a matter of deadlocking on 58 ending up
13 with no funding determination.

14 That being said, I would like to address this grant.
15 I think that the Division scores on the first, fourth, fifth,
16 and sixth categories are accurate scores, and we'll adopt
17 those. I would like to propose amendments to the second and
18 third categories. Second category addresses demonstration
19 that not funding the proposed project results in negative
20 outcomes taking into consideration harm to public health,
21 et cetera. For some reason the staff decided to score that
22 as a 0, which, I guess, is amazing considering the testimony
23 that we've heard in December and the application itself.
24 Page (unintelligible) 10, 11, and 12 describe a whole array
25 of illegal activity, trespass onto private property, trespass

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1 into wilderness areas, trespass on private land, user-created
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2 routes, noise and dust, operation of OHVs on non-motorized
3 trails, and continued conflicts with other types of
4 recreationists. I think that category warrants the score
5 that the Commission gave in December, which is a 15.

6 The next criteria, the application demonstrates that
7 the proposed project addresses a unique enforcement issue.
8 Again, for some reason the Division scorer scored that a 0,
9 meaning there was no unique enforcement issues. And, again,
10 I think that the unique issues in the interface area which
11 were described in the application on page 11, and the
12 conflicts there, the unique issues in OHVs operating on
13 non-motorized trails, particularly beyond the wilderness
14 trail heads and Bell Mountain and Box Springs and Rock Creek
15 areas, the wilderness trespass that's described in the
16 application on page 11 and 12 into the emigrant wilderness
17 and other areas, and the illegal riding on Sierra Pacific
18 Industry's lands and other private lands warrants a higher
19 score than the 0 that Division staff gave.

20 I would like to recommend the Commission score from
21 December, which is an 8. That would lead to a final score,
22 if I'm not mistaken, of 64 for the application. And I would
23 so move.

24 COMMISSIONER PRIZMICH: Mr. Chairman, I support that,
25 but I'd -- I'd ask for your consideration on the -- the first

1 item since there is a number of -- there's a multi-agency
2 interaction there, and they interact very well. And I'd like
3 to see that score reflect a little bit higher, say, a 9 as
4 opposed to the 8. So --

5 CHAIRMAN SPITLER: Okay. I -- I can accept that.

6 COMMISSIONER PRIZMICH: Okay. Then I would second
7 your -- your motion.

8 CHAIRMAN SPITLER: That would be a final score of 65.

9 COMMISSIONER THOMAS: Okay. Go over those again.
10 It's 9, 15 --

11 CHAIRMAN SPITLER: 9, 15, 8, and then the staff
12 scores of 19.3, 9, and 5.3.

13 COMMISSIONER THOMAS: Very good.

14 CHAIRMAN SPITLER: Is there a discussion?

15 Okay. All those in favor?

16 (Commissioners simultaneously voted.)

17 CHAIRMAN SPITLER: Opposed?

18 COMMISSIONER WALDHEIM: No.

19 CHAIRMAN SPITLER: Motion carries.

20 OR-2-ST-64.

21 MS. MILLER: OR-2-ST-64, Stanislaus National Forest,
22 Restoration Project. Division score of 48, resulting in a
23 0 percent funding determination and allocation. Commission
24 score of 93 with a 90 percent funding determination for
25 \$212,400.

1 CHAIRMAN SPITLER: Ms. Warren.

2 MS. WARREN: Sue Warren, Public Service Program Area
3 Leader for the Stanislaus National Forest.

4 I refer you to page 2 of my handout for criteria, and
5 I've referenced the places where you can find the scoring
6 criteria and the information to back that up. And Judith
7 will probably do a far finer job than I ever could on this
8 one.

9 Thank you.

10 CHAIRMAN SPITLER: MS. Spencer.

11 MS. SPENCER: Judith Spencer, CORE.

12 This is a grant that I was really astonished at how
13 clearly the criteria are laid out in the -- in this
14 application and yet did not get recognized in the Division's
15 scoring. So, once again, I had the problem of having an
16 application that I pulled off line instead of the
17 application -- but it's the same one. The numbers are
18 screwy.

19 But in particular, number one, the criteria about
20 enforcement, it was named as a part of the restoration four
21 or five times with great specificity about at Cedar Ridge,
22 they would have FPOs and LEOs to enforce closures and ensure
23 success. They conducted mainly on weekends and after school
24 times when there might be damage. Same sort of statement for
25 Lions Lake. On different pages another for the South 108

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1 Project, and the one where there's railroad ties to protect
2 heritage resources, that law enforcement would check those
3 areas to see if they were being effective. Very strong law
4 enforcement component. And even -- which is kind of really
5 cool for the heritage resources -- the tribal youth will be
6 used to help monitor and enforce. I think that's way cool.

7 Efficient use of the funds, they're ask -- they
8 were -- their ask was for 214,000, and this would be for
9 significant damage adjacent to three residential areas,
10 protect 12 major heritage resource sites, and prevent
11 extensive erosions on some hill climbs. I think that's a
12 pretty -- pretty efficient use of funds. On page 26, 30 --
13 pages 26, 32, and 37, and that is the -- the staff's book,
14 they -- I think it's very clear where they're going to use
15 boulders and brush at Date Flat, and that's a method that's
16 been shown to be cost effective to use the barriers. And
17 another cost-effective thing is they're going to get help
18 from the homeowners associations near infamous residential
19 areas. They're going to get help. They're also seeking
20 funds for non-restoration portions of the project from a
21 resource advisory committee to install some gates and further
22 protect it. More efficiency. And I already mentioned the
23 tribe.

24 The implications of not funding they do lay out,
25 though they're pretty self-evident. If they don't do that,

1 illegal use, trespass, and conflict is going to happen in
2 those residential areas. And in the -- is it the --

3 Sue, help me, which -- which area is it where there's
4 the watershed that you need to protect? Are you going to
5 remember? Yikes. Is it the 108? I think it is -- Highway
6 108 where a watershed that's drinking water for part of.

7 Huh?

8 UNIDENTIFIED SPEAKER: Craggy River.

9 MS. SPENCER: No.

10 CHAIRMAN SPITLER: Okay. Judith -- back to your
11 comments, Ms. Spencer.

12 MS. SPENCER: Anyway -- I shouldn't have asked for
13 help. Anyway, that's drinking water for a good -- bit
14 portion of Tuolumne County.

15 So that in addition to letters from CSERT (phonetic)
16 talking about the need being very great to restore eyesores
17 and all of those sorts of things that are not helping your
18 community image.

19 And does it protect and -- and conserve resources?
20 That's validated by the CSERT in a letter application on
21 page 32, it stops noise, dust, and trespass in a residential
22 area. Page 26, it's to restore routes and baron areas
23 located by the Columbia Water Canal -- that's what it was --
24 innovative approaches. I think it's pretty innovative to use
25 restoration to not only restore an area but to put an end to

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1 conflicts so small area of trail will be closed preserving a
2 very large area for riding, and -- and you won't have
3 homeowners, such as happened in -- in the interface have to
4 come forward and ask for bigger movements away. I think
5 that's fairly innovative. That's in there on -- well, on the
6 wrong pages, but it's in there. And what they're doing
7 with -- with the off-road opportunities will head off, as I
8 said, a great many conflicts.

9 About volunteers, there's a great amount of that
10 already. On page 31, they talk about the homeowners
11 association from Cedar Ridge and Mt. Elizabeth. They'll
12 conduct patrols with the officers. I think that's very good.
13 Same in Lions Lake, same in South 108, and then the tribe as
14 well.

15 And I think they deserve the score that was given to
16 them by the Commission. And the documents were all there.

17 Thank you.

18 CHAIRMAN SPITLER: Okay. Thank you.

19 Any other comments on the Stanislaus Restoration?

20 Okay. Public comment is closed.

21 I've -- I've reviewed the application and the
22 testimony from the previous meeting and note that throughout
23 the application there is ample description of each of the
24 evaluation criteria. Will reference pages 26, 31, 32, 36,
25 37, 39, 40, 42, 43, and 49 of the application all describe

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1 elements of the program in regards to the established
2 criteria. Regarding law enforcement, page 31, 36, and 39
3 describes the law enforcement efforts, the -- including FPO
4 funds, significant law enforcement efforts at each site.

5 Regarding Criteria 2, the efficiency, will note that
6 the application includes volunteers, includes four projects
7 throughout the forest and four archeological sites, all of
8 which are very cost effective.

9 Regarding Criteria 3, implications of not funding the
10 proposed project, the application references the impacts, the
11 erosion, unauthorized use, and damage to local archeological
12 sites that would occur were the restoration actions not
13 taken.

14 Regarding the Criteria 4, that the project will
15 protect, restore, and conserve resources, I think it's very
16 clear the 12 archeological sites as well as the soil and
17 vegetation that would be protected by this project. And the
18 other critical resources referenced in the application -- as
19 described in the application on the pages that are referenced
20 would be very well protected by this -- these restoration
21 projects.

22 Regarding the innovative approaches, I do note that
23 the -- that the approach to archeological site restoration is
24 particularly innovative. The Monitoring Program that's
25 described in the application is also innovative. And the

1 reference in the application to doing restoration once and
2 not having to return to restore the site again is also an
3 innovative approach to restoration.

4 And finally, regarding volunteers, Criteria 6,
5 page 31 of the application describes using volunteers as much
6 as possible and lists the -- the volunteer efforts that will
7 be a part of the project.

8 Based on that, I would move the Commission score as
9 described in December, which is a final score of 93.

10 COMMISSIONER ANDERSON: I'll --

11 COMMISSIONER THOMAS: Go ahead.

12 COMMISSIONER ANDERSON: I'll second that.

13 CHAIRMAN SPITLER: Discussion from the Commission?
14 All those in favor?

15 (Commissioners simultaneously voted.)

16 CHAIRMAN SPITLER: Opposed?

17 COMMISSIONER WALDHEIM: No.

18 CHAIRMAN SPITLER: Mr. Waldheim votes "no."
19 Motion carries.

20 OR-2-ST-66, Stanislaus National Forest, Development.

21 MS. MILLER: OR-2-ST-66, Development Project,
22 Stanislaus National Forest. Division score of 56 with a
23 45 percent funding determination for \$26,550. The Commission
24 score is 47 for a 0 percent funding determination, 0 dollars.

25 CHAIRMAN SPITLER: Ms. Warren.

1 MS. WARREN: Sue Warren, Public Service Program Area
2 Leader for the Stanislaus National Forest.

3 We support Division's recommendation.

4 CHAIRMAN SPITLER: Any other members of the public to
5 comment on this item?

6 COMMISSIONER THOMAS: Pass it. Can we pass this
7 because if it's -- never mind.

8 CHAIRMAN SPITLER: Okay.

9 COMMISSIONER ANDERSON: Not our concern.

10 CHAIRMAN SPITLER: I'll -- I'll make a -- a motion.
11 I -- I -- I can accept the Division's scores in Criteria 1,
12 3, 4, 5 and 6. However, I can't accept the score in the
13 second criteria, which is that the application demonstrates
14 the applicant's ability to operate in the future without
15 reliance on OHV Trust Funds taking into consideration certain
16 criteria. On page 68 of the application, there's a
17 description of annual maintenance costs of \$1,000 annually,
18 and there is the hope from the -- that the Forest will be
19 able to cover those costs, although no description that they
20 will be able to do so. Later on that same page, there's a
21 description that the Forest will actually hope to rely on
22 volunteers to continue with the maintenance of this site that
23 they are asking the State to develop.

24 Based on that, I can't support the score that the --
25 that the Division gave. I think that does not provide any

1 demonstration that the applicant has the ability to maintain
2 this site considering that the Forests says they will hope to
3 cover the costs itself and later says it will hope that
4 volunteers will assist with maintenance.

5 Therefore, I propose to reduce the score from 18.3 to
6 a 12, for a final score of 50. And I would so move.

7 COMMISSIONER THOMAS: Second.

8 CHAIRMAN SPITLER: Discussion?

9 COMMISSIONER PRIZMICH: I'd like to see what the --
10 the percentage works out on that. Zero funding, is that what
11 you're recommending -- 45 percent funding; is that correct?
12 It's 0 funding.

13 COMMISSIONER THOMAS: Under both scenarios, it's 0.
14 (Unintelligible discussion.)

15 CHAIRMAN SPITLER: Is there more discussion of the
16 motion?

17 Okay. All those in favor?

18 (Commissioners simultaneously voted.)

19 CHAIRMAN SPITLER: Opposed?

20 COMMISSIONER WALDHEIM: No.

21 CHAIRMAN SPITLER: Motion carries.

22 Stanislaus National Forest, OR-2-ST-67.

23 MS. MILLER: OR-2-ST-67, Planning Projects for
24 Stanislaus National Forest. Division score of 12, 0 percent
25 funding determination, and 0 percent allocation. Commission

1 score of 55 with 45 percent funding determination for
2 \$10,800.

3 MS. WARREN: Sue Warren, Public Service Program Area
4 Leader for the Stanislaus National Forest.

5 This Planning Grant was probably one of the more
6 difficult ones to write. I know when we had the training
7 last March, it was hard to know where to put a -- to support
8 a collaborative group -- the Stanislaus Recreation
9 Stakeholders, which application box they should fit in.

10 I refer you to page 4 in looking at the criteria and
11 identifying in the application where that might be found. It
12 was -- most of the information was found in public comment
13 after the grant was written. Also, on the third batch of
14 criteria, a lot of the -- the criteria do not apply to how
15 a -- Stanislaus Recreation Stakeholders operates and the
16 kinds of issues that they're dealing with. And -- and so
17 possibly as we look at criteria -- future criteria, we need
18 to figure out better where these kinds of groups fit in that
19 kind of box.

20 At this point, any assistants you can give us to
21 support this group would be greatly appreciated.

22 Thank you.

23 CHAIRMAN SPITLER: Thank you.

24 MS. SPENCER: Judith Spencer, CORE.

25 I looked at the Planning Grant as well, and at the

1 December meeting had spoken specifically about the
2 Stakeholders Group and nothing else in that -- that Planning
3 Grant. And that's what I looked at again. There is some
4 documentation, and it does address each of the criteria. I
5 don't -- the need -- for example, in the application, they
6 say the need to support this important group is a forum for
7 honest dialogue and problem solving. And what it does is
8 bring together a diverse -- a diverse -- they'll be doing
9 that for me if I don't get home soon -- a diverse group of
10 off-roaders, homeowners, hikers, snowmobilers, and skiers,
11 and that kind of thing. And that's -- it really is an
12 important forum. And it's for the whole forest, and that's
13 very important.

14 Certainly there's participation of volunteers. They
15 have been a dedicated group that has continued, and they talk
16 about that. They say that the result in sustaining or
17 existing opportunities, I think it does, because this group
18 is going to be involved with the designation process. And
19 that's about all I have for that. And along with Sue, this
20 one's a difficult one to fit into -- into the boxes.

21 Thank you.

22 CHAIRMAN SPITLER: Thank you.

23 Other public comment?

24 Okay. Public comment is closed.

25 Commissioners?

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1 COMMISSIONER WALDHEIM: Mr. Chairman, OR-2-S- --
2 OR-2-ST-67, go with staff determination.
3 CHAIRMAN SPITLER: Is there a second?
4 COMMISSIONER PRIZMICH: Second that.
5 CHAIRMAN SPITLER: Discussion?
6 All those in favor?
7 (Commissioners simultaneously voted.)
8 CHAIRMAN SPITLER: Opposed.
9 COMMISSIONER THOMAS: No.
10 CHAIRMAN SPITLER: Motion carries.
11 OR-2-T-93, Tahoe, Law Enforcement.
12 MS. MILLER: OR-2-T-93, Law Enforcement Projects for
13 Tahoe National Forest. Division score of 89 with a 75
14 percent funding determination for \$147,000. Commission score
15 77 with a 65 percent funding determination for \$127,400.
16 MR. MICHAEL: David Michael, Tahoe National Forest,
17 OHV Program Manager.
18 We support the Division recommendation of 89. And
19 I like to remind the Commission that this score was the highest
20 score in law enforcement in the northern block of -- of
21 grants, and ask you to consider that. Don't see any factual
22 basis for reducing that down.
23 CHAIRMAN SPITLER: Thank you.
24 MR. KLUSMAN: Don Klusman, California Four-Wheel
25 Drive Association.

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1 As I stated to you in December, this is -- was just
2 stated, this was one of the highest grants judged by the
3 criteria. Also, that they -- they do an excellent job out
4 there on the ground. And, you know, I'd like to see the --
5 the original because I think the justification was there. I
6 know this was a grant that was very contentious because of
7 the monies it issued at the time and -- because it was
8 towards the end of day, and we were trying to plug numbers
9 into pots. And in a competitive process, I think this one
10 was justified at the score that the Division recommended.

11 Thank you.

12 CHAIRMAN SPITLER: Thank you.

13 MR. STEWART: John Stewart, California Association of
14 Four-Wheel Drive Clubs, United Four-Wheel Drive Association.

15 I guess the reason we're here today is because it's a
16 matter of process was not followed. This a grant scoring
17 process to score the grants according to how they fall on a
18 competitive scale based on the criteria.

19 This grant scored very well, and yet the rationale
20 provided for assigning it the Commission score was based on
21 how many points are required to achieve a certain level of
22 funding. To that extent, this grant was not scored on a
23 competitive basis. This grant was highly biased with
24 (unintelligible).

25 We support the 89 score through the Division funding

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1 determination within the competitive process
2 CHAIRMAN SPITLER: Thank you.
3 Other public comment?
4 MR. PICKETT: David Pickett, District 36 Motorcycle
5 Sports Committee
6 Division's funding recommendations, we support that
7 number.
8 Thank you.
9 CHAIRMAN SPITLER: Thank you.
10 Any other public comment.
11 Okay. Public comment's closed.
12 Commissioners?
13 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
14 move OR-2-T-93 with staff determination.
15 COMMISSIONER PRIZMICH: Second.
16 COMMISSIONER THOMAS: Can we see the numbers after --
17 this is more than \$6,000 (unintelligible).
18 CHAIRMAN SPITLER: Commissioners --
19 COMMISSIONER WALDHEIM: That's my motion. We need a
20 second.
21 COMMISSIONER PRIZMICH: I gave it to you.
22 COMMISSIONER WALDHEIM: Thank you.
23 CHAIRMAN SPITLER: We need to see the sheet for the
24 Tahoe -- OR-2-T-93.
25 (Mr. Pelonio complies.)

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1 CHAIRMAN SPITLER: Commissioner Thomas.

2 COMMISSIONER THOMAS: If you fund it at the staff
3 recommendati on (unintelligible).

4 COMMISSIONER WALDHEIM: Mr. Chairman, we are not
5 supposed to be concerned with that issue at this time. We're
6 getting in the same trap we were in December.

7 COMMISSIONER THOMAS: You can ignore it all you want,
8 but I'd like to see it because I'd like to understand how
9 (unintelligible) relates to the other (unintelligible) that
10 are not before us today. I'm just asking for information.
11 Is that with it plugged in or not?

12 MR. PELONIO: No.
13 (Unintelligible discussion.)

14 CHAIRMAN SPITLER: Okay. Commissioner Thomas, do you
15 have comments regarding the application and the scoring
16 criteria?

17 COMMISSIONER THOMAS: Not at this time.

18 CHAIRMAN SPITLER: Okay. Is there more discussion of
19 the motion?

20 Okay. I'm going to -- unless there's more
21 discussion, I'm going to go ahead and call the question.

22 COMMISSIONER THOMAS: Just a second. So -- so what
23 this table tells us now is that the cut list just moved up
24 from 62 points to 63 points, is that right, approximately?
25 All right. Thank you.

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1 CHAIRMAN SPITLER: Okay. More discussion of the
2 motion?

3 Okay. All those in favor?
4 (Commissioners simultaneously voted.)

5 CHAIRMAN SPITLER: Opposed?

6 COMMISSIONER THOMAS: No.

7 CHAIRMAN SPITLER: Motion carries.

8 OR-2-T-96.

9 MS. MILLER: OR-2-T-96, Restoration Projects for
10 Tahoe National Forest. Division score of 62 with a 55
11 percent funding determination for \$81,400. Commission score
12 of 92 for a 90 percent funding determination of \$133,200.

13 CHAIRMAN SPITLER: Okay. Public comment on
14 OR-2-T-96?

15 Anyone wish to comment on OR-2-T-96?

16 Okay. The public comment is closed.

17 Commissioners?

18 COMMISSIONER WALDHEIM: I'd like to move OR-2-T-96 to
19 staff determination.

20 COMMISSIONER PRIZMICH: Second that.

21 CHAIRMAN SPITLER: Okay. Discussion?

22 Okay. All those in favor?

23 (Commissioners simultaneously voted.)

24 CHAIRMAN SPITLER: Opposed?

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1 CHAIRMAN SPITLER: Motion carries.

2 OR-726, Alpine County.

3 MS. MILLER: OR-726, Alpine County, Sheriff,
4 Equipment Projects. Division score of 28, 0 percent funding
5 determination, and 0 allocation. Commission score of 50 with
6 a 45 percent funding determination for \$32,400.

7 CHAIRMAN SPITLER: Okay. Any public comments from
8 Alpine County?

9 MR. : Ladies and gentlemen of the Commission, I find
10 myself in an odd position. I actually came here to advocate
11 keeping our score so that we had funding or asking for an
12 increase. If staff could pull up the spreadsheet with the
13 cut off so that I could make comment to that quickly.

14 CHAIRMAN SPITLER: Yeah, that's really not
15 appropriate for your comments.

16 UNIDENTIFIED SPEAKER: Well, I think it is, and
17 here's why, is that I'm going to actually ask you to go with
18 staff recommendation at 28. The reason I'm going to do is
19 that my friends and neighbors, Calaveras County Sheriffs is
20 back there, we're three off the bubble, they need to be fully
21 funded because there are jobs and people counting on that.
22 And odds are, at the rate we're going, we're going to get
23 bumped off and unfunded anyway, and you won't have law
24 enforcement in Alpine County anymore. What we've ended up

25 with here, Commission, is a great federal program because

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1 that's the majority of what we're funding here with this
2 project. And we're no longer assisting local governments.

3 And, again, I came here to lobby, and I find myself
4 ending up almost sounding like I'm chastising the Commission.
5 Unfortunately, this is the way we've ended up.

6 In my opinion, a program that the local state
7 taxpayer intended to fund activities directly related to
8 their recreation, which includes some enforcement, it
9 includes some restoration, it includes some conservation, and
10 instead we're trying to fix the ills of all the national
11 forests because of federal budget cuts, and we are here
12 supplanting the federal budget. In other states, such as
13 Nevada, Arizona, Texas, New Mexico, they do not have these
14 green-sticker programs, and those forests and the Federal
15 Appropriations Committee manages to appropriate funds to run
16 the national forests.

17 I believe that the forest should get some money from
18 the state taxpayer because we do use their lands. But
19 unfortunately what's happened is the priorities have gotten
20 skewed so far, that now what we're going to do is we're going
21 to start unfunding local government.

22 So, again, Commission, my recommendation is that you
23 go with staff at 28 percent and not fund our equipment.

24
25

Thank you.
CHAIRMAN SPITLER: Thank you.

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Other public comment on OR-726, Alpine County?
Okay. Public comment is closed.
Commissioners?
COMMISSIONER WALDHEIM: Mr. Chairman, I -- I fully support with what law enforcement just stated now. It is appalling to see that all these counties are going to end up underneath the bubble. Anything under 58 points is not going to get funded, and it's absolutely deplorable.
COMMISSIONER THOMAS: Sixty-three.
COMMISSIONER WALDHEIM: Sixty-three is even worse. It's totally deplorable that we're letting this happen here. And I don't know -- I don't know how it is, if it's because of the grants or because it's -- it's just not right. The very people that we depend on in helping us to keep law enforcement going, we're just totally zeroing them out. And I agree with you 100 percent, this is -- something is totally, totally broken. My own city, California City, now all of a sudden I have nothing, zero. I have to go back to city council and tell them, "You got no money now." What in the world do you think they're going to do to me in California City? And we can duplicate the same thing in that city to all the other cities in the state of California. Something is terribly, terribly broken in here. And

24 Mr. Prizmich -- I mean you need to add something to this. It
25 just doesn't make any sense. I mean it just doesn't make any

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1 sense.

2 COMMISSIONER PRIZMICH: Yeah, we need more money
3 allocated to law enforcement. I mean we -- we'd decided to
4 some time ago that -- that they were to get 3.5 I think --
5 3.5 million, and that's simply clearly isn't enough. Where
6 we can get that money -- I mean I -- we've -- Commissioner
7 Waldheim and myself made a suggestion that didn't get -- get
8 by the Commission. There's only so much money. So -- and it
9 doesn't make me happy either.

10 COMMISSIONER THOMAS: Well, gentlemen, it's very
11 difficult to hear you say at the end of the day there's no
12 money when all day long I've been warning you that if you
13 heavily the federal government grants in the beginning of the
14 day, you'd inevitably screw everybody at the back of the day,
15 and that's exactly what's happened. I feel very badly, not
16 that it matters, for Alpine County, Calaveras County, Colusa
17 County, my county, Butte County. Every one of us is in the
18 damn boat with the others. But this is not a decision that
19 was made without calculation. People knew damn well what
20 they were doing at the beginning of the day, and now we're
21 here.

22 CHAIRMAN SPITLER: Okay. Well, let's bring us back

23 to OR-726. I think some of these questions are really
24 broader policy questions that are going to have to be
25 addressed as we determine our funding levels (unintelligible)

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1 grant cycle and other considerations for the Commission to
2 make in the future. At this point, we have OR-726, Alpine
3 County Sheriff Enforcement -- or, excuse me, Equipment before
4 us.

5 Was there a -- I'm sorry, was there a motion? No.
6 Do we have a motion?

7 COMMISSIONER WALDHEIM: At this point, we're so
8 discouraged, nobody wants to make a motion.

9 Mr. Chairman -- Mr. Chairman --

10 CHAIRMAN SPITLER: I'll move the staff
11 recommendation.

12 Is there a second?

13 COMMISSIONER ANDERSON: Okay.

14 CHAIRMAN SPITLER: Discussion.

15 COMMISSIONER ANDERSON: I'll second.

16 I -- I understand your comments, Mr. Waldheim, and
17 Mr. Thomas. In future years, I think we need to devise a
18 system that will protect small applicants, and I don't know
19 what that category is or how we do that.

20 CHAIRMAN SPITLER: Yeah. I --

21 COMMISSIONER ANDERSON: Because the -- the resources
22 available to applicants asking for large dollar figures are

23 certainly -- just in the preparation of their documents
24 and -- and justifying all of -- all of the details that are
25 required within the application are hardly worth the time and

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1 effort that a small county asking for a law enforcement grant
2 can put into the application process. I know it's simpler
3 than having to do detailed environmental documents because we
4 still require that -- law enforcement grants don't require
5 that kind of detail. But you could easily spend \$10,000
6 trying to put your application together for \$10,000. And I
7 don't -- I don't know how we solve that problem.

8 MS. GREENE: Commissioner Anderson, if I may, I think
9 one of the things that is of great concern to the Division
10 and should be to all of us currently is the issue of the
11 in-lieu fees. And I've shared this with the Commission
12 before. But currently the Controller -- because of something
13 that was passed 18 months ago, right now the Controller has
14 no mechanism by which to release the in-lieu fees that would
15 go to small -- to counties and cities. It actually is going
16 to the cities; it's not going to the counties.

17 CHAIRMAN SPITLER: (Unintelligible) I apologize, I
18 don't want to interrupt you, but I just --

19 MS. GREENE: I know, but I just --

20 CHAIRMAN SPITLER: We -- we -- we're at 5:30. We
21 have many applications to get through. We're getting really

22 far afield from OR-726, the applicant's law enforcement
23 grant.

24 MS. GREENE: Just as we move forward --

25 CHAIRMAN SPITLER: I just want to --

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1 MS. GREENE: -- Commissioner Thomas, to address his
2 concerns, we can actually try and address this with
3 everybody.

4 CHAIRMAN SPITLER: I understand. We'll have a lot of
5 issues. I think this grant brings up and this whole process
6 brings up some real important policy considerations. There
7 are many people who are here waiting to hear their grants and
8 hoping that their grants will be heard before we adjourn
9 today. We really need to focus on this grant and move
10 forward.

11 COMMISSIONER THOMAS: Call the question.

12 COMMISSIONER ANDERSON: You've got a motion and a
13 second.

14 CHAIRMAN SPITLER: Okay. Sandy, could we do a
15 roll-call vote, please.

16 MS. ELDER: Anderson?

17 COMMISSIONER ANDERSON: Aye.

18 MS. ELDER: Spitzer?

19 CHAIRMAN SPITLER: Aye.

20 MS. ELDER: Thomas?

21 COMMISSIONER THOMAS: No.

22 MS. ELDER: Pri zmi ch?
23 COMMI SSI ONER PRI ZMI CH: No.
24 MS. ELDER: Wal dhei m?
25 COMMI SSI ONER WALDHEIM: I get to break the tie?

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1 CHAIRMAN SPITLER: It's bumped.
2 COMMI SSI ONER THOMAS: It's your program.
3 COMMI SSI ONER ANDERSON: Do it.
4 COMMI SSI ONER WALDHEIM: It's my program. Staff
5 recommendati on is what the moti on was, right?
6 CHAIRMAN SPITLER: Yep.
7 COMMI SSI ONER WALDHEIM: So I'll have to go wi th staff
8 recommendati on.
9 CHAIRMAN SPITLER: Okay.
10 COMMI SSI ONER WALDHEIM: So it woul d be "aye."
11 CHAIRMAN SPITLER: Okay. And moti on carries.
12 OR-728, Col usa County, Sheri ff.
13 MS. MI LLER: OR-728, Law Enforcement Projects.
14 Di vi si on score of 72, 65 percent fundi ng determi nati on for
15 \$3,250. Commi ssi on score of 95, 100 percent fundi ng
16 determi nati on for \$5,000.
17 CHAIRMAN SPITLER: Go ahead, start the public
18 comment.
19 MR. AMADOR: Yeah, Don Amador, Blue Ri bbon Coal iti on.
20 Regarding thi s grant, back in the December meeti ng, I

21 offered the Commission a chance to -- because we all know
22 we're operating under artificial ceilings with these funding
23 pots. And at that time I offered the Commission a chance to
24 join with the OHV community and Division in -- in voting for
25 a resolution to address these funding mechanism. We have

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1 this 15 million in -- in restoration that could be going to
2 local sheriffs. We don't have a shortage of money; we have a
3 shortage of the will and the lack on the part of this
4 Commission to help solve some of these problems. These
5 sheriffs should not be going without their funds --

6 (Multiple speakers.)

7 CHAIRMAN SPITLER: Excuse me --

8 MR. AMADOR: -- (unintelligible).

9 Thank you.

10 CHAIRMAN SPITLER: -- Mr. Amador --

11 Thank you.

12 MR. KLUSMAN: Don Klusman, California Four-Wheel
13 Drive Association.

14 As was discussed in December, we're talking about
15 \$2,000 here, folks. Let's go with your -- your
16 recommendations -- I mean you hear public testimony that said
17 give them the money. So I ask you to justify your -- your
18 90 -- whatever it is -- 95 and give the sheriff the little
19 bit of money that he's asking for.

20 Thank you.

21 CHAIRMAN SPITLER: Okay. Thank you.

22 MR. PICKETT: David Pickett, District 36 Motorcycle
23 Sports Committee.

24 Chairman Spitler, you just said the last grant
25 go-round about important policy decisions in the near future.

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1 The near future is here. And the situation with the law
2 enforcement grants that have transpired during the course of
3 this --

4 CHAIRMAN SPITLER: Excuse me, Mr. Pickett --

5 MR. PICKETT: -- year very much --

6 CHAIRMAN SPITLER: -- we're -- we're addressing the
7 OR-728. And you're really doing a disservice to those whose
8 grants are yet to be heard by commenting on items not on the
9 agenda. So if you have comments related to OR-728, please
10 feel free to make them. Otherwise, (unintelligible), that
11 would be appreciated.

12 MR. PICKETT: Thank you very much, Mr. Spitler. I
13 appreciate that reminder.

14 I support the Division's recommendations.

15 Thank you.

16 CHAIRMAN SPITLER: Thank you.

17 Any other members of the public wish to comment on
18 OR-728?

19 Okay. Commissioners -- public comment is closed.

20

Commissioners?

21

COMMISSIONER THOMAS: I'm going to move the original

22

Commission scores and -- with the comment that the Exhibit A

23

discussion as to what was and wasn't discussed is -- is

24

completely inaccurate. There was a factual discussion

25

referencing established criteria in facts, and I can point

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1

the Commissioners to page 100 of the transcript where we had

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a long soliloquy, I suppose, as to the extent of

3

opportunities and cultural resources in the Williams area and

4

the high-quality recreational experience and the public

5

safety issues in -- in OHV areas west of Williams in Colusa

6

County. I completely am at a loss as to why staff has

7

embargoed this small amount of money for the lack of evidence

8

when, in fact, the evidence is in the transcript.

9

Thank you.

10

CHAIRMAN SPITLER: Was that a motion?

11

COMMISSIONER THOMAS: That was a motion.

12

CHAIRMAN SPITLER: Is there a --

13

COMMISSIONER PRIZMICH: I'll second that.

14

CHAIRMAN SPITLER: Commissioner Thomas, in making

15

that motion, I'm assuming that you're also considering the

16

information on pages 155 through 157 -- excuse me, 158 of the

17

application which refers to the -- each of the criteria to be

18

considered.

19

COMMISSIONER THOMAS: At the time I did the original

20 analysis in December, I did review those grant sections
21 carefully. I don't have an immediate recollection as I sit
22 today as to what I did, but I do remember carefully reviewing
23 the grants in order to establish that my recommendation was
24 consistent with the criteria, particularly the criteria as to
25 resource use, rapped resource, illegal activity, and

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1 cooperati on wi th other agenci es.
2 CHAIRMAN SPITLER: Okay. Thank you.
3 Is there more di scussi on?
4 Okay. We have a moti on and a second.
5 All those in favor?
6 (Commi ssi oners si mul taneousl y voted.)
7 CHAIRMAN SPITLER: Opposed?
8 (No audi bl e opposi ti on.)
9 CHAIRMAN SPITLER: Moti on carri es.
10 OR-737, Cal averas County.
11 MS. MILLER: OR-737, Law Enforcement Projects.
12 Di vi si on score of 50, 45 percent fundi ng determi nati on for
13 \$30,000 al locati on. Commi ssi on score of 96, wi th a fundi ng
14 determi nati on of 100 percent for \$68,000.
15 CHAIRMAN SPITLER: Go ahead.
16 MR. WALKER: Good afternoon. Mi chael Wal ker,
17 Under-Sheri ff Cal averas County.
18 As you review OR-737 and the -- the reason why it

19 was -- we're here today, the statement is that we did not
20 display any of our volunteer activity. I'd like to disagree
21 with that and -- and draw your attention to the original
22 grant application where we did discuss the use of our
23 sheriff's volunteers in terms of the educational process
24 where we hand out material at our substations to enthusiasts
25 that come there seeking any information as to use within

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1 Calaveras County and the forest.

2 We also mentioned in our grant application our Search
3 and Rescue Program -- it's a volunteer program -- and the
4 interaction that we have with them.

5 Going back to September 30th at the subcommittee
6 hearing where we first discovered and -- and were discussing
7 these grants, I would like to draw your attention to page 91,
8 line 17 through 20, where we again discussed the
9 search-and-rescue activities with the volunteers, and, again,
10 on page 93, pages -- or line 5 through 10 where Judith
11 Spencer discussed the interface and the community volunteers
12 that are building trails, going to help do trail maintenance,
13 and will eventually be helping with enforcement and
14 volunteering.

15 On December the 8th, we had eight different groups
16 that got up and spoke on our behalf on this application. I
17 would put to you that that -- that those groups that got up
18 and spoke on our behalf are probably the best volunteers that

19 we have. We're working with them all of the time, and we
20 consider them volunteer partners in our projects. The
21 dictionary describes a volunteer as somebody that's willing
22 to provide a service of their own free will, and I would say
23 that all of those groups got up and did that on our behalf.

24 CHAIRMAN SPITLER: Good. Thank you.

25 Ms. Spencer.

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1 MS. SPENCER: And I'm a volunteer. Judith Spencer
2 with CORE.

3 I -- I hope it isn't too confusing because I'm -- on
4 September as well December, we tended to discuss the
5 Calaveras County's grants, 737 and 738, together. One is a
6 full-time position; one is a half-time position specifically
7 for the interface.

8 So looking at these grants, if you just begin by
9 looking at the -- the minutes of the December meeting, Sue
10 Warren of Stanislaus spoke about how important it was to work
11 with the three counties and the Calaveras included. And
12 within the application -- well, she's already spoken about
13 the work with the Forest Service, that the -- this department
14 partners with Alpine and Tuolumne Counties and cooperates
15 with local groups, and that's by the education already. The
16 eight letters in addition to the folks that stood up, the
17 eight letters from organizations in the Calaveras -- in the

18 Stanislaus area all supported enforcement by the Forest and
19 the sheriff. So -- let's see.

20 I don't think they mentioned -- but according to
21 the grant application, they have educational things on the
22 web site, page 69 indicates that. They distribute trails
23 maps. They do one on one. That was on page 66. They give
24 classes for -- ATV classes for the public. And I think those
25 are important in terms of using their funds efficiently.

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1 And let's see. Oh, I thought this was an important
2 one, that Ms. Milligan of the California-Nevada Snowmobile
3 Association pointed out that the presence of law enforcement
4 is instructive to the snowmobilers. And I think that's --
5 that's an important point. Okay. And Mountain Alliance also
6 wrote a letter about unprecedented levels of cooperation.

7 Negative outcomes are so self-evident, but they still
8 spoke about them, about all this activity in the north side
9 of the county, the homeowners association responding, the
10 photos of damaged gates, that -- I talked about the fact that
11 while most people are happy with the Interface Plan, those
12 that aren't are willing to do damage, and they're doing it.
13 Once again, the letter thing, SPI, Ball Mountain -- that's
14 over in the -- the north part of the county -- describing the
15 trespass and damage.

16 And about the unique enforcement issues, well, it's
17 not unlike that -- for the Stanislaus. But the different

18 thing for the sheriff is they have jurisdiction on public and
19 private lands. So in the north county, they've got to deal
20 with BLM, SPI, U.S. Forest Service, and private residences.
21 I think that's pretty unique.

22 And adequate to address the issues, yes, if -- if
23 they get the funding. We've had one deputy; he's been with
24 us for three years; he knows the area well. But what's
25 exploding in another area of the county will mean that the

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1 coverage needed for the interface is going to be shaky, and
2 the riders will take advantage of that, I'm sorry to say. So
3 it will be adequate, but we need them both.

4 Protects and improves recreation, that's sort of
5 self-explanatory, too. One of the things is, in that area,
6 not only in the north part of the county, but in the -- the
7 area of Calaveras District, SPI is closing lands, and he
8 makes -- that's noted in their application. They're closing
9 their lands to off-road use because they're not being
10 managed.

11 And volunteers, I have basically the same thing that
12 was said. And so I hope you can fund this grant fully, as
13 you had chosen.

14 Thank you.

15 CHAIRMAN SPITLER: Okay. Thank you.

16 Any other comments on Calaveras?

17 MS. WARREN: Sue Warren, Stanislaus National Forest.
18 Judith already stole my thunder. But I'd like to go
19 on record as supporting Calaveras County as a valued partner
20 and working with them, and hope that (unintelligible) you
21 can.

22 Thank you.

23 MR. PICKETT: David Pickett, District 36.

24 On this grant, please support Division funding
25 recommendations.

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1 Thank you.

2 CHAIRMAN SPITLER: Any other public comment on
3 OR-737?

4 COMMISSIONER THOMAS: Zero funding.

5 CHAIRMAN SPITLER: Okay. Public comment is closed.

6 I'll go ahead and made a motion on 737. Notice that
7 the Division believed that the extensive public testimony
8 justified five of the six criteria scores increased by the
9 Commission. However, the Division states that there was no
10 factual support whatsoever for an increase in the final
11 category which describes participation by volunteers
12 enhancing the ability to perform law enforcement activities
13 taking into consideration a variety of factors. Will note
14 that on page 94 of the subcommittee testimony, Judith Spencer
15 described the volunteer efforts getting up and running which
16 will eventually participate in law enforcement. At page 81

17 from the record from the December meeting there is a letter
18 from the homeowners association describing the efforts made
19 by an array of parties, including all of the volunteer
20 efforts that have gone into reaching resolution in the
21 interface area, and page 90 of the application describes a
22 system whereby volunteers can call in complaints, and the
23 sheriffs will participate in responding to those complaints.
24 I think that description of the volunteer efforts provides
25 ample justification to increase the score to 14 as the

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1 Commission did in December. Therefore, I would move a score
2 of 96 as the Commission approved in December.

3 COMMISSIONER PRIZMICH: Second that.

4 CHAIRMAN SPITLER: Is there a discussion from the
5 Commission?

6 COMMISSIONER PRIZMICH: Yeah. I'd like to point out
7 for the -- the purposes of -- just an understanding of -- of
8 search and rescue so that we -- when we cross this bridge
9 again, what benefit search and rescue is to a law enforcement
10 agency --

11 (Section of hearing not electronically recorded.)

12 COMMISSIONER PRIZMICH: -- rescue on the part of law
13 enforcement, their -- their volunteer hours are extremely
14 helpful, and they also provide a tremendous educational input
15 that I don't think has been clearly articulated here. So I'd

16 like to provide that for -- for our future use.

17 CHAIRMAN SPITLER: Okay. I also -- one last comment
18 on the subcommittee testimony. I just want to make sure the
19 Commission is aware that -- as the public -- that all of that
20 testimony was available to the Commission at the December
21 meeting. It was provided in the (unintelligible) which was
22 passed out at the meeting. Therefore, it was part of the
23 record for -- for our consideration.

24 Other discussion?

25 MR. LaFRANCHI: Chairman Spitler, I -- I would have

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1 to respectfully disagree.

2 CHAIRMAN SPITLER: Okay. More discussion?

3 Okay. We have a motion and a second.

4 All those in favor?

5 (Commissioners simultaneously voted.)

6 CHAIRMAN SPITLER: Opposed?

7 (No audible opposition.)

8 CHAIRMAN SPITLER: Okay. Motion carries.

9 OR-738.

10 MS. MILLER: OR-738, Calaveras County, Law
11 Enforcement Projects, Calaveras County Sheriff. Division
12 score of 30 with a 0 percent funding determination,
13 0 dollars. Commission score of 96, with a 100 percent
14 funding determination for \$39,000.

15 MR. WALKER: Michael Walker, Under-Sheriff Calaveras
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16 County again.

17 I would make the same argument as it relates to the
18 volunteers and search-and-rescue volunteers. They're a
19 critical component of the everyday operation of the Sheriff's
20 Office, especially in wilderness areas. We are in
21 partnership with those volunteers on a daily basis. We train
22 with them. We have staff assigned to them. And as that
23 relates to this grant, that component for the volunteers,
24 it's immeasurable.

25 The other -- the other part that the Division stated

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1 that we were inadequate on this grant, I don't know what that
2 was. It wasn't mentioned in the -- in Exhibit A what --
3 what -- where we were deficient on the second issue. So I
4 can't address that at this point.

5 CHAIRMAN SPITLER: Okay. Thank you.

6 Any other comments on OR-738?

7 MR. LEVY: Under-Sheriff Rob Levy, Alpine County.

8 I think this is going to be one of the few counties
9 that will end up getting funded. And they run a good
10 program. We work closely with those folks. We have quite a
11 bit of interface around the Spicer Reservoir area on the Bear
12 Valley side. And would ask that you fully support this
13 program.

14 Thank you.

15 CHAIRMAN SPITLER: Thank you.

16 MS. SPENCER: Judith Spencer, CORE.

17 And I won't reiterate. I just want to remind you
18 that when I spoke about these criteria, they were duplicated
19 in -- basically in the two -- the grant applications. All of
20 them really apply to both of the grants.

21 Thank you.

22 CHAIRMAN SPITLER: Okay. Again, on this category,
23 the Division determined that four of the six criteria scores
24 were supported by the factual discussion. The two that
25 weren't, according to the Division, addressed sufficiently

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1 was the Criteria 2 and Criteria 6. Criteria 6, the
2 participation by volunteers, again, is referenced in the
3 subcommittee testimony on page 94. Page 81 of the record
4 describes the letters from the homeowners association,
5 describe -- president describing all of the efforts made by
6 volunteers to solve the problems in the interface area and
7 provide enforcement solutions. And page 90 of the
8 application describes the system whereby the Sheriff's
9 utilizing volunteers to call in complaints and -- and report
10 violations in help solving enforcement problem.

11 The second criteria is a bit of a mystery. The
12 Division -- the criteria is the application demonstrates that
13 not funding the proposed project results in negative outcomes
14 taking into consideration a variety of factors. And the

15 Division scored that a 1.7 out of 20, which is rather
16 marvelous considering the significant enforcement problems

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1 And the need for law enforcement solution in the
2 interface area. Page 85 in the application describes the
3 interface project and the need for -- the need for efficient
4 enforcement solutions and the problems that will -- excuse
5 me, that the problems that the application will resolve and
6 that will continue should the application not be funded.

7 So I think that this application warrants the score
8 given by the Commission in December, and will move funding
9 level of -- excuse me, a score of 96.

10 COMMISSIONER PRIZMICH: I'll second that with a
11 comment when you're done.

12 CHAIRMAN SPITLER: Commission Prizmich.

13 COMMISSIONER PRIZMICH: I also want -- want to make

14 note of the fact that there were a number of letters in
15 support of this that I don't think you mentioned, Chair
16 Spittler, that were -- that were in the record.

17 CHAIRMAN SPITLER: Yeah.

18 More discussion?

19 Okay. All those in favor?

20 (Commissioners simultaneously voted.)

21 CHAIRMAN SPITLER: Opposed?

22 (No audible opposition.)

23 CHAIRMAN SPITLER: Motion carries.

24 Why don't we take a short break, and we'll hopefully
25 come back and wrap up with the final grants.

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1 (Brief recess, 5:49 p.m. to 6:00 p.m.)

2 CHAIRMAN SPITLER: Okay. The next grant is OR-744,
3 Plumas County, Sheriff.

4 MS. MILLER: OR-744, Law Enforcement Projects.
5 Division score of 52, 45 percent funding determination for
6 \$13,500. Commission score was 95, funding determination of
7 100 percent for \$30,000.

8 CHAIRMAN SPITLER: Okay. Is there any public
9 comments on the Plumas?

10 MR. JOHNS: Good afternoon. I'll make this quick.
11 Sgt. Todd Johns, Plumas County Sheriff's Office. I'm the OHV
12 Coordinator.

13 Initially is -- I don't know how long we started this
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14 whole thing, about four or five meetings ago, I asked my Law
15 Enforcement Grant to be put on the consent agenda, and it was
16 pulled off with the Equipment Grant and both were reviewed in
17 the December meeting. At that time, according to the
18 Division, I believe there was some public testimony to at
19 least bring up the score from what they had initially
20 indicated what it had qualified for. And the bottom line is,
21 is that if you go with staff recommendations, I will get no
22 funding in this grant. And in the December meeting, you made
23 it obvious that there were obviously some public testimony
24 and other things that came to light that should increase that
25 score. So I just ask you to consider that today.

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1 Thank you.

2 CHAIRMAN SPITLER: Thank you.

3 Any other comments on the Plumas?

4 Okay. Public comment is closed.

5 Commissioners?

6 COMMISSIONER PRIZMICH: Mr. Chairman, I'm completely
7 comfortable with the information that was provided. I've
8 reviewed the record in the December meeting -- or -- yeah,
9 check that, the December meeting. And I would suggest that
10 the -- the Commission's recommendation of 95 points for full
11 funding should go forward.

12 CHAIRMAN SPITLER: Is that a motion?

13 COMMISSIONER PRIZMICH: That is a motion.
14 CHAIRMAN SPITLER: Is there a second?
15 COMMISSIONER THOMAS: Second.
16 COMMISSIONER ANDERSON: Second.
17 CHAIRMAN SPITLER: Motion and seconded twice.
18 COMMISSIONER THOMAS: I'll take it. I need it. It's
19 my county.
20 CHAIRMAN SPITLER: Okay. Is there more discussion of
21 the -- of the motion?
22 Commissioner Priznich, did you want to provide any
23 information from the record describing why you think it --
24 the record supports that funding level considering the staff
25 has already told us they -- they don't believe it warrants

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1 that funding level -- that score?
2 COMMISSIONER PRIZMICH: Well, with regard to Item
3 No. 4, there was considerable testimony that -- that's in the
4 record relative to the -- the volunteer efforts being made on
5 the part of Plumas County. And I -- I -- you know, based on
6 that -- that information and -- and the -- the record that
7 was provided us, I think the 13 -- the point -- or the 13
8 rating is -- is well within reason. And I think the .67
9 rating is -- is far too low based on the -- the testimony.
10 Plumas County is a small county, and they have a -- a
11 great deal of impact from -- from off-highway use. We've got
12 one sergeant that -- that handles this along with some

13 volunteers. And the Division identified a Division score of
14 6.0 for the -- the fifth item, and I don't think that that is
15 bore out by the testimony that the sergeant had given us. So
16 those two items I'd -- I'd move up to the -- based on the
17 testimony, I move up to the Commission's recommendation.

18 The staffing on Item No. -- one, two, three, four --
19 I there was -- there was testimony relative to the volunteer
20 effort and the educational effort on the part of the
21 volunteers to move that to 23.0, and I fail to understand at
22 all the application demonstrates that the proposed project
23 would address this unique law enforcement effort.
24 Off-highway vehicle use in terms of a small county like this
25 is unique in and of itself. The 1.3 that the staff provided

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1 is -- is -- I mean just by its -- it's not even -- even
2 within reason. So I would go with the 10 point score on
3 that.

4 The harm to public safety, anytime that -- that would
5 be the second item -- anytime that you have off-highway
6 vehicle use in -- in an area such as Plumas County, you've --
7 you've got -- and without any law enforcement effort, you've
8 got inherent health and safety issues, you've got wilderness
9 intrusion. So I don't think -- and that was all based upon
10 testimony that was provided at the December meeting. And I
11 don't think that the 10.7 -- how they arrived at the 7, I'm

12 not sure, but I don't think the 10.7 was adequate. I think
13 the 20 based on the testimony is -- is more appropriate. And
14 the same holds true -- if I'm not mistaken, that's BLM land
15 up there. I'm not sure. But I know that they work together,
16 and I think they have a cooperative agreement.

17 Sergeant?

18 MR. JOHNS: Yes, sir --

19 COMMISSIONER PRIZMICH: Isn't it BLM.

20 MR. JOHNS: Forest.

21 COMMISSIONER PRIZMICH: Forest Service. I'm sorry.

22 Forest Service and this Sheriff's Office have a
23 cooperative agreement, which means that they are working hand
24 in hand. So I think that's entirely appropriate to have a 14
25 Commission score there.

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1 CHAIRMAN SPITLER: Okay. Well, I'd like to just also
2 note that page 140 of the application addresses Criteria
3 No. 6 by describing the volunteers that will be utilized in
4 the project. Page 141 addresses Criteria 5, that the project
5 will improve the recreation experience by describing how the
6 project will enhance public safety and reduce the amount of
7 crimes against property and state and federal resources. And
8 regarding Criteria 4, the unique issue, there is a discussion
9 of intrusion into the Bucks Lakes and Caribou Wilderness
10 areas on page 141. And, also, page 140 through 142 also
11 address the first two criteria, specifically efficient use of
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12 funds and the partnerships and the implications of not
13 funding the project, which is continued public safety
14 problems and trespass into wilderness and other closed areas.

15 COMMISSIONER THOMAS: Mr. Chairman, the December 8th
16 testimony of Todd Johns would also provide information as to
17 negative outcomes.

18 CHAIRMAN SPITLER: Okay. A motion and a second.
19 Do we have more discussion?

20 Okay. All those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIRMAN SPITLER: Opposed?

23 (No audible opposition.)

24 CHAIRMAN SPITLER: Motion carries.

25 OR-747, Tuolumne County.

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1 MS. MILLER: OR-747, Law Enforcement Projects,
2 Tuolumne County, Sheriff. Division score of 40, 0 percent
3 funding determination, 0 dollars. Commission score of 95,
4 with 100 percent funding determination for \$25,000.

5 CHAIRMAN SPITLER: Any public comment on OR-747?

6 Okay. Commissioners?

7 Do we have a motion?

8 I'll move the staff recommendation.

9 Is there a second?

10 Is there any Commissioners still awake?

11 COMMISSIONER ANDERSON: I'll second it for purposes
12 of discussion.

13 CHAIRMAN SPITLER: Okay. We have a motion and
14 second.

15 Discussion of the motion?

16 COMMISSIONER ANDERSON: I'm concerned that this
17 application is not -- well, never mind. Pass.

18 COMMISSIONER THOMAS: I don't have enough knowledge
19 of this application to provide the kind of testimony I have
20 in other matters.

21 COMMISSIONER WALDHEIM: I'll make a substitute
22 motion. My substitute motion on OR-747 is accept the staff
23 determination.

24 COMMISSIONER ANDERSON: That's what the original
25 motion was.

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1 (Unintelligible discussion.)

2 CHAIRMAN SPITLER: Actually, I'd like to -- I'm going
3 to withdraw my motion if the second would allow it and revise
4 it based on the -- based on the Division comments here. I
5 notice that the Division noted that the increased scores in
6 four of the six criteria were supported by Agency testimony,
7 so I will -- if the second will allow me to withdraw that
8 motion, I will amend it.

9 COMMISSIONER ANDERSON: I do.

10 COMMISSIONER THOMAS: Oh, I see.

11 CHAIRMAN SPITLER: Okay. Criteria 1 I'll score at
12 15. Criteria 2, score of a 20. Criteria 3, score of a 10.
13 Utilize the staff funding levels for Criteria 4 and 6. And
14 Criteria 4 -- excuse me, Criteria 5, utilize the 14 that the
15 Commission approved in December, for a total score of -- I
16 can't read it -- 79.

17 MR. JOHNS: Seventy-eight.

18 CHAIRMAN SPITLER: Seventy-eight. And I'll make that
19 motion.

20 COMMISSIONER THOMAS: Second.

21 CHAIRMAN SPITLER: Discussion?

22 All those in favor?

23 (Commissioners simultaneously voted.)

24 CHAIRMAN SPITLER: Opposed?

25 COMMISSIONER WALDHEIM: No.

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1 CHAIRMAN WALDHEIM: Motion carries. Commissioner
2 Waldheim votes "no."

3 Trinity County RCD, OR-750.

4 MS. MILLER: OR-750, Trinity County, Restoration
5 Projects. Division score of 47, 0 percent funding
6 determination, 0 dollars. Commission score of 96, 100
7 percent funding determination for \$309,000.

8 CHAIRMAN SPITLER: Go ahead.

9 MR. FROST: I'm Pat Frost with the Trinity County

10 Resource Conservation District. Good evening.

11 And I would like to just suggest to you that there is
12 adequate information in the application and the testimony
13 from December 8th on pages 124 through 132 that supported
14 Commissioner Anderson's original motion on December 8th. And
15 I would ask you to reconsider those. There's plenty of
16 information for a factual discussion, if you so choose at
17 this hour.

18 CHAIRMAN SPITLER: Okay. Thank you.

19 Other public comments on OR-750?

20 MR. DART: Bill Dart representing the Off-Road
21 Business Association.

22 And this is another example of a dysfunctional system
23 where we're being asked to fund hundreds of thousands of
24 dollars to decommission logging roads that have really
25 nothing to do with off-highway vehicle recreation. No grant

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1 funds have ever been spent in this area that I'm aware of for
2 OHV opportunity. There are no staging areas. There's no --
3 no developed facilities for OHV. There's some incidental use
4 by a few locals. There's some incidental use by hunters.
5 But we're really talking about a road decommission program to
6 deal with water quality for salmon that's nothing to do with
7 off-highway vehicle. And so we're being asked to fund this
8 project instead of things like county sheriff projects and
9 maintaining the trails and doing the things that we should be

10 doing with this fund.

11 Thank you.

12 MR. STEWART: George Stewart, California Association
13 of Four-Wheel Drive Clubs, and United Four-Wheel Drive
14 Associations.

15 One of the issues for a recreation program that's
16 part of the legislative intent is a restoration effort, but
17 that restoration effort has got to have a nexus to an OHV
18 recreation. This is not linked directly to -- or even
19 indirectly to an OHV recreation program or high recreation
20 usage. We do not support this -- you know, this increased
21 funding on this grant. We do support the Division funding
22 determination within the competitive process, so that the
23 score of 47 is a reasonable score for this grant. But it
24 does not really address something that is the fault of
25 recreation.

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1 Thank you.

2 CHAIRMAN SPITLER: Thank you.

3 MR. PICKETT: David Pickett, District 36.

4 The last time we talked about this, I had brought up
5 the use of the logging roads where actual damage had been
6 done by OHV, and Mr. Frost was not clear on it, if that
7 actually occurred. Commissioner Priznich had made a comment
8 that he had not heard of any direct connection between OHV

9 use and the damage that's been caused here. So I concur with
10 my colleagues that talk -- spoke before me, and I think that
11 needs some real consideration. If this damage was not done
12 by OHV-related activities, then the funding should go back
13 to -- to staff determination.

14 Thank you.

15 MR. LOWERY: George Lowery, California Enduro Riders
16 Association, Georgetown resident.

17 As of the previous testimonies, I think this one's a
18 no-brainer. Staff -- staff determination, please.

19 CHAIRMAN SPITLER: Any other public comment on
20 OR-750?

21 Okay. Public comment is closed.

22 I note that the staff made the rather bizarre and
23 unsubstantiated statement that the testimony noted that the
24 project could not be connected to OHV recreation use -- I'm
25 not exactly sure where that statement comes from. I find no

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1 support for it in the record. I do note on page 130 of the
2 transcript describes impacts on these roads which are, I'll
3 quote, heavily used by recreational motorists, other users,
4 and other recreationists, and most of the damage we see is
5 related to vehicle use. Note in the application, page 203
6 describes the objective of the project to reduce
7 sedimentation risk to downstream fish habitat and to
8 eliminate OH- -- illegal OHV use. Page 204 and 205 of the
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9 application also reference illegal OHV activity and describe
10 that was one of the objectives of the project, to prevent
11 that type of illegal activity from taking place.

12 Regarding the specific criteria, Criteria 1 of the
13 law enforcement, page 204 of the application describes the
14 law enforcement efforts, regular patrols by USFS Forest
15 Service employees. And I believe that partnership with the
16 Forest Service warrants a higher score that the Commission
17 gave in -- in December.

18 Regarding the efficient use of OHV funds, the project
19 describes reduced oversight and planning costs, describes the
20 high-quality habitat to be restored, describes the ways in
21 which the Trinity County RCD work four 10-hour days and camp
22 out at the project to reduce travel time and vehicle costs,
23 how the project overlaps with other ongoing restoration
24 projects, et cetera, all of which is aimed at providing more
25 bang for the buck. That's described in page 205 of the

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1 application.

2 Regarding the implications of not funding the
3 proposed project, it seems quite obvious, but from page 203
4 to 205 in the application, describes the risk of continued
5 damage to fisheries, anagomous fish habitat, implementation
6 of -- excuse me, negative impacts on critical watersheds, and
7 more ecosystem damage, including threatening endangered

8 species, as described on page 205 of the application. Some
9 of those species include steelhead and Chinook salmon.

10 Regarding the fourth criteria that the project
11 restores important resources, again, I would reference the
12 important resources just mentioned, the sensitive and
13 endangered species, the key watersheds, and the watershed
14 values that are described in the application on page 203
15 through 205.

16 Regarding the innovative approaches, it's innovative
17 in that the -- as described in the application on page 205 in
18 that the -- it will re-contour roads entirely, drainage
19 structures will be excavated from stream swales and seeps
20 making it impossible for illegal OHV activity to take place.

21 Finally, regarding the volunteers, there is
22 discussion in the application of the volunteer use including
23 volunteers of the South Fork Coordinated Resources Management
24 Planning Group, who will be requested to assist with
25 monitoring and reporting illegal activities.

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1 Based on those considerations, all of which are in
2 the application, I would move the Commission score of 96 as
3 was scored in December.

4 COMMISSIONER THOMAS: And I'll second that motion.

5 CHAIRMAN SPITLER: Discussion.

6 COMMISSIONER THOMAS: Yes. The -- in addition to the
7 facts that you've provided in the record, Mr. Chairman, the

8 issue of water quality and the contributions of roads, both
9 used and unused by OHV, is an interesting direct or indirect
10 impact on the OHV Program. And what I mean by that is, if
11 you have, as the record shows, the Trinity River as a 303
12 delisted impaired watershed, impaired for sediment, the
13 degree of impairment is measured on an aggregate basis from
14 all contributions. That's the TMDL Program. If you have
15 silt coming from half the roads, you can shut down the whole
16 watershed even including riding areas because, in fact,
17 you've to measure the impact of the -- of roads ridden on and
18 not ridden on in an aggregate sense. So if one is trying to
19 clean up and -- and reduce the water quality impacts of roads
20 that people actively use for off-highway vehicle use,
21 cleaning up other roads is an offset similar to air offsets
22 and is just as valid a use of our money as anything else.

23 CHAIRMAN SPITLER: More discussion from the
24 Commission?

25 COMMISSIONER PRIZMICH: Is this a -- an approved OHV

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1 part that we're talking about?

2 CHAIRMAN SPITLER: These are public lands.

3 COMMISSIONER PRIZMICH: Public lands --

4 CHAIRMAN SPITLER: Forest Service lands.

5 COMMISSIONER PRIZMICH: -- that were logging roads,
6 right?

7 CHAIRMAN SPITLER: Roads which have -- I'm not sure
8 what the original purpose they were established for, but
9 which have been receiving illegal OHV use.

10 COMMISSIONER PRIZMICH: Well -- I mean there's
11 illegal OHV use at a lot places. I'm -- I'm not sure -- I
12 mean I have illegal OHV use on my county roads because
13 they're not licensed. I'm not sure how really because an
14 OHV, if, indeed, that's what it is, is utilizing a road, why
15 we need to spend our funds on -- on fixing it.

16 CHAIRMAN SPITLER: Because that's the purpose of the
17 Trust funds. That's one of the legitimate purposes of the
18 OHV Trust Fund.

19 COMMISSIONER PRIZMICH: And we have law enforcement
20 agencies that are going without money today. And I think
21 this is -- you know, this is not -- I still don't see the
22 connection for sure that this is an OHV issue.

23 CHAIRMAN SPITLER: Right. I will just make the
24 comment that the fact that law enforcement agencies are going
25 without funding is not a referenced criteria for this grant

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1 appl i cati on.

2 COMMISSIONER PRIZMICH: No. But there is money on
3 this grant application, and that's the reference.

4 CHAIRMAN SPITLER: Yeah, any -- any money for a
5 restoration project would come out of the restricted
6 restoration fund which can't be spent on any other --

7 COMMISSIONER PRIZMICH: Not -- not unless we decide
8 to -- to use it otherwise.

9 CHAIRMAN SPITLER: No, that's -- we're not available
10 to do that. That's a decision --

11 (Multiple speakers.)

12 COMMISSIONER PRIZMICH: Well, obviously we tried that
13 once. We tried -- we tried to get that money diverted,
14 and -- and it was shot down. But that doesn't mean it can't
15 come up again.

16 COMMISSIONER THOMAS: John, I think (unintelligible)
17 legislatively set-aside restoration funds as opposed to
18 program (unintelligible) set aside. (Unintelligible) saying
19 legislatively set-aside funds can't be moved over, whereas
20 programmatical funds can be moved around.

21 COMMISSIONER PRIZMICH: Then my point is made.

22 CHAIRMAN SPITLER: That's right.

23 COMMISSIONER THOMAS: This is a legislatively created
24 set-aside.

25 CHAIRMAN SPITLER: Okay. Getting back to OR-750, the

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1 Trinity County RCD, is there any more discussion of the
2 motion? It's a restoration project.

3 (Unintelligible discussion.)

4 CHAIRMAN SPITLER: More discussion?

5 Okay. Sandy, could we do a roll-call vote, please.

6 MS. ELDER: Anderson?
7 COMMISSIONER ANDERSON: Aye.
8 MS. ELDER: Spitzer?
9 CHAIRMAN SPITLER: Aye.
10 MS. ELDER: Thomas?
11 COMMISSIONER THOMAS: Aye.
12 MS. ELDER: Priemich?
13 COMMISSIONER PRIEMICH: No.
14 MS. ELDER: Waldheim?
15 COMMISSIONER WALDHEIM: No.
16 CHAIRMAN SPITLER: Okay. Motion carries.
17 OR-753, Town of Yucca Valley.
18 MS. MILLER: OR-753, Law Enforcement Projects.
19 Division score of 57 for 45 percent funding determination of
20 \$30,150. Commission score of 95 for a 100 percent funding
21 determination of \$67,000.
22 CHAIRMAN SPITLER: Go ahead.
23 MR. MONDARY: Dale Mondary, San Bernardino County
24 Sheriff's Department. I'm a sergeant representing the
25 contract city of the Town of Yucca Valley.

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1 And keeping in mind the Commission's not going to
2 rely on new information today, I would remind the Commission
3 of testimony that was heard not only at the December meeting
4 but also at the subcommittee meeting in Riverside. And --
5 and counsel's opinion that testimony can't be considered is

6 somewhat baffling to me because what is the point of having
7 subcommittee meetings if you're not going to be allowed to
8 take into consideration what is testified to there.

9 In regards to our -- the grant with cooperation with
10 other agencies, education efforts, et cetera, et cetera, and
11 that breakdown, testimony has been heard. It's, to me,
12 clearly stated in our grant. And, again, testimony was taken
13 at the subcommittee meeting that our project and our grant
14 should actually be the model project used throughout the
15 state. I think it's there clearly that -- that our score
16 should be higher in that area.

17 The -- the same way with the second criteria and the
18 negative outcomes. We're trying to direct any of our
19 trespassers and our illegal OHV activity to the legal riding
20 areas in our community. The efforts that we've been doing
21 actually have -- have increased. I know testimony was -- or
22 someone had made the statement at the south that this was a
23 local problem. Well, frankly, every law enforcement project
24 is a local problem. And -- but extending that out, we have
25 OHV enthusiasts not only from San Bernardino County but from

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1 all counties in southern and central California that come to
2 the Morongo Basin to recreate. And because of our efforts,
3 we're getting more and more calls not necessarily for service
4 of illegal activity, but from the enthusiasts themselves who

5 are calling and saying, "Where can I legally ride in your
6 area," so that we are able to give them that direction and,
7 again, protect the resources and the homeowners and the
8 opportunities for the enthusiasts in order to do that. All
9 of our enforcement team, if you will, every one of them are
10 OHV enthusiasts that -- that ride off duty that have nothing
11 to do with their law enforcement, making those contacts as
12 well and directing people in -- in the proper place.

13 And, again, I would ask the Commission to -- to
14 consider our -- our -- our funding at the 95 score.

15 Thank you.

16 CHAIRMAN SPITLER: Thank you.

17 Any other public comment?

18 MR. BECHTEL: Errol Bechtel, San Bernardino County
19 Sheriffs.

20 I applaud the Commission for rating a 95 percent for
21 law enforcement. It's an entity that's well needed to keep
22 the OHV areas safe. And thank you, and I hope you do stay
23 with your 95 percent.

24 MR. STEWART: John Stewart, California Association of
25 Four-Wheel Drive Clubs, and United Four-Wheel Drive

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1 Association.

2 Looking back at this grant, I'd like to point out
3 that no new information can be included, but maybe we ought
4 to go back and actually look at what the court testimony or

5 what the previous transcript said. And in reality, before it
6 was defined as something subsidizing the local community.
7 Yes, there is an OHV-type problem there, but, also, that
8 OHV-type problem is not being dealt with by the local
9 community, by the local residents. In other words, it is
10 quite apparent that the local community is expecting the OHV
11 Commission to fund their overall law enforcement efforts,
12 whether it be OHV issues or whether it be the regular public
13 health and safety issues. As such, yes, they should have
14 some funding to help them out. That's why the score within
15 the competitive grant process of 57 is reasonable. And at
16 that point, we support the grant -- under the competitive
17 scoring process, 57 is reasonable. Anything else over and
18 above that gets out of the realm of it being part of the OHV
19 problem. And, actually, I'm going to say it this way: It
20 takes it out of being a local problem and puts it only to an
21 OHV problem, when, in fact, this law enforcement grant is
22 primarily served to underwrite the cost for maintaining
23 sheriffs, deputies in that community.

24 CHAIRMAN SPITLER: Okay. Any other public comments?
25 Okay. Public comment is closed.

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1 COMMISSIONER WALDHEIM: Mr. Chairman, OR-753 with
2 staff recommendation.

3 COMMISSIONER ANDERSON: I'll second that.

4 CHAIRMAN SPI TLER: Okay. Di scussi on from the
5 Commi ssi on?

6 COMMI SSIONER THOMAS: Well, the Exhi bit A -- staff
7 Exhi bit A provi des that -- or i nforms us that there was no
8 factual di scussi on representing this -- referenci ng the
9 establi shed cri teria, but a quick review of the transcript at
10 page 127 on December 9th shows that i llegal ri ders is an
11 i ssue i n uni ncorporated areas, and that is one of the
12 cri teria, i llegal trespass and harm to natural resources i n
13 Factor No. 2, which is why thi s Commi ssi on i ncreased the
14 rating from 5.7 to 20.

15 I n addi ti on, there was testi mony from Dale Mondary
16 that they were devel opi ng brochures to di rect OHV ri ders i nto
17 legal ri di ng areas. That is -- al so supports the i nteni on
18 to remedy i llegal trespass and the loss of recreati onal
19 opportuni ty by focusi ng on where posi ti ve recreati onal
20 opportuni ty is avai lable.

21 Fi nally, on page 128, Mr. Mondary's testi mony
22 i ndicated that they were educati ng and di recti ng, funneli ng
23 OHV enthusi asts i nto the ri ght areas. I guess that's where
24 i t's headed. But those at least are three facts, as well as
25 testi mony of Mr. rent Schoradt on page 130 of that December

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1 9th meeti ng where he i ndicated thi s was a model program for
2 enfor cement. That woul d i ndicate to me that that i ncrease of
3 the uni que enfor cement i ssue from 5 to 8 woul d certai nly be

4 justified by the testimony of Mr. Brent Schoradt. And I was
5 there at that meeting to hear that testimony, and it was that
6 type of testimony that formed the basis of my recommendation
7 to increase the funding.

8 Thank you.

9 COMMISSIONER PRIZMICH: Mr. --

10 CHAIRMAN SPITLER: I'm sorry, was that -- was that --
11 were you making an amendment to the motion, then?

12 COMMISSIONER THOMAS: I'm -- I'm going to suggest
13 that we go with the original Commission recommendation.

14 CHAIRMAN SPITLER: Okay. So that's an amendment to
15 the motion.

16 Is there a second?

17 COMMISSIONER PRIZMICH: I'll second that.

18 CHAIRMAN SPITLER: Okay. We have a motion and an
19 amendment.

20 Commissioner Prizmich.

21 COMMISSIONER PRIZMICH: Just as a comment. There --
22 there are other items referenced that add support to
23 Commissioner Thomas's claim on page 27. There are more
24 references to information being handed out that go to this
25 same area, and -- and greater law enforcement efforts. So

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1 that's in addition to what you've already mentioned.

2 CHAIRMAN SPITLER: I -- I'd like to speak to the

3 amendment as well. Regarding the first criteria, the
4 efficient use of funds, I notice that page 9 of the
5 application describes the official use of funds focusing law
6 enforcement efforts on holiday weekends where there's
7 increased ridership, and also the efforts of the
8 San Bernardino County Sheriff, the Town of Yucca Valley and
9 29 Palms agreeing to work together in law enforcement.

10 Regarding the second criteria, the impacts of not
11 funding the project, note that the increased enforcement will
12 reduce the incidents of trespass, destruction of property,
13 and noise complaints, registration, spark arrester,
14 et cetera, also on page 9 of the application.

15 Regarding the third criteria, the unique law
16 enforcement issue, note that the application on page 5 and 6
17 describes a huge demand -- an increased demand for OHV
18 recreation in the area as well as a significant number of
19 calls -- over 1,800 calls from residents complaining about
20 OHV problems, trespass, noise, unsafe and illegal activities.
21 That's found on page 6, 7 -- 5, 6 of the application.

22 Regarding the adequacy of the -- of the enforcement
23 efforts, notice page 9 of the application describes funding a
24 sergeant for 10 hours a month; a corporal, 43 hours; a deputy
25 position for 54 hours on average, as well as additional law

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1 enforcement patrol on weekends and holidays each month during
2 the year.

3 Regarding the protecting the recreation experience,
4 page 9 also describes the reducing trespass, destruction of
5 property and noise, et cetera.

6 And regarding the volunteer issues, I do note in the
7 subcommittee testimony on page 67, there is a description of
8 the thousands of hours of volunteer efforts further in the
9 subcommittee testimony on page 59. There's also a discussion
10 of the ten community stakeholder meetings with OHV user
11 groups, business owners, environmental groups, local land
12 owners and others to try to address the OHV enforcement
13 issues in the area.

14 So I will support the amendment to the motion.

15 Is more discussion?

16 Okay. We'll take the amendment first. That's to
17 increase the score to 95.

18 Sandy, could we do a roll call, please.

19 MS. ELDER: Anderson?

20 COMMISSIONER ANDERSON: No.

21 MS. ELDER: Spittler?

22 CHAIRMAN SPITTLER: Aye.

23 MS. ELDER: Prizmich?

24 COMMISSIONER PRIZMICH: Aye.

25 MS. ELDER: Thomas?

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1 COMMISSIONER THOMAS: Aye.

2 MS. ELDER: Wal dhei m?
3 COMMI SSI ONER WALDHEI M: No.
4 MS. ELDER: 3:2 in favor.
5 CHAI RMAN SPI TLER: Okay. Moti on carri es.
6 Now we' ll do a vote on the original moti on as
7 amended.
8 We do a roll call, please, Sandy.
9 MS. ELDER: Anderson?
10 COMMI SSI ONER ANDERSON: Aye.
11 MS. ELDER: Spi tler?
12 CHAI RMAN SPI TLER: Aye.
13 MS. ELDER: Pri zmi ch?
14 COMMI SSI ONER PRI ZMI CH: Aye.
15 MS. ELDER: Thomas?
16 COMMI SSI ONER THOMAS: Aye.
17 MS. ELDER: Wal dhei m?
18 COMMI SSI ONER WALDHEI M: No.
19 CHAI RMAN SPI TLER: Moti on carri es.
20 Commi ssi oner Wal dhei m votes "no."
21 OR-760, San Bernardi no County, Sheri ff, Law
22 Enforcement.
23 MS. MI LLER: OR-760, Law Enforcement Projects.
24 Di vi si on score of 61, wi th a fundi ng determi nati on of 55
25 percent for \$31,900. Commi ssi on score of 96 for 100 percent

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1 fundi ng determi nati on of \$58,000.
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2 MR. HUBBARD: Commission, Sgt. Doug Hubbard,
3 San Bernardino County Sheriff's Department. I'm also the OHV
4 Coordinator for the Barstow Station of our jurisdiction.

5 And to be brief, as well, I'd just like to say that
6 we support the recommendation made by the Commission to
7 increase the Law Enforcement Grant funding for the Barstow
8 area to the 96 points.

9 We believe that the grant application itself and the
10 information that was provided in the December meetings
11 support that score. And in addition, to some of the areas
12 specifically, as outlined in the original grant, we do
13 maintain a very cooperative relationship with BLM and
14 California Highway Patrol, which is proven in operations such
15 as Dumont Dunes that we do regularly. And our -- and as
16 outlined in our application, our annual OHV visitor rate of
17 over 500,000 people are visitors. Funding is critical to
18 maintain a safe, effective law enforcement that we provide.

19 In the -- in the area of the volunteers, our -- as
20 outlined in our application, our reserve program primarily
21 staffs our OHV Program with -- with four reserve officers.
22 So we -- we try to cover that as best we can with our reserve
23 officers. We do donate thousands of hours of time to that.
24 And as for the access and the potential OHV activity, with
25 over 32 avenues of exit from two major interstates, the

1 potential for OHV activity is -- is large in our
2 10,000-square-mile jurisdiction.

3 And I'd just like to support the recommendation of
4 the Commission to raise the score to the 9.

5 Thank you.

6 MR. BECHTEL: Errol Bechtel, San Bernardino Sheriffs,
7 again.

8 I support the 96 percent rating by the Commission
9 understanding how important it is to have the Law Enforcement
10 Unit continue on the OHV Programs. Without them, we're going
11 to have a mess.

12 Thank you.

13 CHAIRMAN SPITLER: Thank you.

14 Okay. Other public comments?

15 Commission discussion?

16 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like to
17 move OR-760 to staff recommendation -- staff determination.

18 CHAIRMAN SPITLER: Is there a second?

19 Okay. Motion dies for lack of a second.

20 Is there another motion?

21 COMMISSIONER THOMAS: Mr. Chairman, I'm hoping you'll
22 have some more facts. I seem to be running out of my
23 collection of exactly what we did on this one.

24 CHAIRMAN SPITLER: I will make a motion for the
25 Commission score of 96.

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1 On the application, there is ample evidence to
2 provide each of the criteria on page -- regarding Criteria 1,
3 efficient use of funds, page 155 describes specifically that
4 point. The official use of funds of the Barstow Sheriff's
5 Station, coordination -- in one jurisdiction covered by the
6 Sheriff's Station.

7 Regarding, also, the -- there's a description at
8 page 145 of the OHV Team, and its mobile command post, which
9 certainly is a very efficient system. Also, the air
10 squadron, the Aviation Division and participation for those
11 effort in the OHV enforcement.

12 Regarding negative outcomes, there is a description
13 on page 155 and 1 -- excuse me, 155 regarding negative
14 implications of not funding the project, and page 145 which
15 discusses the growing disturbances, trespass problems in
16 those areas, as well as the indiscriminate trespass and the
17 reduction of those activities through -- through the patrols.

18 Regarding the unique enforcement issues, the -- on
19 page 145 and page 156 describes over 10,000 square miles of
20 enforcement needed, proactive patrol efforts, open
21 communication, also the air squadron, the Aviation Division
22 participating in enforcement, I think is a very unique
23 solution. Also, the growing indiscriminate trespass
24 described on page 145 is certainly a unique enforcement
25 issue. And the adequacy of the enforcement efforts,

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1 described on page 145, 40 man hours per month, also the
2 air squadron --

3 (Section of hearing not electronically recorded.)

4 CHAIRMAN SPITLER: -- and Aviation Division.

5 Page 1 -- excuse me, Criteria 6, improving the
6 recreation experience is also described on page 159 of the
7 application, and it describes the -- how the project will
8 improve -- excuse me, improve enforcement in the open-use
9 areas, maintain public safety, and the essential needs for
10 the enforcement.

11 Regarding the final criteria, volunteers, again,
12 page 159 and 160 describes the volunteer efforts associated
13 with the Sheriff's, and the Barstow Sheriff's Station Reserve
14 Unit and the Sheriff (unintelligible) volunteers use their
15 own airplanes to provide air travel communication and
16 spotting support, et cetera.

17 Criteria 4 on the unique enforcement issues, the
18 application on page 158 describes Dumont Dunes, et cetera,
19 (unintelligible). And there's a full page on how unique the
20 issue is. And implications of not funding the project are
21 also described on page 157.

22 That being said, I would move the funding level that
23 the Commission supported in December of 96.

24 COMMISSIONER PRIZMICH: Second that.

25 CHAIRMAN SPITLER: Discussions?

1 COMMISSIONER THOMAS: Just to support the motion and
2 note that on page 133 of the transcript, Commissioner
3 Waldheim is quoted that -- talking about the unique
4 cooperative Law Enforcement Program that exists between this
5 unit and the Barstow Field Office. As well, Commissioner
6 appears to have made the motion -- Commissioner Waldheim
7 appears to have made the motion to increase the criteria
8 because of his -- because of their work with the Dumont Dunes
9 and other areas.

10 And thank you very much, Commissioner Waldheim,
11 because I do know you know that area better than any of us.

12 CHAIRMAN SPITLER: More discussion from the
13 Commissioner?

14 COMMISSIONER PRIZMICH: If I might, I -- I'd
15 suggested a number of times that the Sheriff's Office have
16 aero squadrons that could be employed to assist in -- in
17 these matters. And this is one Sheriff's Office who has
18 employed that, and I -- I think we should fund them if for no
19 other purpose, that purpose, to -- because they are -- they
20 are providing an opportunity I think the other Sheriff's
21 Offices -- to show the way. So I think that's real helpful.
22 Wilderness intrusions and whatnot, it's -- it's a real
23 efficient use of some free air time.

24 COMMISSIONER THOMAS: So that would go to both
25 volunteers and the unique enforcement.

1 COMMISSIONER PRIZMICH: Absolutely, yeah.

2 COMMISSIONER THOMAS: Unique to both criteria that
3 we're recommending.

4 Thank you.

5 CHAIRMAN SPITLER: Okay. We have a motion and a
6 second.

7 More discussion?

8 All those in favor?

9 (Commissioners simultaneously voted.)

10 CHAIRMAN SPITLER: Opposed?

11 (No audible opposition.)

12 CHAIRMAN SPITLER: Motion carries.

13 OR-762, Nevada County.

14 MS. MILLER: OR-762, Law Enforcement Projects for
15 Nevada County Sheriff. Division score of 64, with 55 percent
16 funding determination allocating \$75,350. Commission score
17 of 50, 45 percent funding determination for \$61,650.

18 CHAIRMAN SPITLER: Mr. Stewart. Mr. Stewart.

19 MR. STEWART: John Stewart, California Association of
20 Four-Wheel Drive Clubs, and United Four-Wheel Associations.

21 We support this at the staff funding determination
22 based on the competitive score grant. (Unintelligible) the
23 fact that this particular area of Nevada County is a --
24 becoming a major OHV recreation destination. And as it said,
25 the number of visitors there is increasing. And it was

1 looked to the fact, according to Exhibit A here, is that this
2 is the first time for this grant applicant. Well, for a
3 first-time grant applicant coming in and coming in with a 64
4 score on a competitive process, this is pretty good. And
5 this is something that deserves funding.

6 Thank you.

7 MR. PICKETT: David Pickett, District 36 Motorcycle
8 Sports Committee.

9 I'm also going to reference back to Exhibit A. Quite
10 a bit of the discussion centered on the fact that this was
11 the first time the applicant had come before the Commission.
12 That doesn't make any difference. It's a competitive
13 process. All applicants should be created equal. As John
14 had just indicated, a score of 64 on the first shot was
15 pretty darn good. Therefore, 36 would like to go with the
16 staff recommendation on their funding -- or determination
17 levels.

18 But I also have another comment. At the last
19 testimony on page 103 of the public testimony, Commissioner
20 Thomas had made a comment in this grant that -- he was
21 talking to Mr. Klusman and said, "You like this program, not
22 me." Therefore, I make a request that you abstain from
23 voting on this grant because of that comment.

24 Thank you very much.

25 CHAIRMAN SPITLER: Thank you for that public comment.

1 Any other public comments on OR-762?
2 Okay. Commissioners?
3 COMMISSIONER WALDHEIM: Mr. Chairman, I move OR-762
4 to staff determination.
5 CHAIRMAN SPITLER: Is there a second?
6 COMMISSIONER PRIZMICH: I'll second that.
7 CHAIRMAN SPITLER: Discussion?
8 Discussion?
9 All those in favor?
10 (Commissioners simultaneously voted.)
11 CHAIRMAN SPITLER: Opposed?
12 (No audible opposition.)
13 CHAIRMAN SPITLER: Motion carries.
14 OR-767, Butte County.
15 COMMISSIONER THOMAS: Butte County, the last on the
16 list.
17 MS. MILLER: OR-767, Law Enforcement Project. Final
18 Grant.
19 COMMISSIONER THOMAS: Probably nobody here.
20 MS. MILLER: Division score of 76, 65 percent funding
21 determination for \$9,100. Commission score of 91, 90 percent
22 funding determination of \$12,600.
23 CHAIRMAN SPITLER: Anyone wish to comment on Butte
24 County?
25 MR. STEWART: John Stewart, California Association of

1 Four-Wheel Drive Clubs, and United Four-Wheel Drive
2 Associations.

3 It's been a long day, and I'm glad to see this is the
4 last grant. And it still does not absolve the one reason
5 we're all here is because the process has broken down. And,
6 again, with other grants we're looking at today, is this --
7 this is one where the process has broken down in that a --
8 comments or opinions or information outside the criteria was
9 used to determine its grant score at the December meeting.
10 As such, we support the staff allocation and determination
11 under the competitive scoring process of 76 points.

12 Thank you.

13 MR. PICKETT: David Pickett, District 36 Motorcycle
14 Sports Committee.

15 I concur with Mr. Stewart's comments, and support
16 staff's -- excuse me, determination level at 76.

17 Thank you.

18 CHAIRMAN SPITLER: Any other public comments?

19 Okay. Commissioners?

20 COMMISSIONER THOMAS: I'd like to move the Commission
21 score on the matter. I believe the record is quite clear at
22 page 61 of the December 8th, 2005 transcript where the
23 Sheriff's representative talked about how they were going to
24 spend their money on educational pamphlets for the public,
25 spend extra funding for fuel, signage of directional signs,

1 and -- let's see, that -- also at page 62, we talked about
2 public information, which this is the last -- let's see,
3 which is -- public information -- right there -- the
4 directional signs and fog the public on proper location for
5 OHV recreational activities is a way to avoid the negative
6 outcomes of illegal trespass and loss of recreational
7 opportunity -- opportunity and irresponsible OHV use.

8 Additionally, the operations inherent in providing
9 funding for fuel allows staffing and equipment to be used
10 effectively and efficiently, which I gather we increased that
11 item 3 points from the staff recommendation.

12 And finally, the education effort relied upon
13 volunteers up in the Butte Meadows area and volunteer hours
14 are encouraged by educating the public and providing
15 incentives to recreate in a popular and fair function.

16 So (unintelligible) 91.

17 COMMISSIONER ANDERSON: I'll second that, if that was
18 a motion.

19 COMMISSION THOMAS: That was a motion.

20 COMMISSIONER ANDERSON: I'll second that.

21 CHAIRMAN SPITLER: Note on page 36 of the application
22 describes how the project will be an efficient use of funds
23 as well as the implications of not funding the project, the
24 unique law enforcement issue as described also on page 36,
25 which talks about how Butte County's the only law enforcement

1 agency who venture into Butte County.

2 Regarding the adequacy that's addressed on page 37 of
3 the application, Butte County Team consists of four
4 experienced and qualified deputies and alternatives -- excuse
5 me, and alternates.

6 Regarding the -- improving the recreational
7 experience, again, that's also addressed on page 36 and 37.
8 Also, the volunteers are described on page 37, the Butte
9 County Search and Rescue, 42 members of active membership in
10 the Butte Meadows Hills Sliders Snowmobile Club doing many
11 hours through enforcement as well.

12 COMMISSIONER THOMAS: My secretary's friend in the
13 DA's Office reminds me on a regular basis of how active she
14 is in the Butte County Sliders Club. And I know that's not
15 on the record here, but we should always be cognizant of
16 people who make (unintelligible).

17 CHAIRMAN SPITLER: More discussion?

18 All those in favor?

19 (Commissioners simultaneously voted.)

20 CHAIRMAN SPITLER: Opposed?

21 (No audible opposition.)

22 CHAIRMAN SPITLER: Motion carries.

23 Is there a motion to -- is there anything else to
24 discuss before we adjourn?

25 COMMISSIONER THOMAS: Could we look at the final

1 (unintelligible) just a quick view of (unintelligible).

2 CHAIRMAN SPITLER: Okay. Do we have a motion to
3 adjourn?

4 COMMISSIONER THOMAS: So moved.

5 COMMISSIONER ANDERSON: Second.

6 CHAIRMAN SPITLER: All those in favor?
7 (Commissioners simultaneously voted.)

8 CHAIRMAN SPITLER: Motion carries.

9 Meeting is adjourned.

10 (The hearing was adjourned at 6:52 p.m.)

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