

STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

PUBLIC HEARING

FRIDAY, MARCH 10th, 2006

9:05 a.m. to 4:45 p.m.

held at

HILTON HOTEL

2200 Harvard Avenue

Sacramento, California

Reported by CHERYL L. KYLE, CSR No. 7014

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1 (Sacramento, California, Friday, March 10, 2006.)

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3 CHAIR SPITLER: Welcome to the meeting of the
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4 Off-Highway Motor Vehicle Recreation Commission. We'll
5 start with the Pledge of Allegiance.

6 (Pledged the Flag.)

7 CHAIR SPITLER: Can you do a roll call, please.

8 MS. ELDER: Judith Anderson.

9 COMMISSIONER ANDERSON: Present.

10 MS. ELDER: John Brissenden.

11 COMMISSIONER BRISSENDEN: Here.

12 MS. ELDER: Robert Chavez. Paul Spittler.

13 CHAIR SPITLER: Here.

14 MS. ELDER: Michael Prizmich.

15 COMMISSIONER PRIZMICH: Here.

16 MS. ELDER: Hal Thomas.

17 COMMISSIONER THOMAS: Here.

18 MS. ELDER: Ed Waldheim.

19 COMMISSIONER WALDHEIM: I'm here.

20 CHAIR SPITLER: Thank you.

21 I want to thank everyone for coming today.

22 We're here to discuss a shared vision for this
23 off-highway vehicle program as well as an array of new
24 and unfinished business from our previous meetings.

25 First order of business is approval of the

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1 agenda. I have a couple modifications to make to the
2 agenda. I'd like to take a couple of the new business
3 items out of order, so we can make sure we get through
4 those in a timely manner today. Items 7-A and 7-E I'd
5 like to do right after the shared vision portion of the
6 agenda. And it's been requested that item 7-B be

7 removed from the agenda. So I'll propose to remove
8 that item, as well. We have a very full agenda, I just
9 want to make sure that we can get through all of the
10 items that we need to get through today, and we might
11 have to modify this agenda as we go depending on timing
12 today.

13 I've requested that the strategic planning
14 workshop be completed by about 11:15 or so. That's
15 based upon the facilitator's availability and our
16 agenda. So I'm hoping we can pack everything in by the
17 time I have to be a bit of a grinch with the clock here
18 to make sure we are staying on agenda.

19 So with those modifications, I'd move approval
20 of the agenda.

21 COMMISSIONER WALDHEIM: No, Mr. Chairman, I
22 would like to understand exactly why you are removing
23 Item No. 7-B.

24 CHAIR SPITLER: At the request of the Division.

25 COMMISSIONER WALDHEIM: You are pulling those

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1 out?

2 DEPUTY DIRECTOR GREENE: Not B, no. No, no, not
3 B.

4 COMMISSIONER THOMAS: Let's talk about it later.

5 COMMISSIONER WALDHEIM: I just want to make sure
6 we are going to cover that today.

7 DEPUTY DIRECTOR GREENE: Item No. Six, the SVRA
8 budget.

9 COMMISSIONER WALDHEIM: No, he said 7-B. What

10 is it?

11 CHIEF JENKINS: 6-A.

12 COMMISSIONER WALDHEIM: 6-A is not going to be
13 discussed.

14 CHIEF JENKINS: SVRA budget, my apologies.

15 COMMISSIONER WALDHEIM: I know I was listening.

16 CHAIR SPITLER: We will move item 6-A, not 7-B.

17 COMMISSIONER ANDERSON: I have a question and
18 I'm talking about 7-B. I asked for some background
19 information on this before this case up again. That's
20 all here, okay. Thank you.

21 COMMISSIONER THOMAS: We can deal with this
22 later, yes.

23 COMMISSIONER ANDERSON: Okay.

24 CHAIR SPITLER: Can we make sure all of our
25 microphones are on?

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1 COMMISSIONER WALDHEIM: Mr. Chair, would you
2 please restate what you're moving out of order again.

3 CHAIR SPITLER: I'm moving to remove Item 6-A
4 off the agenda, and take item 7-A and 7-E after the
5 strategic planning workshop. And I'll so move. Is
6 there a second?

7 COMMISSIONER THOMAS: Second.

8 CHAIR SPITLER: Discussion of the agenda? Any
9 discussion? Okay. All those in favor?

10 (Commissioners simultaneously voted.)

11 CHAIR SPITLER: Opposed? Motion carries.

12 Next item of business is the introduction to the
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13 shared vision and Department of Finance strategic plan
14 guidelines. We have a facilitator, Gina Bartlett, here
15 to walk us through our strategic planning and shared
16 vision exercise.

17 FACILITATOR BARTLETT: I was going to ask if you
18 all would consider going down to the center. We can
19 have a working session and flip chart.

20 COMMISSIONER THOMAS: Mr. Chair, before we get
21 to that, can I address this subject before the shared
22 vision program starts?

23 CHAIR SPITLER: Okay.

24 COMMISSIONER THOMAS: Because it is the agenda
25 item that's before us. The reason I'm suggesting -- we
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1 passed a motion at the last meeting asking the Division
2 to provide us with a process to develop a shared
3 vision, and we're now launching into a process perhaps
4 or we're just launching into a facilitation. But I did
5 not see any process to respond to that motion, and we
6 have duties to report back to the auditor under a time
7 certain. And the reason we passed this motion was so
8 we could report back. So I'd like to know what the
9 process for the shared vision in response to our motion
10 of the last meeting, what that process is and how are
11 we proceeding?

12 CHAIR SPITLER: Deputy Director?

13 DEPUTY DIRECTOR GREENE: Good morning,
14 Commissioners. Good morning, members of the public.

15 As you had discussed at the last meeting,
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16 Commissioner Thomas had requested that we try and
17 identify a process by which we could have this
18 discussion today.

19 COMMISSIONER THOMAS: No, actually we had a
20 motion and it passed, so it wasn't I requested. It was
21 a motion of the Commission that was passed.

22 CHAIR SPITLER: Commissioner Thomas, maybe you
23 can just let --

24 COMMISSIONER THOMAS: I will, but I just want it
25 for the record. We actually -- it's not just me.

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1 CHAIR SPITLER: Let's give her an opportunity to
2 respond. Then you can give your response.

3 COMMISSIONER THOMAS: Thank you. I'll be glad
4 to. Thank you.

5 DEPUTY DIRECTOR GREENE: What we proposed today
6 as part of that motion was also the request to have a
7 facilitator with us today in order to allow the
8 Commission to start having a discussion which could
9 provide some guidance to the Division. I think at the
10 end of the session today, what we would then move
11 forward with is the development of that shared process
12 by which when we come back in May, the Division, based
13 on what we hear today, could provide the Commissioners
14 with that time frame and the guideline by which we
15 could work toward achieving that shared vision. So
16 that is the goal that we have intended today was to be
17 able to work with the facilitator at the end of the
18 session -- to work in conjunction with the facilitator

19 and members of the Commission to identify what that
20 time frame would look like as we try and work within
21 the constraints of meeting dates to provide you the
22 information that you need and to develop that time
23 frame.

24 COMMISSIONER THOMAS: How does that fit with the
25 auditor's required reporting period?

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1 DEPUTY DIRECTOR GREENE: At this point in time,
2 I think any movement that we see today, the auditors
3 know that you are in fact meeting today, and this is a
4 first step, and I think that everyone is encouraged by
5 that. So we know that the auditor also knows that part
6 of the strategic planning process does involve the Fuel
7 Tax Study. We need to get that data, which will be
8 provided by the Fuel Tax Study. So as we work together
9 today and then as we work in the months ahead,
10 recognizing hopefully where that data will start to --
11 time frame for that, then we can meet the final
12 strategic goal process and be able to address the
13 auditor's concerns, as well as all of our concerns.

14 COMMISSIONER THOMAS: What I was asking is when
15 is the schedule that the auditor is expecting
16 responses? When is the -- when was the six months
17 response due, and when is the next response due?

18 DEPUTY DIRECTOR GREENE: Well, the audit came
19 out on August 17th. The 60-day response was after
20 that, requested both of the Commission and the
21 Division, and then the follow-up six-month response

22 which was due in February.

23 COMMISSIONER THOMAS: So we failed to meet the
24 six-month response for developing the shared vision.

25 DEPUTY DIRECTOR GREENE: Commissioner Thomas, I 8

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1 think this one is a little -- that is something that
2 you, as a Commission, need to be able to address.
3 We're going to address it. I know it was on the agenda
4 that you had in December. It was then moved forward
5 towards January. You addressed part of it in January,
6 and then hopefully today the remainder of some of the
7 recommendations of the audit will be addressed by this
8 Commission.

9 COMMISSIONER THOMAS: Well, the reason we
10 addressed the issue of the audit in January is because
11 the February 7th date I believe -- I think it was
12 February 7th was a six-month response, and if we've not
13 prepared a six-month response indicating that we had
14 agenda'd in December, acted in January, and we've not
15 informed the auditor we are out of compliance. And
16 this Commission needs to set up -- this chairman or
17 board member of the Commission needs to send a letter
18 to the auditor saying we've asked for a process. We
19 can't get a process. We'd like some additional time to
20 comply with the Division's proposal. We need -- this
21 Commission needs to comply with that audit, and somehow
22 merely just having a process that continues without an
23 end point is noncompliance.

24 DEPUTY DIRECTOR GREENE: Commissioner Thomas,
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25 with all due respect, I think that we had raised this 9

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1 issue a number of months ago and the need to address
2 this. If you recall by some of the meeting minutes
3 back in August -- October, I don't know whether or not
4 there was at that point in time the desire on all of
5 the Commissioners' part to address the audit or to take
6 the audit seriously. This is something which has
7 become extremely problematic for all of us. Anything
8 that we move forward now has to be reviewed by budget.
9 I think that you saw recently the Legislative Analyst
10 Office has come out saying that they have deep concerns
11 because some of the issues have not been addressed. So
12 this is a good first step. The auditor is looking
13 forward to the steps that the Commission will take
14 today.

15 CHAIR SPITLER: So maybe I can just intervene
16 here. We have on the agenda today discussing the audit
17 recommendations later in the agenda, and we have a
18 workshop scheduled for this morning. My suggestion at
19 this point is let's get through this workshop. We have
20 a facilitator with limited time here, and when we get
21 to the rest of the audit recommendations on the agenda,
22 which is a separate item later in the day, if we want
23 to discuss how to respond and respond to the audit at
24 that point, we can do that. But, you know, we're
25 here -- we're taking the action that was being

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1 requested of us to take. Let's go ahead and move
2 forward.

3 COMMISSIONER WALDHEIM: Mr. Chairman, I would
4 like to have a minute, please.

5 CHAIR SPITLER: Commissioner Waldheim.

6 COMMISSIONER WALDHEIM: I'd like to make sure
7 that the record is very, very clear, that is actually
8 unfounded, Mr. Thomas' statement, to put the burden on
9 the Division that we haven't acted. It's this
10 Commission who has been negligent in acting in
11 answering to the audit report. It's not the Division's
12 responsibility. So we've got to make sure that the
13 fault lies where it lies. It's this Commission, not
14 the Division. So hopefully with your statement we're
15 going to start resolving the issues that should have
16 been done a long time ago. Thank you.

17 FACILITATOR BARTLETT: So I need a little bit of
18 assistance. I was thinking that -- I didn't realize
19 you all have to be in front of your microphones, and
20 I've got flip charts over here, which is pretty
21 essential. Where should I put this?

22 CHAIR SPITLER: I think they're fine right
23 there. We can all see them, and I think the public can
24 see them.

25 FACILITATOR BARTLETT: I'm going to end up being
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1 over there quite a bit. I'm going to be a little bit

2 distant. So my name is Gina Bartlett, and I am the
3 facilitator and mediator with the Center for
4 Collaborative Policy. By the end of this two hours,
5 you will understand why I can't stand at the podium.

6 So as I was saying, my name is Gina Bartlett,
7 and I am a facilitator with the Center for
8 Collaborative Policy, part of Sacramento State
9 University. And I was -- I did attend a Commission
10 meeting in January. It was part of the public
11 workshop. So I recognize some folks in the audience
12 and some of the Commissioners.

13 And I've talked to a few of you a couple -- in
14 accord with the Bagley-Keene Act, of course, and I also
15 met briefly with staff to talk a little bit about what
16 your charge is as far as creating a vision. And so
17 what I'd like to do is if you look at the first sheet
18 on the left, the agenda here, is I'd like to spend --
19 we have about two hours together. I'd like to just in
20 a couple of minutes talk about the steps of strategic
21 planning, refer back to the statutes and code which
22 really guides the work of the Commission as well as the
23 overall program. And then we'd like to do a brainstorm
24 of what are the kinds of decisions that need to be made
25 that come before you and that you have to make as a

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1 data point and background piece. And then we have put
2 together -- the Center has a trial balloon of a vision.
3 Did you pick this up? It just came in this morning.
4 So I apologize I didn't get it to you sooner. Can you

5 take one of those and pass it around, please.

6 For members of the public, this is on the
7 handout table. This is a trial balloon that the Center
8 has developed that we would like to work from today so
9 we can use our time productively. So that's part of
10 the tentative agenda. Are there any questions about
11 that? Does that sound okay for the day or the morning,
12 Commissioners?

13 COMMISSIONER PRIZMICH: Yes, I have a question.
14 Is this something that's going to be shared not only
15 with us but with the public here?

16 FACILITATOR BARTLETT: It was put on the front
17 table.

18 COMMISSIONER THOMAS: How is your process key to
19 this Department of Finance strategic plan guidelines?
20 Are we following those?

21 FACILITATOR BARTLETT: Yes, I'm going to get to
22 that.

23 COMMISSIONER THOMAS: Good.

24 FACILITATOR BARTLETT: Okay. Yes, absolutely.
25 So I'd like to just have a few ground rules for our

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1 time together. I know you have meeting protocols,
2 Roberts Rules of Order or something that you follow as
3 a commission. But for your time with me I'd like to
4 just ask to follow a few ground rules. And the first
5 one is conversational courtesy, no interruptions, no
6 put-downs, just, you know, flag me, I'll come to you,
7 and we will get everybody's input.

8 The second one is that all ideas have value.
9 And the corollary of that, if I was able to go over
10 there, would be to avoid editorials. Really, let's
11 just -- the purpose and the idea of doing the vision is
12 that all of the Commissioners' perspectives, as well as
13 the staff, ultimately needs to be encompassed in this
14 work. So I'd like to, you know, just remind everyone
15 that everybody's point of view has value. And to
16 please when you feel that moment where you're about
17 ready to jump up and say: "That's a stupid idea" or "I
18 don't really like that", I'm going to ask you to take a
19 deep breath and hold on and just refrain and instead
20 think what do I feel and what do I want to contribute
21 here.

22 The final thing, which is a little dicey maybe
23 in this audience, but I decided to put it out there, is
24 that I know from just observing your meetings and
25 talking to you that you all have very different

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1 perspectives, and I'd like to just acknowledge that at
2 least for today and for this exercise we are going to
3 agree to disagree. But that we recognize the
4 legislative intent, and we're going to go over that as
5 our second agenda item. But, you know, every one of us
6 comes with our own perspective, our own specialty and
7 understanding of these issues. And that for the
8 purposes of this, I'm just going to put it out there,
9 that you disagree and that's okay. So I know it's a
10 little bit skeptical. Are there any other ground rules

11 you'd like to put out to work with today?

12 COMMISSIONER PRIZMICH: Can I ask a question?

13 FACILITATOR BARTLETT: Yes, please.

14 COMMISSIONER PRIZMICH: When we find something
15 objectionable and we would like to enter into a
16 discussion and your advice is that we hold our breath;
17 is there any time frame in which we need to hold our
18 breath?

19 FACILITATOR BARTLETT: All I'm asking -- I think
20 it's fine to share differing opinions. I'm just asking
21 that you don't hold your breath for too long, okay.
22 One quick breath. I didn't get the joke, I'm sorry.

23 CHAIR SPITLER: Until you get called on by the
24 Chair.

25 COMMISSIONER PRIZMICH: We'll depend on you to

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1 call.

2 FACILITATOR BARTLETT: And I've got this
3 microphone cord that I can whip around. I'm just
4 kidding.

5 Okay. I want to look at and talk a little bit
6 about the third flip chart here, which is very
7 rudimentary, but the strategic planning steps. And
8 this is in accord with the Department of Finance
9 guidelines, which I believe you received in your
10 preparation packets, right? And that we at the Center
11 are following along in that -- within that framework.

12 The first one in the strategic planning process
13 is basically where are we now, what is the data, what

14 is the background, what are the decisions that we have
15 to make, what is the Fuel Tax Study going to tell us.
16 Those are the data and the background, where are we
17 now.

18 The next element is where do we want to be. And
19 that's another piece that we're going to look at today.
20 And this is really the vision of where you're headed
21 and this encompassing thought and agreement on where
22 you're headed.

23 The third is how do we get there. And that's
24 really the action planning.

25 And then the next phase is how do we measure our
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1 progress, and this is where you might put in place
2 performance measures, monitoring tracking systems, and
3 really look at resource allocation.

4 So those are the basic, you know, four steps of
5 strategic planning that parallels what was presented in
6 the strategic planning framework presented by the
7 Department of Finance.

8 I just want to point out up front, I know some
9 people feel like this is a total waste of time. I know
10 that vision statements can be very, you know, kind of
11 out there, and people feel that it's not the best use
12 of everyone's busy schedule. But I'd like to just put
13 forward that it can be very helpful, and especially
14 with the Commission like yourselves. The Commission is
15 going to change, and the vision can set the direction
16 for the program beyond the life of your individual

17 appointments, and so it really can serve a productive
18 purpose, and I know that there are requests on you to
19 develop the vision, as well.

20 So with that, what's the status on the new
21 microphone?

22 COMMISSIONER THOMAS: Can I ask you a question
23 about the process? One of the components of the
24 strategic plan in the where we are now area is the
25 current vision of the organization. And do we have an
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1 articulated current vision that you're working on?

2 FACILITATOR BARTLETT: Is there a current
3 mission statement of the program? I'm seeing a nod.

4 COMMISSIONER THOMAS: Because one would have a
5 hard time developing a vision if you didn't know where
6 you started.

7 FACILITATOR BARTLETT: Right. One piece that we
8 are going to use, and maybe I should just go to that,
9 unless there are any other questions about the
10 strategic planning, is to turn your attention to these
11 overheads. And for the Commissioners, I believe this
12 is also in this written statement.

13 This is also on page three. So today we are
14 going do a piece of where are we now and where do we
15 want to be. I also just want to remind you that
16 there's other elements like the Fuel Tax Study that are
17 going to come up that are going to be coming online.
18 And so the idea today is to start moving and keep
19 moving with the elements that you can do in a strategic

20 plan. And the critical first step is the vision.

21 So just as a point of reference, the legislative
22 intent in establishing the OHV program really in my
23 mind provides part of the boundaries on the program.
24 And so in developing the vision, this is just a gentle
25 reminder of what the vision has to in a sense comply

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1 with or be within this legislative intent. So I'm just
2 going to read these briefly as a way to bring those
3 into the discussion. The first one is:

4 "Existing off-highway motor
5 vehicle recreation areas facilities
6 and opportunities should be expanded
7 and managed in a manner that will
8 sustain long term use."

9 The second one is:

10 "New off-highway motor vehicle
11 recreation areas, facilities and
12 opportunities should be provided and
13 managed in a manner that will sustain
14 long-term use."

15 The third one is:

16 "When areas, or trails, or
17 portions thereof cannot be maintained
18 at appropriate established levels,
19 they should be closed to use and
20 repaired to prevent accelerated
21 erosion. Those areas should remain
22 closed until they can be managed

23 within this soil loss standard or
24 shall be closed and restored."
25 And the fourth one is:

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1 "Off-highway motor vehicle
2 recreation should be managed through
3 financial assistance to local
4 government and federal agencies."

5 So as you go forward today, the vision has to
6 keep in mind and be responsive to this legislation, and
7 that's the challenge in the charge.

8 So what I'd like to do now as the first step in
9 developing a vision -- it's going to be a little
10 challenging. I'm sorry, it's just that physically I
11 need to have a little space to move around here.

12 So the next thing that we'd like to move to is
13 what are the decisions that need to be made. What are
14 the decisions that come before the Commission, I guess
15 even the Division. I should say two more things, if I
16 may. Whatever is discussed here today, I will take
17 upon myself to craft the vision statement. And this
18 information that you discuss, I will craft that and get
19 that back to you in a prompt fashion, and I guess at
20 your meeting in May and depending on how you decide to
21 go forward, you can discuss it at the next appropriate
22 meeting for you.

23 So the purpose of doing this is to get up there
24 what are all of the decisions that need to be made and
25 that come before you. This is a brainstorm. So that

20

1 means that everything -- we want to just try to get
2 everything up there as quickly as we can. We have a
3 court reporter, so if I don't fully catch everything,
4 we'll have the transcript. Is that right?

5 (Inaudible.)

6 FACILITATOR BARTLETT: Make it go fast. We want
7 to just keep moving, but Paul you have --

8 CHAIR SPITLER: Whatever is easiest for you.

9 FACILITATOR BARTLETT: I'm going to attempt to
10 write and write with the microphone. This is a new
11 venture for me, but I'm sure I can handle it.

12 Okay. So I'd just like to go down the line, and
13 then we'll just go popcorn fashion after that, and I'm
14 going to put the Chair on the spot.

15 Commissioner Spitler, would you like to start us
16 off with the decisions that have to be made, so we can
17 just start charting those.

18 CHAIR SPITLER: Some of the decisions are how
19 much funding to put into the grants program each year
20 compared to the capital outlay and state support
21 budgets.

22 Within the grants program, how much funding to
23 put into certain activities, conservation, enforcement,
24 law enforcement, et cetera.

25 FACILITATOR BARTLETT: So within the grants.

21

1 CHAIR SPITLER: Yes.

2 FACILITATOR BARTLETT: Can you say that one more
3 time? So within the grants, there is a question of how
4 it's distributed or proportioned?

5 CHAIR SPITLER: Uh-huh.

6 FACILITATOR BARTLETT: Okay. Anything else you
7 want to add right now, and then I got to move on. One
8 more? No, okay. I'm just going to come down the line
9 here. We'll come back to the gentleman that just left.

10 COMMISSIONER PRIZMICH: He doesn't count. He's
11 an attorney.

12 FACILITATOR BARTLETT: So does he comment.

13 COMMISSIONER WALDHEIM: No, he just gives
14 advice. Sometimes we listen and sometimes we don't.

15 FACILITATOR BARTLETT: That's what you pay him
16 for, right.

17 COMMISSIONER WALDHEIM: That's right.

18 FACILITATOR BARTLETT: Okay. Can I have a
19 couple of questions that have to be addressed or have
20 to be answered.

21 COMMISSIONER WALDHEIM: On-the-ground trail
22 maintenance is the number one issue that drives
23 everything we do. A properly maintained trail system
24 or opportunity is what drives everything.

25 FACILITATOR BARTLETT: So let me push back.

22

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1 What is the decision that comes around that? What are
2 the decisions related to that that you have to make.

3 COMMISSIONER WALDHEIM: It should be way up at
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4 the top as far as the funding is concerned, in the
5 funding process.

6 FACILITATOR BARTLETT: It's a funding decision.

7 COMMISSIONER WALDHEIM: Yes, that's correct.

8 FACILITATOR BARTLETT: Is there any other
9 decision that it affects?

10 COMMISSIONER WALDHEIM: The lack of it trigger
11 off everything else, all of the resource protections
12 and all that fall. If we don't have trail maintenance,
13 everything else falls apart. It's the number one
14 issue.

15 FACILITATOR BARTLETT: So it's a funding issue.

16 COMMISSIONER WALDHEIM: The second issue, as you
17 said, the legislative, new opportunities. We continue
18 to have an erosion of opportunities. We continue to
19 lose opportunities.

20 FACILITATOR BARTLETT: So what's the decision
21 that has to be made around opportunity.

22 COMMISSIONER WALDHEIM: Increase more
23 opportunities.

24 FACILITATOR BARTLETT: How do you increase.

25 COMMISSIONER WALDHEIM: Buying more land.

23

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1 FACILITATOR BARTLETT: How to increase. Thank
2 you. I'm just going to go with two each, and we can go
3 around until we go. Next.

4 COMMISSIONER ANDERSON: Within our general
5 purview is our decisions on the general management
6 plans for the SVRAs, and we're required to pass on

7 their environmental documents.

8 FACILITATOR BARTLETT: You're required to pass
9 on those.

10 COMMISSIONER ANDERSON: Yes, either approve
11 them, or disapprove them. So that's within kind of a
12 general purview, but we don't have direct day-to-day
13 decisions.

14 FACILITATOR BARTLETT: Okay.

15 COMMISSIONER ANDERSON: Into that category falls
16 capital outlays projects.

17 FACILITATOR BARTLETT: Under the management
18 plans.

19 COMMISSIONER ANDERSON: Yes, or operation on
20 them.

21 FACILITATOR BARTLETT: Okay. Do you have
22 another item.

23 COMMISSIONER ANDERSON: Discussions about where
24 and how much buffer we're going to need around some of
25 these use areas where there is encroaching

24

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1 urbanization.

2 FACILITATOR BARTLETT: Okay. Can we go to the
3 next person.

4 COMMISSIONER THOMAS: Yes. Your mission, as
5 articulated in the exhibit to my left, really doesn't
6 reflect what the Legislature has indicated because if
7 you read 5090.2, there is an A and B in their findings.

8 And the finding is that:

9 "Uncontrolled and indiscriminate
Page 22

10 use of vehicles may have a
11 deleterious effect on the
12 environment, wildlife habitat, native
13 flora and wildlife."

14 And that, B:

15 "Effectively managed areas and
16 adequate facilities are essential for
17 ecologically-balanced recreation.

18 Now, the concept of ecologically-balanced
19 recreation and managing the deleterious effects of
20 vehicles are core to what this mission of -- this
21 organization's mission. The Commission's duties, which
22 are also laid out, which are our mission at point 24,
23 speak very distinctly to our duty to consider impacts
24 of off-road vehicles on private property and to restore
25 those private properties.

25

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1 And then the Division is actually charged with
2 the management of the system, which is both the SVRA
3 system and then the larger recreational system on
4 federal lands, and the Commission, as the policy body
5 for the Division, must decide what the management
6 policies are for Division. So our decisions are
7 management policies for the Division.

8 FACILITATOR BARTLETT: Okay. Can you give me a
9 few examples of those management policies that you
10 anticipate coming before you.

11 COMMISSIONER THOMAS: How should the Division's
12 budget be allocated between ecologically balanced and

13 expansion of new opportunity, would be a decision. And
14 it would bare out through both the budget process, how
15 many dollars in pot A, B, C, D or it could bare out
16 through how many grants given to A, B, C, D.

17 FACILITATOR BARTLETT: I missed the first part
18 before that, you said the grant and before that you
19 said.

20 COMMISSIONER THOMAS: The Division's budget.

21 FACILITATOR BARTLETT: The Division's budget,
22 okay.

23 COMMISSIONER THOMAS: There is a budget in the
24 Division that the Commission is charged with overseeing
25 and being informed and directing comments on the

26

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1 budget. And that's how one manages an organization,
2 you manage the budget. And so our decisions are based
3 on -- in theory, this is, of course, all very much what
4 the Legislature intended and not what actually happens
5 in real life. But in theory, we're supposed to be
6 making decisions about budget. We're making decisions
7 about management. And to be very specific, we're
8 making decisions about such things as how much buffer
9 area is going to be around the SVRAs, where the SVRAs
10 are located, how much urban opportunity is going to be
11 there, how much ecological preservation is going to be
12 associated with the SVRA program. I can give you lists
13 of decisions that need to be made that aren't being
14 made. Thank you.

15 FACILITATOR BARTLETT: Thank you.

16 Okay. Next down there. Thank you for waiting,
17 and you're really far away from me.

18 COMMISSIONER BRISSENDEN: Well, hopefully we're
19 not so far away that we can't come to come sort of
20 cooperative approach to this. Excuse my cough.

21 We need to make decisions to fund activities to
22 support education and enforcement of public safety
23 issues, including but not limited to resource
24 protection, wilderness areas, water quality, and
25 maintaining civil order and respect.

27

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1 FACILITATOR BARTLETT: So the activities around
2 education and safety are related to all of those
3 elements. Can you just say them one more time for me.

4 COMMISSIONER BRISSENDEN: Resource protection,
5 wilderness, also protection and incursions, obviously
6 law enforcement pertains to these two areas, water
7 quality, maintaining civil order and respect for the
8 landscape and each other.

9 FACILITATOR BARTLETT: Thank you. Do you have
10 another decision that comes to mind.

11 COMMISSIONER BRISSENDEN: That's enough.

12 FACILITATOR BARTLETT: Okay. Next, sir.

13 COMMISSIONER PRIZMICH: Chairman Spittler, I
14 think in his second commentary, the second box down,
15 mentioned the funding within each funding year, and I'd
16 like to see that reviewed for appropriateness. We
17 essentially have decided that funding is provided on a
18 percentage basis essentially. And I think it's been

19 evident, at least in the law enforcement field, that
20 the amount of money that was set aside for law
21 enforcement is not adequate. And I'm sure that that
22 may be the case in the other basically two funding
23 areas. So I'd like to see that reviewed on a yearly
24 basis.

25 FACILITATOR BARTLETT: So a decision to be made 28

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1 is law enforcement adequate.

2 COMMISSIONER PRIZMICH: No, not just law
3 enforcement, but just how the funds are allocated, what
4 percentages are allocated to what use.

5 FACILITATOR BARTLETT: An annual review of the
6 funding allocation.

7 COMMISSIONER PRIZMICH: Right, based upon what
8 has occurred the previous year.

9 And then, secondly, I'd like to see the
10 legislative intent, as was spoken by you at the
11 beginning of this and by Commissioner Thomas, also tied
12 in some way, either verbally or written form, to how it
13 is we provide monies. So that there is a connection
14 with the legislation and how it is we provide money.
15 Because I think that would give us an appropriate
16 guidance on how it is we're to be doling out our money.
17 That's my two.

18 FACILITATOR BARTLETT: Thank you very much.
19 Okay. So now I'm just going to come back around.
20 Other decisions to be made by the Commission. I'm back
21 to you, Commissioner Spitzer.

22 CHAIR SPITLER: I think you've got a pretty good
23 start there.

24 FACILITATOR BARTLETT: This is all the decisions
25 you have to make. I've already said twice -- and don't
29

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1 throw me out -- we've had funding; grant allocation;
2 reviewing of how the grant funding is allocated;
3 on-the-ground trail maintenance, the question around
4 that is the funding decisions related to that; how to
5 increase opportunity; decisions on the general
6 management plans for the SVRAs, which also includes
7 their capital outlays and operation, as well as a pass
8 on the environmental documents related to those general
9 management plans; where and how much buffer is needed
10 around areas, especially those with the encroaching
11 urbanization; management policies for the Division such
12 as budget allocation and the balance between ecological
13 protection or resource protection and opportunity; and
14 then the grants as they counter weigh with the actual
15 Division budget; the location of the SVRAs; how much
16 ecological preservation to occur; funding education and
17 public safety activities, which includes resource
18 protection, wilderness protection, law enforcement,
19 water quality, civil order and respect for both the
20 land and people; and then connecting the dollars to the
21 legislative intent. I take it back, that's a lot. But
22 is there anything missing that you haven't covered?

23 CHAIR SPITLER: You might want to put the
24 question to the staff to see if there are other ideas

25 that they have.

30

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1 COMMISSIONER THOMAS: And just you can string
2 decision -- individual and more specific decisions on
3 each of those categories. I could give you pages of
4 decisions that one might make on how one allocates a
5 grant, but.

6 FACILITATOR BARTLETT: Do you feel like we've
7 captured the major categories.

8 COMMISSIONER THOMAS: Sure. It's generally -- I
9 mean under the category of management is a thousand
10 decisions.

11 FACILITATOR BARTLETT: Okay. Staff have been
12 asked: Are there other decisions that you see coming
13 before the Commission or even yourself, I would think,
14 related to the program, decisions that have to be made
15 that have not yet been captured? We're adding on.

16 CHIEF JENKINS: And Commissioner Thomas made a
17 good point that we need to look at that entire part of
18 the legislative intent. And a lot of that has been
19 covered, so rather than reiterate, it's already been
20 recovered. Just another area to look at is on C-2
21 which it talks about need to provide additional
22 opportunity. I think that fits in with that overall
23 concept that if you want to protect the areas that are
24 trying to be maintained in a natural state, you need to
25 give people an alternative place where they can

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1 recreate effectively. And so I think the Commission
2 being able to look for new opportunity to expand so
3 that there is, with the growing demand, all of the new
4 demand that's coming online, that there are good places
5 to direct that activity that's appropriate and can be
6 managed in an effective way.

7 FACILITATOR BARTLETT: But leans back so it
8 protects other areas that need to be protected, I think
9 is what I heard you say.

10 CHIEF JENKINS: I think you need to -- you can't
11 really just say don't do it. You got to provide some
12 place where you can engage in the sport and be -- have
13 an adequate place to go and enjoy the sport. So I
14 think looking for that new opportunity and trying to
15 keep that focus, as well.

16 FACILITATOR BARTLETT: Other staff add-ons to
17 decisions that come before you, the Commission, or the
18 program.

19 COMMISSIONER WALDHEIM: I have one more.

20 FACILITATOR BARTLETT: Yes, please.

21 COMMISSIONER WALDHEIM: Education; education of
22 the masses is totally negligible at this point, and
23 that is one big, big thing we need to do. An
24 educational program on the proper use of off-highway
25 vehicles, how to protect our resources and at the same

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1 time enjoy our sport. Big education campaign is

2 something that this Commission needs to get behind.
3 We've been dancing around it for 30 years, and I've
4 never really gotten into it full heartedly.

5 COMMISSIONER PRIZMICH: Can I make a comment or
6 ask a question perhaps. One concern I have with regard
7 to education is that oftentimes a program or
8 individuals rely on law enforcement to provide their
9 education, and it's not always the best. So,
10 Commissioner Waldheim, your comment with regard to
11 education, it isn't strictly on the shoulders of law
12 enforcement; I'm assuming that you have other thoughts
13 on how to provide --

14 COMMISSIONER WALDHEIM: Every school should have
15 an educational program. The first thing I've been told
16 now to stop my outreach to education because of
17 budgetary things. So we cut -- this Commission cut
18 Needles out, in their infinite wisdom, and we lost that
19 education. Now I've been told to cut out in the
20 Ridgecrest area because we have no funding so I can't
21 go to schools anymore. It is insanity what we are
22 doing. The very people we should be educating -- and
23 it's not on the shoulders of law enforcement, I agree
24 with you 100 percent, it's not on your shoulders. You
25 do the reaction. We need to get out in front.

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1 FACILITATOR BARTLETT: So what I've done, this
2 are decisions that need to be made. And so I put
3 education on OHV, how much, where and by whom. And
4 those are decisions to be made, to be addressed, okay,

5 that's captured there.

6 DEPUTY DIRECTOR GREENE: Just as a point, I

7 think it would be important for -- as we can see now, I

8 don't know if any of you have watched Sunday mornings,

9 up against Sunday morning football is now the super

10 cross series. And it is televised live, and it is now

11 reaching out to, you know, millions and millions of

12 homes in America. It is competing against -- on CBS

13 competing against Sunday morning football. The growth

14 in the sport is huge, and so I think part of that is

15 how do we collectively, the Division and the

16 Commission, have an understanding and to gain an

17 education amongst ourselves as to what that reality

18 looks like; that we try and understand where the public

19 is and how do we, as Ed Waldheim just said, what are

20 the challenges that we have to meet the demand that's

21 out there, how do you meet the demand, and then as

22 you're look at an educational campaign, we have the

23 youngsters who are also competing right now. So at

24 seven and eight, you've got the pros of the future. We

25 also then have your 16 to 27 year olds who have an

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1 entire view of their own lives. And then we have

2 families.

3 And so how do we try and get the message out,

4 and what is the message that we're trying to get out to

5 those different groups about how we work with

6 responsible riding opportunities to meet the demand, to

7 understand the demand, and then protect the environment

8 as well. But it also has to start with all of us
9 collectively to understand really what's going on out
10 there.

11 FACILITATOR BARTLETT: So I added consider the
12 youth and demand in the method as well as the message,
13 and then I also added how to address the growth in
14 demand as a separate item. Okay. Should we move on?

15 COMMISSIONER THOMAS: I do have a question.

16 FACILITATOR BARTLETT: Yes.

17 COMMISSIONER THOMAS: The elements that are
18 raised by the Commissioners, are they adopted by the
19 staff, does the staff think that these are legitimate
20 management decisions that we're making, because this is
21 a shared vision, not just our vision.

22 FACILITATOR BARTLETT: So is your question is
23 there anything that's up here that the staff doesn't
24 view as a decision that would come before the
25 Commission or the program.

35

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1 COMMISSIONER THOMAS: Or that's within our
2 shared vision. Is there a decision that's been listed
3 there that's not within our shared vision?

4 FACILITATOR BARTLETT: So I'd like to push back
5 a little bit. This is -- really that's the perfect
6 question to take us to the next step.

7 COMMISSIONER THOMAS: Just as long as you answer
8 it.

9 FACILITATOR BARTLETT: Well, you have the
10 answer. That's really the question. That's really the

11 key. Part of the reason of doing this -- there are two
12 reasons for doing this, okay. One is that now we're
13 going to look at the vision, and we have a trial
14 balloon, and so what I want you to think about is when
15 you look at the vision, are all of these decision areas
16 being addressed in your vision. Because this is the
17 work that you do, okay.

18 The second piece of this is that when you go
19 forward with the rest of your strategic plan and you
20 get into the -- let's see, where are we now, and where
21 are we going, and how do we get there, the how do we
22 get there and how well are we doing it or whatever the
23 question was -- I lost my sheet here -- that's when
24 these decisions come back before you because you want
25 to have action planning around these decision areas.

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1 This suggestion of the annual review of the
2 funding allocation, that's the how well are we doing.
3 Periodically, you come back and you say are allocations
4 appropriate, should we be shifting things. And that's
5 all part of a strategic plan, the continuing evolution,
6 the evolving actions that you're taking as a Commission
7 and with the program.

8 So what I'd urge you to do is we're going to use
9 these to make sure that the vision that you're starting
10 to craft is reflective and encompasses these types of
11 decisions. And then we will also come back -- or you
12 will come back to these when you get into the action
13 planning. Commissioner Anderson.

14 COMMISSIONER ANDERSON: I actually do have one
15 thing that I think we need to add. And it's how well
16 are we doing at maximizing the input and the
17 opportunities for input from all sectors of the
18 population in California when we're making these
19 decisions. So we make decisions about where our
20 meetings are and when they're held and details such as
21 that, which may have significant impacts on the ability
22 of the public to -- all sectors of the public to have
23 input, and so I think those kinds of decisions, even in
24 setting the schedule.

25 FACILITATOR BARTLETT: Thank you, I appreciate 37

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1 that.

2 COMMISSIONER WALDHEIM: Gina, at one point I
3 would like to hear from the public if there is
4 something that we have missed. They don't need to
5 reiterate. Have we missed something up there. I want
6 to have the public part of this process. Just
7 blatantly, have we missed something; that's all. It
8 could be one person or two persons. Have we missed
9 something?

10 FACILITATOR BARTLETT: Is it okay to do that
11 right now, just take a couple of minutes.

12 COMMISSIONER WALDHEIM: I would like to.
13 They're part of our process.

14 FACILITATOR BARTLETT: We'll just take a couple.
15 If we're overwhelmed, I may curtail it.

16 All of you, I hope you have been able to hear

17 the discussion so far. So is there anything that you
18 feel that the Commissioners and staff have missed with
19 regards to decisions that have to be made related to
20 the program?

21 COMMISSIONER WALDHEIM: And just if you have
22 something, come up to the podium and make your
23 statement, your name, serial number.

24 BRUCE BRAZIL: Bruce Brazil, California Enduro
25 Riders Association. And one of my big concerns would

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1 be how is -- the public input at the meetings, how does
2 it actually affect the decisions of the Commission.
3 Thank you.

4 FACILITATOR BARTLETT: Thank you very much. How
5 does input affect decision-making.

6 COMMISSIONER WALDHEIM: We're looking for
7 something that we have missed, Mr. Pickett. Have we
8 missed something on the board, we're just asking for
9 that from the public.

10 JOHN STEWART: John Stewart, California
11 Association 4-Wheel Drive Clubs and United 4-Wheel
12 Drive Association. One of the things that's really --
13 this may be -- well, one of the things up there is that
14 the legislative intent to manage a recreation program
15 is missing. So it's a general guidance versus a direct
16 management oversight. And there's mention of overlap
17 with other legislation, which is it's a reach to expand
18 beyond the legislative intent for recreation program,
19 in other words, is this a recreation program, we need

20 to keep it within the confines of a recreation program.

21 FACILITATOR BARTLETT: So what is the decision
22 that the department -- I mean the program or the
23 Commission has to make related to that.

24 JOHN STEWART: Accepting public comment and
25 being an Interface between the public and bureaucracy.

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1 In other words, the Division manages the program, the
2 Commission accepts the public comment and input from
3 the public in order to develop general guidance for the
4 program.

5 FACILITATOR BARTLETT: How does the Commission
6 Interface between the program, the Division, and the
7 public.

8 JOHN STEWART: The Division is the manager of
9 the program. The Commission is the vehicle which
10 creates the meetings and accepts public testimony,
11 public comments in order to develop general guidance as
12 part of their legislative intent under the BRC right
13 now. Thank you.

14 LOIS SILVERNAIL: Lois Silvernail, I represent
15 CORVA. Maybe it's there, but I'm not seeing it. This
16 Commission has a great influence on what happens with
17 what the Forest Service is doing on the road inventory
18 process, and I don't see that piece captured
19 specifically on that, too.

20 FACILITATOR BARTLETT: Can you say it one more
21 time? How are decisions --

22 LOIS SILVERNAIL: With their funding to the

23 Forest Service, this Commission has a great influence
24 in this state of Forest Service road inventory process.
25 And I don't see that little piece captured

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1 specifically. Certainly how we fund our Forest Service
2 has a lot to do with how adequate they're going to be
3 able to do the job to get the roads designated.

4 FACILITATOR BARTLETT: Okay, great. Thank you.
5 So anything else that is not captured here, and
6 then if not, I'm going to move on. Okay, thank you
7 all.

8 Now, what I'd like to do is ask everyone -- the
9 mission was up there, did everyone get to see that?
10 Did you see it?

11 CHAIR SPITLER: We can't read it from here.

12 FACILITATOR BARTLETT: Do you want to put it
13 back up there, and I'll read it for everyone in case
14 people can't read it. I just got new glasses; I'm very
15 good at reading.

16 COMMISSIONER THOMAS: Which document are you
17 talking about?

18 FACILITATOR BARTLETT: They just had the mission
19 statement up there, and it just got taken off.

20 In the meantime while he's doing that, I would
21 like everyone to pull out the white paper that says
22 writing vision statements. And then I will read the
23 OHMRV mission. Should I read it out loud?

24 COMMISSIONER THOMAS: Is this the proposed
25 mission?

41

1 FACILITATOR BARTLETT: No, this is the old
2 mission or a mission. What mission is this.

3 CHIEF JENKINS: This is the one that the
4 Division has had for many years. The department has an
5 overriding mission, and the Division has had this
6 mission since -- I don't know when it was first
7 developed, but it's been there for many, many years.

8 FACILITATOR BARTLETT: This is another data
9 point as far as you developing your vision, okay.

10 COMMISSIONER THOMAS: Was this in the Commission
11 policies? Where did this come from?

12 FACILITATOR BARTLETT: How was it developed.

13 COMMISSIONER THOMAS: Where was it?

14 FACILITATOR BARTLETT: Does it matter.

15 COMMISSIONER THOMAS: Yes, because if the prior
16 Commission adopted it, then it would be entitled to one
17 kind of way.

18 FACILITATOR BARTLETT: I'm sorry, if a previous
19 Commission adopted?

20 DEPUTY DIRECTOR GREENE: Commissioner Thomas, I
21 think this goes back to the '70s.

22 COMMISSIONER THOMAS: Was it a Commission policy
23 or Division policy?

24 DEPUTY DIRECTOR GREENE: I think it was actually
25 prior to the Division -- prior to the Commission. I

42

1 think it was when the program actually started back in
2 1971.

3 COMMISSIONER WALDHEIM: But the Commission, we
4 made a vision and a mission statement. We have that.
5 In the '80s we developed that. I didn't bring my book
6 with me.

7 FACILITATOR BARTLETT: That's the '80s, and this
8 is 2006. And so this is from the '70s. There was a
9 vision and a mission created by the Commission in
10 the '80s. And it's 2006, and it's a new, different
11 Commission and different staff, and so we're revisiting
12 this, the overall strategic planning process; however,
13 this is a data point, and so I will read it in case
14 anyone is unable to see or read this.

15 "The mission of the OHMRV
16 Division is to provide leadership
17 statewide in the area of off-highway
18 vehicle recreation to acquire,
19 develop and operate state-owned
20 vehicular recreation areas, the
21 SVRAs, and to otherwise provide for a
22 statewide system of managed OHV
23 recreational opportunities through
24 funding to other public agencies; to
25 ensure that quality recreational

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1 opportunities remain available for
2 future generations by providing for
3 education, conservation, and

4 enforcement efforts that balance OHV
5 recreation impact with programs that
6 conserve and protect cultural and
7 natural resources."

8 Okay. So there is an another data point,
9 another sample. Can we leave that up there for a
10 little while, Aaron, because we have the have the
11 legislative code in our handout, and we don't have
12 that.

13 So what I'd like to ask the Commissioners to do
14 and, public, please join in as far as reviewing this,
15 is that the vision statement about what your
16 organization wants to come, but it gives shape and
17 direction to the organization's future. And I think
18 one piece of this that is critical is that the
19 Commission and staff change, and this is something that
20 will live on. The vision sets the stage for the
21 overall strategic plan, and so I think that is sort of
22 the motivating force.

23 What I would like you to do -- and on this first
24 page there's actual samples of, you know, actual vision
25 statements from other organizations that can be one

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1 sentence long. They can be pages long, depending on
2 your needs. They usually contain an idea of timing,
3 and so there's samples and ideas about what vision
4 statements can be.

5 But what I'd like to turn your attention to is
6 pages three, four and five, and this is where the

7 Center is putting forward a trial balloon. And what
8 that means is that I am not committed to this in any
9 way. It's just as a starting point so we don't have to
10 start from scratch. And so what I would like to do is
11 give the Commissioners -- since I was unable to get to
12 this to you in advance, I'd like you to just take five
13 minutes and look through this table on pages three,
14 four, and five. And we provided space right there for
15 you. What I want to do is improve this, so add,
16 subtract, change. There's themes for the time frame,
17 the program focus, the approach. Then in the second
18 part, there is desired conditions. There's program
19 areas. There's grants, education, professionalism,
20 accountability, acquisition, and decision-making.

21 And so what I'd like you to do is take five or ten
22 minutes -- is that okay in the legal framework, can we
23 do that? Take five or ten minutes, let's just say for
24 the sake of time we'll take about eight minutes -- I'll
25 go down the middle, eight minutes. And then we'll have
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1 a good 45-minute discussion, and then we will figure
2 out the next steps and close out.

3 CHAIR SPITLER: Why don't we go ahead and maybe
4 we'll just take a break, allow the Commissioners to
5 discuss this on the break and we can give our
6 stenographer a break here, as well. Because we have to
7 do that at some point here.

8 FACILITATOR BARTLETT: The Commissioners, I'd
9 like you work on your own.

10 CHAIR SPITLER: That's fine.

11 FACILITATOR BARTLETT: Just think about it on
12 your own, what you'd like to contribute, and then we
13 will go through it as a group. Thank you.

14 (Break taken in proceedings.)

15 FACILITATOR BARTLETT: Are you ready.

16 CHAIR SPITLER: We are ready. We'll go ahead
17 and start up again.

18 FACILITATOR BARTLETT: Why don't we wait until
19 Ed comes back because I want to address what he had
20 before we start.

21 CHAIR SPITLER: Why don't you go ahead and start
22 and we'll just get rolling and then, you know, when he
23 comes back you can address his question.

24 FACILITATOR BARTLETT: Could someone look for Ed
25 or yell outside to see if he's out there? Thanks. I

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1 just want to wait one second because -- just to set it
2 off.

3 CHAIR SPITLER: There is no such thing as one
4 second with Ed.

5 FACILITATOR BARTLETT: So just in the meantime,
6 Christine Snyder has volunteered to report for me, so
7 that I can be a little bit more focused here. Going
8 once, going twice, there he is, great.

9 On the break, Ed just asked me about will the
10 Commission and the program have a vision and a mission
11 statement where the vision is the goal and the mission
12 statement is the action. And I for now just want to

13 defer that question if you don't mind. I want to focus
14 on the vision. And I think according to the Department
15 of Finance guidelines, which is what you're following,
16 it's just a vision. So that leads me to my -- so for
17 right now we are just going to go with the vision, and
18 I'll review those a little more carefully. But looking
19 at it, the Department of Finance strategic planning
20 process is vision oriented with the mission, but I'm
21 open to you having a mission. But for now we'll go
22 forward like this.

23 The second thing is that we're going to work
24 through this trial balloon, and what I will take as my
25 charge from you, is to -- I want to just hear your

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1 input, what you want to improve, how you would add onto
2 it, what you would subtract, what you would change.
3 And then to the best of my ability, I'll try to take
4 all of that into consideration and revise this for you
5 as the Commission out of today's discussion. So we
6 don't have to resolve everything today, but it will be
7 helpful to hear your perspectives on this.

8 So what I'd like to propose that we do is move
9 through these categories and just get your input, and
10 Christine is going to record for me and kind of track
11 it by theme in the different areas, and what I'd like
12 to go do is go sequentially down this list. If it gets
13 where we're running out of time, then I'll open it up
14 and take some more broad input and then go from there,
15 okay? Does that sound all right with everyone?

16 So the following are the basic topic areas as
17 good starting points for discussion, and this really
18 will serve as the foundation for the strategic
19 planning. The first theme is on the time frame. And
20 the proposed trial balloon is to create a stable
21 program with long-term, which is 20 or more years,
22 planning time frames.

23 So thoughts on that, how would you add to that,
24 subtract from that, or change that.

25 COMMISSIONER THOMAS: What one needs to do is 48

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1 have both the short-term time frame which reflects the
2 budget cycle in the Legislature so that's a two- to
3 five-year period.

4 FACILITATOR BARTLETT: We need to add on a
5 short-time time frame, as well.

6 COMMISSIONER THOMAS: Consistent with the
7 legislative budget cycles, and agree there is a 20-year
8 long-term, as well. So you have to live in both
9 universes.

10 FACILITATOR BARTLETT: Thank you. Other
11 add-ons, suggestions, or subtractions, or changes.

12 COMMISSIONER WALDHEIM: I feel that the five,
13 10, 15, 20 years is very important. We used to do
14 that. We had a budgetary outlook on the five, 10, 15,
15 20 years on paperwork so we could see what our
16 opportunities are going to be where we need to do the
17 proper budgeting. The problem is the sustainability of
18 our funding. We've had hits. We've had money stolen

19 from us to the tune of \$51 million over the last 30
20 years, and that's played havoc on our planning. But if
21 we have a good sustainable -- I mean budget process
22 five, 10, 15 years, and then hopefully the legislators
23 will understand that they can't steal from us on that.

24 FACILITATOR BARTLETT: So it sounds like the
25 planning horizon of 20 years seems like a good planning

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1 horizon, but then there needs to be responsiveness to
2 the legislative cycle, as well as the interim five, 10,
3 15, 20 year check-in periodically.

4 COMMISSIONER PRIZMICH: I have a commentary on
5 that. Those are all well and good, but I mean that's
6 an extraordinarily comprehensive process that we would
7 be engaging in. I think we at least need a completely
8 separate meeting to deal with just that planning. And
9 the one thing that concerns me, once we establish that
10 the five, 10, 20 year planning is how -- if we lock
11 ourselves in or we get to a mind-set where it locks
12 ourselves into that planning, and it's not flexible in
13 some way.

14 FACILITATOR BARTLETT: So that's part of your
15 action planning, that you come back and you want to
16 have that flexibility built in there.

17 COMMISSIONER PRIZMICH: Right. The reality of
18 the long-term planning, whether it's five or 15 or 20,
19 is that that's a very time-consuming process. And I
20 want the Commissioners to understand that. It's going
21 to call for at least another meeting. I don't think

22 we'll be able to do it in a portion of a meeting that
23 we already have.

24 FACILITATOR BARTLETT: All right. Thank you.
25 Should we move on to program focus? So program focus, 50

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1 here's two suggestions, come out and play
2 responsibility, preserve recreational opportunity. I'd
3 like additions, subtractions, and changes.

4 Go ahead. Ms. Anderson.

5 COMMISSIONER ANDERSON: I don't particularly
6 like either of those in that I think they don't
7 incorporate the ecologically suitable elements. And I
8 don't have any suggested phrasing, just that I think
9 come out and play responsibility doesn't really get to
10 the environmental sensitivity that I want built into
11 this so that the environmental responsibility is to the
12 neighbors and the State of California, I suppose.

13 FACILITATOR BARTLETT: Okay. So connecting it
14 to the environmental protection, as well as the
15 neighbors around the area.

16 COMMISSIONER ANDERSON: Yes.

17 FACILITATOR BARTLETT: Why don't you keep
18 thinking of language. If you can throw it back to us
19 before we leave the topic, that would be great.

20 COMMISSIONER ANDERSON: Maybe somebody else.

21 COMMISSIONER THOMAS: I would suggest preserving
22 ecologically-balanced recreation, preserve ecologically
23 recreation.

24 FACILITATOR BARTLETT: Preserve
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25 ecologically-balanced recreation.

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1 COMMISSIONER THOMAS: Then I would strike the
2 two themes that are in there, and I would also add
3 managed recreation to prevent deleterious impacts to
4 landscape. It's not a phrase that I would write on any
5 advertisement.

6 FACILITATOR BARTLETT: Can you replace the word
7 deleterious for me? What does that mean? I know what
8 it means. Can you give me another word.

9 (Simultaneously speaking.)

10 FACILITATOR BARTLETT: We don't need to
11 wordsmith. I just was thinking that's not a -- that
12 word doesn't flow off the tongue very well.

13 COMMISSIONER THOMAS: Right. And it's not
14 intended. It's supposed to be designed to communicate
15 what we mean.

16 FACILITATOR BARTLETT: Christine is going to
17 capture that, thank you. So we are adding,
18 subtracting, and changing the program focus. Ed,
19 please.

20 COMMISSIONER WALDHEIM: Number two, I don't like
21 either of one of those. I would like to add: "You are
22 the solution, recreate responsibility." And that
23 covers it under education program and tells what does
24 responsibly mean. And what Hal was talking about, we
25 can cover that.

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1 FACILITATOR BARTLETT: Any others down here at
2 this end of the table. I see some smiles.

3 COMMISSIONER PRIZMICH: I'm a little bit
4 concerned that we're weighted too heavily on ecological
5 issues, and we need to put in there somewhere that we
6 need to enhance opportunities or at least provide
7 enjoyable opportunities, so something like that in
8 there.

9 FACILITATOR BARTLETT: Okay. Enhancing
10 opportunity. Okay. John.

11 COMMISSIONER BRISSENDEN: I would just restate
12 the decision section that I gave you earlier which was
13 the focus should be to protect, maybe add and enhance
14 opportunities as well as protect the landscape, and the
15 people using the landscape.

16 FACILITATOR BARTLETT: Let's say that one more
17 time. Say that one more time for me.

18 COMMISSIONER BRISSENDEN: I'm just restating the
19 decisions that we have to make.

20 FACILITATOR BARTLETT: Please.

21 COMMISSIONER BRISSENDEN: And that's to protect
22 and enhance both the opportunity and the landscape and
23 the people who recreate on the landscape.

24 FACILITATOR BARTLETT: Protect and enhance the
25 opportunity and the landscape and the people, did you

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1 say that on the end.

2 COMMISSIONER BRISSENDEN: That's true.

3 FACILITATOR BARTLETT: No, that was a question.
4 I thought I heard you say that. Aaron, can we get the
5 intent back up.

6 Okay. So what I'm hearing from you all is that
7 you don't like the proposed language, so we scrapped
8 that at this point, that we need to capture the
9 ecological balance. We need to capture the
10 opportunities. We need to capture the personal
11 responsibility it sounds like as well.

12 I'm just wondering if we can out of this come up
13 with something -- can you tell me what that one is?

14 STAFF CHRISTINE: That is provide for
15 ecologically-balanced recreation while managing
16 deleterious effects.

17 COMMISSIONER THOMAS: Adverse; strike
18 deleterious, add adverse.

19 FACILITATOR BARTLETT: I'm just looking at this,
20 and I'm wondering if there is anything that's been put
21 up here that captures everything. And I'm wondering if
22 we can work with this last one, protect and enhance
23 opportunity and landscape and people who recreate. As
24 one item, does that capture quite a bit, and can we add
25 and go from there.

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1 COMMISSIONER ANDERSON: Grammatically I have a
2 little problem. I don't think we're going to enhance
3 the people, but we may enhance the enjoyment of the
4 people.

5 COMMISSIONER BRISSENDEN: Judith, there is a
6 real opportunity. We should enhance the people.

7 FACILITATOR BARTLETT: That may be beyond your
8 legislative intent.

9 COMMISSIONER ANDERSON: We're going to enhance
10 the opportunities or we're going to enhance the
11 enjoyment.

12 FACILITATOR BARTLETT: So protect and enhance
13 opportunities and landscape and enjoyment of people who
14 recreate.

15 COMMISSIONER ANDERSON: Okay. That's getting
16 close.

17 FACILITATOR BARTLETT: That's getting better.
18 So the piece that's missing here in my mind is the
19 individual responsibility.

20 COMMISSIONER WALDHEIM: That's what you are.

21 FACILITATOR BARTLETT: So I'm wondering, you are
22 the solution, recreate responsibly. You are the
23 solution, come out and play responsibly.

24 COMMISSIONER THOMAS: It's not play. If it's
25 tearing up the landscape, it's not play.

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1 FACILITATOR BARTLETT: And I apologize. Could
2 you all scrap the proposed one. So what about this --
3 what do we have as options for the personal
4 responsibility. We have, "You are the solution,
5 recreate responsibly." How do people like that.

6 COMMISSIONER WALDHEIM: Let's take you are the
7 solution, and then when you circled the bottom, how

8 does that flow. You're the solution and then go down
9 to the bottom where you circled. In other words, we
10 want to put the individuals are ultimately the ones
11 that are responsible.

12 FACILITATOR BARTLETT: Okay.

13 COMMISSIONER WALDHEIM: If they did things
14 responsibly, we have no resource damage, we have no
15 need for law enforcement or as many law enforcement,
16 everything falls into place. It starts with the
17 individual person.

18 FACILITATOR BARTLETT: So I left in the recreate
19 responsibly. Are these two next steps trial balloons
20 that we can move on with? Does that capture -- what
21 about the intent, the breadth of the intent, the
22 breadth of the decisions you talked about, the
23 ecological balance.

24 COMMISSIONER THOMAS: The ecological balance is
25 critical to the mission of the organization. It's in

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1 the first paragraph of the legislative --

2 FACILITATOR BARTLETT: Right. So we have
3 protect and enhance opportunities and landscape. Does
4 that capture that.

5 COMMISSIONER THOMAS: It's not the same. The
6 balance is the idea that's important. It's the
7 balance.

8 COMMISSIONER ANDERSON: You want the word
9 "balance" in there someplace.

10 COMMISSIONER THOMAS: You can't say it any

11 better than ecologically balanced recreational
12 opportunity.

13 COMMISSIONER WALDHEIM: What is the definition
14 of balance. I have an open area. I have a designated
15 trail system. That is our system, period.

16 FACILITATOR BARTLETT: That has to be carried
17 out, how you define that is not to be decided right
18 here. What you're striving for is
19 ecologically-balanced recreation.

20 COMMISSIONER ANDERSON: And then you can go from
21 which, and then move down to the lower paragraph. Can
22 you read that back to us now?

23 FACILITATOR BARTLETT: So what I have right
24 here, and we can rewrite it: Ecologically-balanced
25 recreation which protects and enhances opportunities

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1 and landscape and enjoyment for people who recreate,
2 and then you are the solution, recreate responsibly.

3 COMMISSIONER WALDHEIM: Personally I can't agree
4 with that because there are areas that when you come
5 and you see me recreate in an open area, you're going
6 to scream bloody murder, I'm killing the ecology of the
7 area, I'm tearing up the dirt. So this is wrong.

8 FACILITATOR BARTLETT: So we're not making those
9 kinds of decisions. We're being lofty here. We're
10 saying what are we striving to do. When we make our
11 decisions, we want to consider, and we consider the
12 legislative intent.

13 COMMISSIONER WALDHEIM: I am not creating a

14 zoology zoo. I'm not creating a riparian area. We're
15 protecting them, but we are going to recreate in those
16 areas, and that is telling me there that now all of a
17 sudden the balance is going to -- you're going to close
18 everything up, which has been the mission with a lot of
19 folks, is trying to close them out.

20 FACILITATOR BARTLETT: So you're concerned with
21 putting the ecological balance in the beginning is too
22 strong and is not going to allow for opportunity even
23 though it says, which protects and enhances
24 opportunities and landscape and enjoyment for people to
25 recreate.

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1 COMMISSIONER WALDHEIM: I can take those
2 wordings, but I can't take all of those other stuff up
3 there.

4 FACILITATOR BARTLETT: We're trying to link it
5 all together so that all of the interests are
6 represented and all of the areas of the intent are
7 covered.

8 COMMISSIONER WALDHEIM: That's not our mission.

9 FACILITATOR BARTLETT: Okay.

10 COMMISSIONER WALDHEIM: Our mission is provide
11 off-highway vehicle, period. And we will do it in a
12 responsible manner while protect all the blah, blah,
13 blah.

14 CHAIR SPITLER: That's not our mission, Ed, and
15 you know it.

16 FACILITATOR BARTLETT: So I'm going to ask once

17 more if there is any -- and then I'm going to move on
18 then let this simmer for a while.

19 I'm wondering is there any way that the other
20 Commissioners or anyone has a solution to overcome this
21 concern about the emphasis -- too much of an emphasis
22 on the ecologically balanced. And if not, I'd like
23 to -- I think we have a suggestion for improvement.

24 COMMISSIONER THOMAS: Move on.

25 FACILITATOR BARTLETT: I'm going to leave that 59

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1 then for right now, and then we will continue to work
2 on that. And so what I want to do is get a green.

3 COMMISSIONER PRIZMICH: Can I possibly suggest
4 something before we move on?

5 FACILITATOR BARTLETT: Please.

6 COMMISSIONER PRIZMICH: How about providing a
7 balanced -- providing balanced opportunities that
8 incorporated the ecology, opportunity, and safety among
9 off-road users. Is that closer?

10 FACILITATOR BARTLETT: Provide balanced
11 opportunities.

12 COMMISSIONER PRIZMICH: Provide balanced
13 opportunities that incorporate the ecological,
14 opportunities and safety among the off-road enthusiasts
15 or users. Whatever you want to put down there. Is
16 that closer?

17 FACILITATOR BARTLETT: Okay. So here is
18 another: Providing balanced opportunities that
19 incorporate ecological opportunities and safety among

20 users.

21 COMMISSIONER THOMAS: You can add it, but you
22 can't substitute for what the Legislature has told us
23 to do, which is 02(B), essential for
24 ecologically-balanced recreation. You can't make that
25 idea go away without going back to the Legislature and
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1 have that changed.

2 COMMISSIONER PRIZMICH: That's not the entire
3 commentary. I mean if you're going to do that, you
4 might as well just take those sections.

5 COMMISSIONER THOMAS: You can modify, but you
6 can't eliminate it. It's the core function. It's one
7 of the core functions.

8 FACILITATOR BARTLETT: It seems like we've
9 gotten really narrowed in on a critical issue here as
10 far as the differing perspectives on the emphasis and
11 how much of the forefront the ecological protection is
12 with the legislative intent -- vision, I'm sorry.

13 COMMISSIONER WALDHEIM: Just take the (B), it
14 says that:

15 "The Legislature hereby declares
16 that effectively managed areas and
17 adequate facilities for use of
18 off-highway vehicles and conservation
19 enforcement are essential to
20 ecologically-balanced recreation."

21 It says it right there. The key is effectively
22 managed and adequate facilities. If you have those

23 two, everything else falls into place.

24 FACILITATOR BARTLETT: Unfortunately, I don't
25 think it's quite that -- as crystal clear for everyone,
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1 so what I'd like to do is challenge all of you. You've
2 heard everyone's perspectives, and challenge you to
3 keep thinking about this. And I will follow up and see
4 what we can do and how we can move on this. I don't
5 think we're going to resolve this right now.

6 What I'd like to do now is move onto the next
7 topic, the next theme, which is approach. And the
8 approach here that we have listed is the Division and
9 Commission are proactive in achieving outcomes. Can we
10 add, subtract, or change to this?

11 COMMISSIONER ANDERSON: I want to add. Okay. I
12 just wanted to add something about having management
13 flexibility to deal with emergencies and unusual
14 situations so that it -- maybe it does need to be
15 stated here explicitly, but it certainly needs to be
16 understood. The kind of thing I'm responding to is,
17 for example, we had a forest fire that came through and
18 wiped out a campground and a user area, and those kinds
19 of things I think we need to have the flexibility to
20 deal with so that it's not just that we're going to be
21 stuck with a rigid guideline.

22 FACILITATOR BARTLETT: Okay, thank you. Other
23 suggestions for improvement, add, subtract, change on
24 the theme for the approach. Add in flexibility.

25 COMMISSIONER THOMAS: Yes, if you look at the
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1 strategic planning documents at the Department of
2 Finance they ask for performance measures, tracking
3 systems, monitoring. I would add that we have an
4 annual policy -- the approach is to have annual policy
5 setting by the Commission, and then performance
6 reporting by the Division on an annual basis so that we
7 have a management system that tracks the Department of
8 Finance's vision for how state agencies are to be
9 managed.

10 FACILITATOR BARTLETT: All right. Thank you.

11 COMMISSIONER WALDHEIM: Okay. All areas need to
12 have a recreational management plan.

13 FACILITATOR BARTLETT: Hold on one second.

14 COMMISSIONER THOMAS: Annual policy setting by
15 the Commission "A" and then accountability performance
16 reporting by the Division within the annual cycle.

17 FACILITATOR BARTLETT: Okay, thanks. I just
18 want to make sure that we got that. Go ahead, please.

19 COMMISSIONER WALDHEIM: We need to have, all of
20 the areas that we deal with, each one needs to have a
21 recreational management plan. They do not have
22 management plans. It's all haphazard.

23 FACILITATOR BARTLETT: Okay. I'm going to put
24 that up here under this approach, and I don't know this
25 is where that would go, but I'm going to put it up

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1 there. We might track that in somewhere else so that
2 we don't lose that thought, okay.

3 Any other additions, subtractions, or changes on
4 the approach? Should we move on?

5 So next we're going to get into the next area,
6 which is desired conditions. And so the trial balloon
7 that's listed here, I'm on the bottom of page three for
8 anyone who is following along, is: Effectively managed
9 areas, adequate facilities for the use of off-highway
10 vehicles and conservation and enforcement essential for
11 ecologically-balanced recreation. So here we go, we
12 have all of those things that we are kind of focussing
13 in on the program focus kind of captured here. So
14 additions, subtractions, and changes.

15 COMMISSIONER PRIZMICH: I have a comment for
16 addition or change.

17 FACILITATOR BARTLETT: Great, please, go ahead.

18 COMMISSIONER PRIZMICH: What I'd like to add to
19 ecology on the bottom line, because that's not our only
20 concern, give consideration to experience -- the
21 experience, safety, and ecological balance.

22 FACILITATOR BARTLETT: With consideration to the
23 safety, ecological.

24 COMMISSIONER PRIZMICH: Give consideration to
25 the experience, safety, and ecological balance.

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1 FACILITATOR BARTLETT: Thank you.

2 COMMISSIONER WALDHEIM: I'd like to add
3 effectively-managed areas and adequate trails and

4 facilities for the use of -- add the word trails.

5 FACILITATOR BARTLETT: Adequate trails. Trails
6 is the addition. Okay, thank you. Other additions,
7 subtractions, changes.

8 COMMISSIONER ANDERSON: I just want to note that
9 it's going to be very important to include at some
10 point our definition of what effectively and adequate
11 mean.

12 FACILITATOR BARTLETT: Yes, let's note that.

13 COMMISSIONER ANDERSON: Those are areas where
14 we're going to need to nail down the details of what
15 that means.

16 COMMISSIONER THOMAS: I would echo that because
17 the ambiguity of effective and adequate buries all
18 conflict. While burying conflict might be wonderful,
19 one can't run an organization unless you get to the
20 heart of the conflict and resolve it.

21 FACILITATOR BARTLETT: Absolutely. I mean the
22 goal of doing all of this, not just this little
23 exercise today, but the overall strategic plan is that
24 so when those issues come up, that the guidance is in
25 place so that those questions can be answered. So that
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1 really is highlighting the overall purpose of this.

2 COMMISSIONER THOMAS: And, for instance, one
3 could suggest some measures and definition of effective
4 and adequate. Exciting and challenging recreational
5 experience might be a good measure of effective and
6 adequate. Adequate set aside for the ecological

7 preservation duties within the recreation experience,
8 set aside a number of acres. Set aside might be
9 measured. There are lots of measures that one could
10 use to show that you're being adequate and effective.

11 FACILITATOR BARTLETT: Right. I think if -- you
12 know, if you look at the Department of Finance
13 guidelines, the fourth component really gets into
14 performance measures. So that will be something that
15 you really will have to delve into in detail. Should
16 we move on.

17 The next program area, the desired conditions --
18 for desired conditions, the first focus area is the
19 grants. So I'll just read in case anyone -- if this is
20 helpful. That the proposed --

21 COMMISSIONER WALDHEIM: Gina, John was just
22 telling me you didn't write up there the effective
23 management, you didn't write that up there. Want to
24 make sure we don't use that. We didn't capture that.
25 Effective management, the way you had it written in

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1 there, it's not written up there. We didn't capture
2 the entire effective thought on that.

3 FACILITATOR BARTLETT: It says, "Effectively
4 managed areas and adequate trails and facilities for
5 the use of off-highway vehicles and conservation and
6 enforcement giving consideration to experience, safety
7 and ecological balance." That's where we're at right
8 now. Does that capture it? Did we miss it.

9 JOHN STEWART: You missed under effective
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10 management, adequate trails and opportunity. The
11 comment right above it is effective management and
12 adequate trails. Commissioner Waldheim's entire
13 comment, you only captured part of it.

14 FACILITATOR BARTLETT: So you're saying instead
15 of managed areas, effective management. So if you
16 could add effective management.

17 COMMISSIONER WALDHEIM: Thanks, John.

18 JOHN STEWART: His comment right above where you
19 add that.

20 FACILITATOR BARTLETT: We're capturing that,
21 thank you. Anything else on this one? Sorry we missed
22 that.

23 Okay. Now, we're on the top of page four under
24 grants. And the trial balloon: Is the role of grants
25 in achieving overall OHV program outcomes as outlined

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1 in both the solicitations and evaluation of
2 performance. The second item, funding preferences,
3 proportions and goals are set in advance of creating
4 solicitations for grants. Preferences are identified
5 for proportion of funding and types of applicants and
6 expected grant outcomes. The third item, funding
7 priorities are transparent to staff and applicants.
8 And the last item is grants are effective in achieving
9 program goals. Let's just get this set up.

10 COMMISSIONER WALDHEIM: The first thing, Gina,
11 you need to change the word grant. That's not the full
12 thing. It's grants and cooperative agreements. We

13 don't want to leave the cooperative agreements. When
14 we talk about grants, we're always talking about grants
15 and cooperative agreements. That's our full thing.

16 FACILITATOR BARTLETT: Thank you. I'm just
17 numbering because this is all so clear right now, then
18 on Tuesday when I look at this, I'll be like what is
19 that connected to.

20 COMMISSIONER WALDHEIM: The next role I have,
21 the funding preferences. The preferences, the high
22 preferences are trail maintenance and enforcement.
23 Those are the number one issue.

24 FACILITATOR BARTLETT: Now, is that appropriate
25 here to state what the funding preferences are given

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1 all -- I'm just asking. Because given all of the
2 different funding questions that come before you, the
3 decisions, I mean you have funding the restoration,
4 funding for the trail maintenance. Let's see what else
5 did we have on here? Funding to increase
6 opportunities, operations. I mean, so is it
7 appropriate here to specify?

8 COMMISSIONER THOMAS: No.

9 FACILITATOR BARTLETT: It's a question. I'm
10 just wondering given that all of the things that are
11 out here, this is sort of the overall desired
12 condition.

13 COMMISSIONER WALDHEIM: Okay. I guess funding
14 preferences will capture them where we got them over
15 here.

16 FACILITATOR BARTLETT: Right. So the funding
17 preferences for all that.

18 COMMISSIONER WALDHEIM: Just make sure wherever
19 you have grants, you always add the words grants and
20 cooperative agreements.

21 FACILITATOR BARTLETT: Can you put that whenever
22 we have grants, okay. Other suggestions.

23 COMMISSIONER ANDERSON: Yeah, I think the first
24 two are incorporated within the last two, and I would
25 suggest that you highlight the last two, and the first
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1 two become subsets of those.

2 FACILITATOR BARTLETT: I'm sorry, so you're
3 suggesting that the funding priorities are transparent
4 for staff and applicants.

5 COMMISSIONER ANDERSON: Yes. And that grants
6 and cooperative agreements are effective in achieving
7 the program goal. And then within that, we could say
8 that the role in achieving the overall program is
9 outlined for both solicitations. So I'm just
10 suggesting a hierarchy for those items.

11 FACILITATOR BARTLETT: So that comes under the
12 funding priorities, or they just go up.

13 COMMISSIONER ANDERSON: Probably -- you might
14 just reverse the order of them.

15 FACILITATOR BARTLETT: Okay. So put the bottom
16 two at the top, and then follow them with the role of
17 grants and cooperative agreements, and then funding
18 preferences.

19 COMMISSIONER THOMAS: Transparency is achieved
20 when you clearly outline in your solicitation and
21 evaluation what you're seeking. And if you lay out
22 funding preferences and proportions and goals, then you
23 achieve transparency. So both transparency subsumes
24 the first two bullets.

25 FACILITATOR BARTLETT: I wasn't challenging you. 70

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1 I was just trying to make sure I captured it
2 accurately. That's all.

3 COMMISSIONER THOMAS: I was just clarifying what
4 it was.

5 FACILITATOR BARTLETT: It seems like -- if this
6 is okay with people generally, should we move on.

7 COMMISSIONER PRIZMICH: No, I have a comment.

8 FACILITATOR BARTLETT: I spoke too soon. Go
9 ahead, please.

10 COMMISSIONER PRIZMICH: I'd like to have the
11 funding preferences based upon or taking into
12 consideration the need and previous effectiveness of
13 grants that were handed out the year before. So that
14 add to that, not only the effectiveness but the need.
15 Those two items.

16 FACILITATOR BARTLETT: Need and effectiveness.

17 COMMISSIONER PRIZMICH: Yes.

18 COMMISSIONER THOMAS: Perhaps you mean by
19 looking at the effective grant, subsumed under that is
20 the feedback loop to evaluate effectiveness. Is that
21 what you are saying?

22 COMMISSIONER PRIZMICH: I don't know if that
23 needs to be here, but, yes, that would be the process.

24 COMMISSIONER THOMAS: That's a good suggestion.
25 It's a measure of the effectiveness of how you achieve

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1 your goals in the prior year.

2 FACILITATOR BARTLETT: Okay. Should we move on
3 to the next program area, which is education, which I
4 know is important to a lot of you. Okay. I'm going to
5 move on to education.

6 So what we have right here as a trial balloon is
7 the Commission and Division educate other key
8 stakeholders to improve program performance. Sample:
9 Stakeholders; State Parks; dealers; auto part stores;
10 major big box retailers; users, particularly those
11 unaffiliated with formal groups; other recreationists;
12 the Legislature; youth riders. Sample education focus
13 is safety and enforcement opportunity, general and the
14 family, responsible behavior protected by the resource
15 and then other ideas.

16 COMMISSIONER PRIZMICH: I have a question before
17 we proceed. I have no idea what you're trying to get
18 at here. Could somebody maybe explain it?

19 FACILITATOR BARTLETT: I think what we're trying
20 to get at here is a shared vision for the education
21 program area. So I know that you raised that earlier,
22 so what would the vision for the program area on
23 education look like.

24 COMMISSIONER PRIZMICH: That isn't what I'm

25 reading here. It says the Commission and Division

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1 educate other key stakeholders to improve program
2 performance.

3 FACILITATOR BARTLETT: That's a trial balloon,
4 but if you would like to change it, that's what we're
5 here to do. So how would you characterize the vision
6 of education.

7 COMMISSIONER PRIZMICH: Well, I don't know. I
8 guess part of the education process is how we decide
9 here and the criteria that we set up. I'm not sure how
10 we set about educating the stakeholders. In fact,
11 we're supposed to be taking input from them so we have
12 a greater understanding of what it is they want. So
13 I'm not sure it's us going to them. I think it's a
14 pretty mutual thing. I wasn't sure how this was
15 developed, and I don't quite understand it.

16 FACILITATOR BARTLETT: The way I -- do any of
17 the other Commissioners want to help him understand the
18 way you view this.

19 COMMISSIONER THOMAS: I think he makes a good
20 point. I don't see the education function clearly in
21 the legislative intent. I'm wondering where in the
22 hierarchy of the legislative intent education even
23 fits. Because I expect it might come to us through the
24 grant program, but the word education doesn't show up
25 in here. I may have missed it.

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1 FACILITATOR BARTLETT: Now, I would also just
2 remind everyone that all of those comments and the
3 decisions that have to be made about education and its
4 role and the importance, that we just factor that in,
5 too.

6 COMMISSIONER ANDERSON: I think perhaps some of
7 Commissioner Priznich's concerns are that education is
8 really one of the categories that we have for grants.
9 We give grants for educational purposes, and we also
10 give grants for law enforcement, and rehabilitation.
11 In pulling this out as only one of the categories I
12 think is maybe what's leading to some confusion.
13 Although, when I was looking at this, I was not
14 thinking of the subcategory of grants that falls under
15 education but thinking more in terms of public
16 relations perhaps, and the stakeholder group and the
17 functions it and its subcommittees might perform. So
18 that was how I was looking at this.

19 But the decision to only reach key stakeholders
20 was something that I had a little trouble with because
21 I think we need to add -- if we're doing this, we need
22 to add general information for the public as well
23 because part of the sustainability of this program is
24 going to be that the citizens of the State of
25 California buy into the existence of the program. If

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1 we alienate the general public while we are satisfying

2 all of these key stakeholders, we will have lost the
3 process because the great unwashed, uneducated can dry
4 this program up in a hurry if we are not careful. So
5 I'm looking at education as maybe more like public
6 relations.

7 FACILITATOR BARTLETT: Can I turn to Phil? I'm
8 going to put Phil on the spot here real quick.

9 COMMISSIONER THOMAS: I just want to let you
10 know I've reviewed the duties and responsibilities.
11 Education does show up on the Commission's duty as sub
12 F, so there is an element.

13 FACILITATOR BARTLETT: Can you tell us what it
14 says?

15 COMMISSIONER THOMAS: I'll read the whole thing:

16 "Review and make recommendations
17 after conducting at least one public
18 hearing to the director," this is the
19 Commission," on the development of a
20 model off-highway motor vehicle
21 recreational safety program and
22 eligibility criteria and procedures
23 for a safety education local
24 assistance grants program."

25 So it's local assistance, safety.

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1 FACILITATOR BARTLETT: It sounds like it's
2 connected to the grants program.

3 COMMISSIONER THOMAS: Yes, it's connected to the
4 grants program.

5 COMMISSIONER WALDHEIM: What we did develop, we
6 created a \$250,000 safety grants program, and people
7 would come and ask for money. So we did direct in
8 the '80's where this money should go. But I'd like to
9 add the section on this. Do you want me to do it now?

10 FACILITATOR BARTLETT: I want to ask the staff
11 one question. Does the program have an education
12 component outside of the grant program? You all
13 probably know, but I don't.

14 DEPUTY DIRECTOR GREENE: Absolutely. I think
15 education is the key component. We have it throughout
16 the SVRAs and also within the grants program, and not
17 only directly tied to the grants program but a couple
18 of years ago when there was a massive fire down on the
19 Cleveland, really working with the Forest Service and
20 the communities, did an educational campaign: Give it
21 a rest -- or give it a break campaign, which was very
22 successful.

23 FACILITATOR BARTLETT: So education outside of
24 the grant program is a critical part of the program.

25 DEPUTY DIRECTOR GREENE: Absolutely, yes, it is

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1 a key component.

2 FACILITATOR BARTLETT: So that would go back
3 to -- I don't know, did you have that comment about it
4 is -- so this would be looking at education outside of
5 the grant program right now. Go ahead, I'm sorry.

6 COMMISSIONER WALDHEIM: I feel the wording needs
7 to be changed. The Commission and the Division will

8 create an educational program for responsible OHV
9 recreation in the following areas, and then you just go
10 down the list that you've already added. And in there
11 you need to add the schools --

12 FACILITATOR BARTLETT: Slow down, slow down,
13 slow down. Will create an educational program for
14 responsible.

15 COMMISSIONER WALDHEIM: OHV recreation.

16 FACILITATOR BARTLETT: OHV rec, and then add to
17 the list.

18 COMMISSIONER WALDHEIM: The list of the state,
19 dealers, auto -- you've done all of that. And add
20 schools and media. I mean the sample the Deputy
21 Director just pointed out as far as the Motocross,
22 that's a perfect example of where we really need to do
23 it. In other words, we are the ones who set the tone,
24 and it could be either through the Division or it could
25 be through the grants program, all our grants, every

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1 one of the grants we approved the other day, we
2 provided 15, \$20,000 for educational things just to
3 make sure people start doing it. But we need to have
4 an overall strategy for everybody to tie into it.

5 FACILITATOR BARTLETT: Okay. And now it's come
6 back to what Commissioner Anderson suggested about
7 general education for the public. Do you want to say
8 something?

9 COMMISSIONER ANDERSON: I have a couple of other
10 specifics. I think we've left off other agencies,

11 which would include the BLM, Forest Service, and all of
12 the local law enforcement agencies.

13 FACILITATOR BARTLETT: Okay. Thank you.

14 COMMISSIONER ANDERSON: I think those need to be
15 there.

16 FACILITATOR BARTLETT: Okay. So what I'm
17 hearing then is that this education element is separate
18 from the education under the grants, even though I know
19 they are linked.

20 COMMISSIONER WALDHEIM: It's part of it.

21 FACILITATOR BARTLETT: They're linked. And then
22 the statement should be improved to read: The
23 Commission and Division will create education programs
24 for responsible OHV recreation. Sample: Stakeholders,
25 we're adding schools, media, BLM, Forest Service, and

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1 local law enforcement. And how about the education
2 focus, is there anything you want to add in on there?
3 We have safety and enforcement, opportunity,
4 responsible behavior, protective of the resources. Is
5 there anything else you want to capture?

6 COMMISSIONER ANDERSON: Sorry, guys. I'm
7 wearing my environmental hat again. Responsible
8 behavior protective of the resource only happens when
9 you know what other resources are in the area to be
10 protected. So somehow we need to capture the idea
11 you're not going to understand that you shouldn't go
12 off trail unless you understand what the impacts of
13 going off trail are. Or if there are archeological

14 resources that need to be protected, you need to know
15 they're there if you're going to do any responsible job
16 of avoiding them. So part of teaching the responsible
17 behavior includes educating what are the other natural
18 resources that are cultural resources that are
19 available.

20 FACILITATOR BARTLETT: Okay. In the area.

21 COMMISSIONER ANDERSON: Yes.

22 COMMISSIONER THOMAS: So perhaps you can say,
23 the line of the education function would be the
24 ecologically-balanced recreation objectives.

25 FACILITATOR BARTLETT: Well, I also -- I mean

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1 okay. I like the natural and cultural resources in the
2 area. That's what I'll put in there because it's
3 specific.

4 COMMISSIONER THOMAS: Sure.

5 FACILITATOR BARTLETT: It's specific to the
6 sites.

7 COMMISSIONER THOMAS: Sure.

8 FACILITATOR BARTLETT: Pulls on the education
9 component of the locality, which is nice. Should we
10 move on? I wanted to do a time check. We're at about
11 eleven o'clock, and we're making a lot of progress. So
12 we have about 15 more minutes. Is there anything else
13 to add in on education? Okay. Thank you.

14 So the next -- we have four more topics, 15
15 minutes is a lot. So why don't we keep going and see
16 how far we get.

17 Professionalism, the Commission and Division --
18 I'm at the top of page five: The Commission and
19 Division are viewed as highly professional, dedicated
20 to the vision and representative of the highest
21 standard of public service, interaction among the
22 public, the Commission and the Division are a model of
23 civility. There is a footnote on the definition there
24 at the bottom. The Division and Commission have well
25 defined roles that complement the performance of each.

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1 And the definition of civility that's proposed is at
2 the bottom of the page:

3 "Civility is a concept of
4 respect, conflict management,
5 listening, negotiation skills,
6 affirming others. People handle
7 setbacks with grace and renewed
8 determination and monitor their
9 emotions constructively. Parties
10 achieve a positive environment
11 through sincerity, respect and
12 optimism."

13 Suggestion to improve, add,
14 subtract, or change.

15 COMMISSIONER PRIZMICH: I have a question. The
16 form that the number one question takes in my view is
17 asking for others' opinions of what we do.

18 FACILITATOR BARTLETT: The first bullet, you say
19 number one question, the first bullet.

20 COMMISSIONER PRIZMICH: Right. And I'm not sure
21 that's the right tense or the right focus that we
22 should be making. We have no clue what others think of
23 us. So I think we should make a statement in the
24 affirmative that this is what we should be attempting
25 to do.

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1 FACILITATOR BARTLETT: So the Commission and
2 Division view each other or view -- what would you
3 suggest.

4 COMMISSIONER PRIZMICH: I don't know yet.

5 FACILITATOR BARTLETT: Okay. So get rid of the
6 passive voice in there.

7 COMMISSIONER PRIZMICH: Yes, I'm not sure that
8 if we put it in this form, we're going to be
9 successful. I'm not sure we'll be successful anyway.
10 Any time you have to define what civility means, you've
11 got a problem.

12 FACILITATOR BARTLETT: Okay. But we're
13 aspiring, right? So that's a really good point, I
14 appreciate that. Thank you for that improvement, and I
15 will look at that. And if people have suggestions
16 right now, Commissioners, I'm open to those.

17 COMMISSIONER THOMAS: It's great.

18 COMMISSIONER WALDHEIM: I just want to make sure
19 that you clearly understand that it also puts the
20 Commission and the Division on an equal basis, and
21 that's not -- we are a part-time Commission. The
22 Division is the one that's fully responsible for

23 implementing or managing the program. And it kind of
24 makes it look like -- you know, they have a heck of a
25 lot more to do than we ever will have. It's very easy 82

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1 for us to say something, and they have to carry it out.
2 So somewhere along there I think it needs to be very
3 clear that we just set some policies, but the Division
4 is fully responsible for the implementation and
5 managing of this entire program in the State of
6 California. That is their job.

7 COMMISSIONER THOMAS: And how does that address
8 professionalism?

9 COMMISSIONER ANDERSON: I think it's in the
10 definitions of bullet three.

11 FACILITATOR BARTLETT: Defined roles.

12 COMMISSIONER ANDERSON: That complement and
13 within an elaboration of that would be your point, Ed.

14 FACILITATOR BARTLETT: So the part-time
15 policy-making role of the Commission complemented by
16 the full-time responsibility of managing and
17 implementing the program.

18 COMMISSIONER WALDHEIM: I just want to make sure
19 that -- this Commission for some reason has gotten into
20 thinking that we need to be -- that's managing. That's
21 not our role. It's their role to imagine.

22 COMMISSIONER THOMAS: That's another
23 conversation in another category.

24 FACILITATOR BARTLETT: Okay. But I think
25 highlighting the defined roles here seems okay.

1 Doesn't it seem okay with everyone.

2 COMMISSIONER THOMAS: Well, I mean in the
3 context of professionalism, what's the matter with what
4 we have?

5 FACILITATOR BARTLETT: Well, we're taking
6 everyone's input and including it and trying to find a
7 way to work with it. And the suggested improvement is
8 to add in under the third paragraph that the defined
9 roles that complement the performance of each other,
10 that the performance on the Commission's side is a
11 policy-making one in a part-time capacity, and that the
12 performance of the Division is a responsibility of
13 managing and implementing the program, so it clarifies
14 those.

15 COMMISSIONER THOMAS: That opens a debate on a
16 completely different area where there are discussions
17 among Commissioners. It's not really related to how we
18 deal with each other professionally. The Division of
19 powers between the various entities is elsewhere in
20 your matrix. I mean it's a good debate. It should be
21 held. It's not just an issue of professional.

22 FACILITATOR BARTLETT: Maybe find another home
23 for that.

24 COMMISSIONER THOMAS: Find another home for
25 that.

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1 FACILITATOR BARTLETT: For roles, maybe we just
2 break out the roles in here.

3 COMMISSIONER WALDHEIM: Or you could call it
4 professionalism and responsibility.

5 FACILITATOR BARTLETT: Okay.

6 COMMISSIONER THOMAS: It's a debate. It should
7 be talked about, but it's just not here.

8 FACILITATOR BARTLETT: Okay. We can work with
9 that. Responsibility of roles, okay. Should we move
10 on just given we have time, I just saw Paul look at his
11 watch. I'm looking at mine.

12 The next topic is accountability, and the
13 Division, Commission and stakeholder public are engaged
14 and accountable for program outcomes. Suggested
15 subtractions, changes, and improvements. Paul, do you
16 have something?

17 CHAIR SPITLER: I don't know what stakeholder
18 public means. I might just say public, but otherwise I
19 think it sounds great.

20 FACILITATOR BARTLETT: Okay.

21 COMMISSIONER WALDHEIM: There's different levels
22 of accountability. When we give out money, it is not
23 the responsibility of the Commission to go out there
24 and make sure that the bathroom is clear and that the
25 trail has been maintained. That's not the Commission's
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1 role. I don't think that's the Commission's.

2 FACILITATOR BARTLETT: Is there a way to capture
3 that.

4 COMMISSIONER WALDHEIM: Again, we're mixing
5 apples and oranges here, the accountability. The
6 Division has a heck of a lot more responsibilities and
7 ability to hold those agencies accountable for what we,
8 the Commission, grant them in funds. That is not our
9 role.

10 FACILITATOR BARTLETT: I wonder if we -- you
11 know, we were going to find a home for the roles and
12 responsibilities of the Commission and Division. I'm
13 wondering if we add some language -- this is just a
14 suggestion hearing what I -- if I understand your
15 concern. What if we add something on accountable for
16 program outcomes given their respective roles or, you
17 know, something along those lines or their respective
18 responsibilities.

19 COMMISSIONER WALDHEIM: Fine.

20 FACILITATOR BARTLETT: And this would follow
21 that. So that would be delineated above, and then we
22 would come to that. Okay. So given their respective
23 roles and responsibilities, okay.

24 COMMISSIONER THOMAS: I would propose adding one
25 bullet that accountability will be measured by defined

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1 performance standards.

2 FACILITATOR BARTLETT: Okay. So tying it into
3 your performance measures. Accountability will be
4 measured. Can you say it one more time.

5 COMMISSIONER THOMAS: Accountability will be
6 measured by defined performance standards.

7 COMMISSIONER WALDHEIM: But that's not the
8 Commission's performance standard. It would be the
9 Division who sets the performance standards.

10 COMMISSIONER THOMAS: It could be either.

11 FACILITATOR BARTLETT: Actually, in the
12 strategic plan you probably are going to have
13 performance measures, and so that would be tied to
14 those, however those are defined in the strategic plan.

15 COMMISSIONER THOMAS: Don't be suspicious, I've
16 taken it out of page 14 of the Department of Finance
17 guidelines. I'm not gaming the system here.

18 FACILITATOR BARTLETT: Can we move on? Great.
19 So acquisition is the next program area, and we are
20 doing great on time here.

21 The Division and Commission have a shared
22 understanding of how property acquisitions support
23 overall goals. I see a few grimaces.

24 COMMISSIONER WALDHEIM: Well, there is a certain
25 element in the Commission who want to acquire more

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1 nonusable off-highway opportunity, and we want to
2 maximize our dollars for off-highway opportunity.

3 FACILITATOR BARTLETT: So that's the tension.

4 COMMISSIONER WALDHEIM: We have agreed that,
5 yes, some buffer zones are applicable and put horses on
6 it or build avocados or whatever you want to do. But
7 the focus is that when you buy a thousand acres and we
8 only get to use two acres, it's not acceptable. That's
9 a total misuse of the OHV funds.

10 FACILITATOR BARTLETT: Okay. So how can we
11 capture the goal -- well, any suggestions? Let's just
12 hear maybe this one. I don't know. Thoughts.

13 COMMISSIONER ANDERSON: I think we have to start
14 with having a shared vision of what the goals are for
15 acquisition.

16 COMMISSIONER THOMAS: I think we can agree in
17 some area on these goals. For instance, we might be
18 able to agree that close into urban areas, we need to
19 expand SVRAs. And that would be an acquisition goal
20 that's very specific, but it might be agreeable to all.

21 We might disagree about the mix in the SVRA
22 between the active use and the passive use. But we
23 could agree that close into urban areas we need to
24 radically acquire -- I think radically expand --
25 rapidly expand our acquisition program, and I would

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1 I like to see a five-year and 20-year program goal based
2 on acreage acquired.

3 COMMISSIONER WALDHEIM: And I agree with
4 Commissioner Thomas. Our competitors are urban
5 expansionist sprawl, and it's either us, which is open
6 space, or development. And I have always said that,
7 hey, we are the best keeper of open space that anybody
8 has, and yet everybody fights us. Those are the ones
9 that fight us.

10 FACILITATOR BARTLETT: Let's have a moment of
11 celebration for an area of agreement, which is everyone
12 supports acquisition of open space. That is very

13 important.

14 COMMISSIONER PRIZMICH: Should we do the wave?

15 FACILITATOR BARTLETT: That is an area of
16 agreement. Yes, we're doing a fan over there. Please
17 note that in the notes that there is an area of
18 agreement for acquisition of open space. That's an
19 important area for agreement, okay.

20 COMMISSIONER THOMAS: But I would like you to
21 put within the acquisition goal that we have a defined
22 five- and 20-year acquisition program based -- with
23 identifiable acreage and priority areas. And the
24 priority areas be ranked according to urban and then
25 less urban use.

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1 FACILITATOR BARTLETT: So it sounds like that is
2 also a key action item for developing your strategic
3 plan, really creating an acquisition plan that you all
4 support that meets your overall goals of open space and
5 prioritizing areas adjacent to urban areas and having a
6 five- and 20-year plan as an action item out of this
7 that you all need to work on. That's good? Okay. So
8 let me just note that clearly here. I know that
9 Christine is noting it over there. So the action item
10 is the five- and 20-year plan. And the goals have to
11 have an acquisition of open place with some attention
12 to these areas adjacent to urban areas.

13 COMMISSIONER WALDHEIM: The five and ten years,
14 it's a good wish list. But we have situations that we
15 are so negligent in, in the sense that all of a sudden,

16 a ranch wants to be sold, they're not going to wait
17 around for five and 20 years to do it. We should have
18 a mechanism in place -- and this is where the Parks and
19 Recreation, DPR, has their association, they have funds
20 set aside. They go grab the land and then turn it over
21 to the parks. We don't have that, and we have lost
22 ranch after ranch because we just sit and don't have
23 the mechanism to moving quick enough.

24 FACILITATOR BARTLETT: So I just added that to
25 the action plan. So you need to plan for the areas

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1 that you could get over the long-term, but you need a
2 mechanism for the quick acquisition for opportunities
3 such as unexpected opportunities.

4 COMMISSIONER WALDHEIM: That's right.

5 FACILITATOR BARTLETT: Can I move on.

6 COMMISSIONER THOMAS: Just that, will the
7 acquisition block have within it a defined planned
8 goal?

9 FACILITATOR BARTLETT: No.

10 COMMISSIONER THOMAS: Why not?

11 FACILITATOR BARTLETT: I'm sorry, what I was
12 hearing you say is that the goals would be the
13 acquisition of open space with particular focus on
14 areas adjacent to urban.

15 COMMISSIONER THOMAS: Right. But the point is
16 you need to define plan within the goals. And then, of
17 course, the element of the plan -- the action item
18 might be a five- to 20-year plan, that's the action

19 that you're going to do. But the goal is that we get
20 on our management objectives a plan requirement.

21 FACILITATOR BARTLETT: Okay. So add that into
22 this box.

23 COMMISSIONER THOMAS: Add that into the
24 acquisition box.

25 FACILITATOR BARTLETT: Okay.

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1 COMMISSIONER WALDHEIM: And there's another
2 thing we need, Mr. Thomas. I don't think we should
3 just get stuck on urban areas. We have acquired
4 properties that all of a sudden they are in the urban
5 areas. They never used to be.

6 FACILITATOR BARTLETT: That was my language just
7 trying to capture that issue. I can pull that back.

8 COMMISSIONER WALDHEIM: You understand what I'm
9 saying?

10 COMMISSIONER THOMAS: I do.

11 COMMISSIONER WALDHEIM: They're coming to us,
12 rather than the other way around.

13 FACILITATOR BARTLETT: Okay.

14 COMMISSIONER THOMAS: And I'm agreeing with you,
15 and the reason, Ed, trust me, and the reason I say this
16 is that if you get this plan, this five- and 20-year
17 plan in the Department of Finance mind-set, you can go
18 to the Legislature each year, and you can point back to
19 your five- and 20-year plan and say I am owed this
20 appropriation.

21 COMMISSIONER WALDHEIM: That is exactly what we

22 did in the '80s, but we never expected to lose
23 \$51 million from the very same Legislature that took it
24 away from us.

25 COMMISSIONER THOMAS: I understand that.

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1 FACILITATOR BARTLETT: We're not going to solve
2 that right now. We're going to hope for lots of money
3 and lots of land.

4 COMMISSIONER THOMAS: No, we're not. We're
5 going to plan and go get money.

6 FACILITATOR BARTLETT: There you go, I've been
7 corrected. It's 11:16. Paul, do we have your
8 permission to look at the last item.

9 So the last item is decision-making, and
10 decision making is aligned with the vision and
11 strategic plan, which is to be developed, as you know.
12 Actions of the Division and Commission can be clearly
13 linked to the overall program goals. I see a lot of
14 nods. Everybody is okay with that? It's the last
15 item.

16 Okay. Well, I thank you for your time and
17 effort. I know that these things can be quite painful
18 and touchy feely, sort of Kumbaya.

19 COMMISSIONER WALDHEIM: Before you close, Gina,
20 did somebody in the public miss something here.
21 Anything new, anything new that we did not bring up
22 that we missed, just real quick.

23 FACILITATOR BARTLETT: Really quick. I'd like
24 to say really quick.

25 COMMISSIONER WALDHEIM: Something we missed.

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1 KAREN SCHAMBACH: Well, I think we missed --
2 Karen Schambach, Center for Sierra Nevada Conservation.
3 Under program area, it covers grants, but it doesn't
4 cover SVRAs. You brought it up under acquisition, but
5 the SVRAs are a pretty important part of the program
6 area, and I think deserve a little more attention than
7 they're getting in this proposal.

8 FACILITATOR BARTLETT: So you're suggesting that
9 should be considered as an additional program area, the
10 SVRA.

11 COMMISSIONER WALDHEIM: Let her write that so we
12 don't run out of time.

13 FACILITATOR BARTLETT: We will capture that.
14 Thank you.

15 JOHN STEWART: John Stewart, California
16 Association of 4-Wheel Drive Clubs and United 4-Wheel
17 Drive Association. One of the things coming up here is
18 there needs to be a positive tone and that too much of
19 this language and verbiage put up there is a negative
20 tone. It has to be a positive, upbeat tone providing
21 for a clarity of vision. Now vision being a short
22 sweet statement of what is the future goal.

23 FACILITATOR BARTLETT: I'm going to interrupt
24 you because it doesn't have to be short and sweet,
25 okay? It's the Commission's vision, and it can be

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1 however they want.

2 JOHN STEWART: Twenty-five plus years in
3 developing strategic plans, yes, I do understand.

4 FACILITATOR BARTLETT: I'm sure you have a lot
5 of experience, but it's their strategic plan.

6 JOHN STEWART: But why I was coming up here is
7 we have to keep -- there is a clarity and a defined
8 difference between a vision as the goal, and the
9 process to achieve the goal. And we cannot mix the
10 two. And I want to make sure that we are talking here
11 that we're developing shared vision. And within the
12 shared vision, out of that will fall a mission
13 statement, which the mission statement is how you're
14 going to achieve this shared vision of the goal. In
15 other words, you have the goal, and that has to track
16 the management of the program itself.

17 FACILITATOR BARTLETT: So is your concerned --

18 JOHN STEWART: One other thing is desired
19 conditions and what we've talked about and what has
20 been talked about on the desired conditions do not
21 really truly reflect what goes back to the proposed
22 vision area, and one of the things that is missing is
23 the public input, public comment, and interactions with
24 the public.

25 FACILITATOR BARTLETT: Okay. As a program area ⁹⁵

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1 to consider that, okay.

2 JOHN STEWART: Yes. And accountability has to
3 be defined as to whether it is guidance, policy, and
4 regulations, that there is a mix of terms and mix of
5 intent.

6 FACILITATOR BARTLETT: Slow down a little bit.
7 So we have the public input as a program area,
8 considered to be as a program area, and then the final
9 suggestion is that accountability be delineated how?
10 You said regulation.

11 JOHN STEWART: Between guidance, policy and
12 regulation, and how they revolve or how they meld back
13 to the governing legislative intent.

14 FACILITATOR BARTLETT: Okay. Thank you very
15 much.

16 BRUCE BRAZIL: Bruce Brazil, California Enduro
17 Riders Association. The topic up there is OHV program.
18 You've got the Off-Highway Motor Vehicle Recreation
19 Commission, Off-Highway Motor Vehicle Recreation
20 Division. So the primary focus on this whole program
21 today should be off-highway vehicle usage and for the
22 opportunities for the community to do such. There
23 seems to be --

24 FACILITATOR BARTLETT: Do you have a suggested
25 improvement, sir.

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1 BRUCE BRAZIL: I'm saying the general focus
2 should be in that area. It seems to be a little
3 heavily weighted in other areas. Thank you.

4 FACILITATOR BARTLETT: Okay. Thank you very

5 much. Thank you for reminding us to have public input,
6 and thank you all very much for your time and
7 participation. I appreciate it. I will commit to you
8 to update the trial balloon and get it out to you
9 through the staff. Thank you very much.

10 CHAIR SPITLER: I just want to say thank you,
11 Gina, for walking us through. It's not an easy group
12 to work with, I'm sure. You did a great job.

13 FACILITATOR BARTLETT: Thank you very much.

14 CHAIR SPITLER: We will take a quick ten-minute
15 break and continue on with our agenda.

16 (Break taken in proceedings.)

17 CHAIR SPITLER: Okay. We'll go ahead and get
18 started. We will be taking up two more items of
19 business and then breaking for lunch and adjourning
20 for the public comment period.

21 So the next item of business is 7-A on the
22 agenda under new business, election of officers. This
23 is the meeting of the year where we elect a chair and a
24 vice chair. Obviously, we have been absent a vice
25 chair for sometime, and I've been chair for the past

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1 three years, and I'm ready to step down, so I will open
2 it up to Commission discussion on chair and vice chair.

3 COMMISSIONER WALDHEIM: Mr. Chairman.

4 CHAIR SPITLER: Commissioner Waldheim.

5 COMMISSIONER WALDHEIM: Mr. Chairman, I would
6 like to nominate as chair of the Commission, Mr. Mike
7 Prizmich.

8 CHAIR SPITLER: Commissioner Thomas.
9 COMMISSIONER THOMAS: I'd like to make a
10 substitute motion and nominate John Brissenden for
11 chair.
12 CHAIR SPITLER: Let's go ahead and we can do
13 discussion.
14 COMMISSIONER PRIZMICH: Well, since my name was
15 thrown out there, I'd like to point out to the
16 Commissioners that while I have submitted my name for
17 another go-around here, I've not been appointed by the
18 Governor for whatever reasons and that I am indeed
19 retiring at the end of this term of office as sheriff
20 coroner which will be December of '06. So my role here
21 is to represent law enforcement. My assumption is that
22 when I retire, the California State Sheriffs
23 Association will probably make another recommendation.
24 That does not necessarily remove me from this
25 Commission. But while I'm honored to be suggested,

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1 there are those dilemmas that the Commission -- that
2 I'm faced with. I'm not been reappointed and, two, I
3 am retiring.
4 COMMISSIONER WALDHEIM: Mr. Chairman.
5 CHAIR SPITLER: Commissioner Waldheim.
6 COMMISSIONER WALDHEIM: With that statement, I
7 would even further emphasize that he would be the chair
8 because that would give us an awful lot more time for
9 him to work on the business at hand.
10 CHAIR SPITLER: Let's go ahead take public

11 comment. Do any members of the public want to comment
12 on this item? Please go ahead and step forward.

13 BRUCE BRAZIL: Bruce Brazil, California Enduro
14 Riders Association. I believe one of the requirements
15 to the whole Commission and especially the chair would
16 be somebody who is going to be able to attend all of
17 meetings. Thank you.

18 NICK HARRIS: Nick Harris, American Motorcyclists
19 Association, I would just like to say definitely we
20 would support Sheriff Prizmich as chair --

21 CHAIR SPITLER: I'm sorry, can you step a little
22 closer? Is that mic on?

23 NICK HARRIS: Nicholas Harris, American
24 Motorcyclists Association. I just want to say we would
25 support Sheriff Prizmich as the chair. Thank you.

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1 CHAIR SPITLER: Thank you.

2 JOHN STEWART: John Stewart, California
3 Association of 4-Wheel Drive Clubs and United 4-Wheel
4 Drive Associations. I concur. The Commission job is
5 very demanding, and Commissioner Prizmich has shown a
6 dedication to fulfilling his duties as a commissioner
7 with regular meeting attendance and participation in
8 the discussions. I think he would make an excellent
9 chair, and we endorse him as chair.

10 CHAIR SPITLER: Thank you.

11 FRED WILEY: Good morning, Fred Wiley with the
12 Off-Road Business Association. Another point that I
13 would like to bring up because I think it's important

14 from time to time to have some change in who leads the
15 Commission. So at this point, having the opportunity
16 to work with Mr. Prizmich on other issues and looking
17 at this as a one-year term, which may fit right into
18 the other time schedule, we would like to support him
19 for that position. Thank you.

20 CHAIR SPITLER: Thank you.

21 HAROLD SOEN: Harold Soen, San Diego Off-Road
22 Coalition. And I too would like to support
23 Mr. Prizmich for chairman of the board. Thank you very
24 much.

25 CHAIR SPITLER: Thank you. Okay. Any other 100

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1 public comment?

2 HEATH WAKELEE: Heath Wakelee, Audubon Society,
3 for Mr. Brissenden. Thank you.

4 CHAIR SPITLER: Thank you.

5 KAREN SCHAMBACH: Karen Schambach, Center for
6 Sierra Nevada Conservation, either gentleman would be a
7 wonderful chair, but I'm going to support
8 Mr. Brissenden. Thank you.

9 CHAIR SPITLER: Thank you.

10 DAVE PICKETT: David Pickett, District 36,
11 Motorcycle Sport Committee and the Bear River Summer
12 Home Tract Association. We also endorse Mr. Prizmich.
13 He has shown a very balanced approach over the years on
14 tricky and sticky issues and has consciously put forth
15 effort to understand each of the issues. Cannot
16 support the other candidate primarily due to attendance

17 participation is one particular issue. So please
18 consider Mr. Prizmich as the chair. Thank you.

19 CHAIR SPITLER: Any other public comments?

20 Okay. Public comment on this item is closed. Why
21 don't we go ahead and have a motion.

22 COMMISSIONER WALDHEIM: I made a motion.

23 CHAIR SPITLER: You made a nomination.

24 COMMISSIONER WALDHEIM: I move that we elect
25 Mr. Prizmich as the chair of the OHV Commission for

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1 this year.

2 CHAIR SPITLER: Is there a second?

3 COMMISSIONER WALDHEIM: Mr. Prizmich, you can
4 second.

5 COMMISSIONER PRIZMICH: I know.

6 CHAIR SPITLER: Motion dies for --

7 COMMISSIONER WALDHEIM: No, not yet, he's
8 thinking.

9 CHAIR SPITLER: Motion dies for lack of second.
10 Is there another motion?

11 COMMISSIONER THOMAS: Mr. Chairman, I would
12 nominate John Brissenden for chair.

13 CHAIR SPITLER: Is there a second?

14 COMMISSIONER ANDERSON: I'll second that.

15 CHAIR SPITLER: Discussion?

16 COMMISSIONER WALDHEIM: I do want to point out
17 that Mr. Brissenden, he has not been here all the time.
18 He cuts out in the middle of the meetings. I don't
19 think this Commission at this critical point that we

20 are right now, we need somebody who can really be able
21 to dedicate the time to this. No disrespect to John,
22 but we need somebody who wants to really effectively
23 help us to go through these difficult times, especially
24 with the audit report and things that we need to do
25 with the legislative issues coming up. And I think

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1 Mr. Prizmich would do a great job on that.
2 Mr. Prizmich would do a better job than John would.
3 CHAIR SPITLER: More discussion? Okay. We have
4 a motion and a second. All those in favor?
5 COMMISSIONER WALDHEIM: Roll call, please. I
6 demand a roll call.
7 CHAIR SPITLER: Excuse me, motion and a second.
8 All those in favor?
9 (Commissioners simultaneously voted.)
10 CHAIR SPITLER: Opposed?
11 COMMISSIONER WALDHEIM: No. Commissioner
12 Waldheim votes no. The motion carries.
13 We do still need a vice chair.
14 COMMISSIONER THOMAS: I would nominate
15 Commissioner Anderson, who has provided significant
16 service and tenure to this Commission for vice chair.
17 And if Mr. Brissenden is unable to be at a meeting, the
18 vice chair will do a fine job.
19 CHAIR SPITLER: Is that a motion?
20 COMMISSIONER THOMAS: That was a motion.
21 COMMISSIONER BRISSENDEN: Second.
22 CHAIR SPITLER: Discussion? Any members of the

23 public wish to comment on the vice chair? Seeing none,
24 public comment is closed.

25 Motion and second for Commissioner Anderson as
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1 vice chair, is there discussion? All those in favor?

2 (Commissioners simultaneously voted.)

3 CHAIR SPITLER: Opposed?

4 COMMISSIONER PRIZMICH: No.

5 CHAIR SPITLER: Motion carries. Commissioner

6 Priznich votes no.

7 Congratulations, Chair Brissenden, I will pass
8 the baton on to you.

9 (Applause.)

10 CHAIR BRISSENDEN: Thank you all for this
11 wonderful tranquil moment as we go forward with these
12 challenges, and I am -- it's a daunting task to take
13 over from someone so skilled, with such huge shoes to
14 fill, so I appreciate everyone's support and assistance
15 as we go forward to make this program what it can and
16 should be. So thank you.

17 We'll move on to, let's see, Item E,
18 determination of funding levels of the grants and
19 cooperative agreements program. Under discussion,
20 should we have a listing of those various, as we've
21 called them in the past, buckets of money?

22 COMMISSIONER THOMAS: Is there a staff report?

23 CHAIR BRISSENDEN: Deputy Director Greene, are
24 you going to present this?

25 DEPUTY DIRECTOR GREENE: I'll give you the new
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1 funding bucket category list. To members of the
2 public, it's similar to what we had last year, the
3 identification of those funding buckets.

4 COMMISSIONER SPITLER: We need Christine up here
5 with her pens.

6 DEPUTY DIRECTOR GREENE: We'll put it back over
7 here for members of the public.

8 Last year we had the opportunity when we did the
9 public meeting in January and there was a lot of
10 different discussions; as you recall we broke up into
11 groups, and it was at the end of that time period where
12 the public spoke up and the Commissioners had their
13 dialogue and began to determine those target fundings
14 for the next grant cycle. So similar to this year,
15 again it is as part of the process, if this Commission
16 so desires if they can identify those funding
17 priorities for the next grant cycle. So that is what
18 we have for you today. Any questions?

19 CHAIR BRISSENDEN: Any questions from any
20 Commissioners? We would like to move to public
21 comment. If there are none.

22 COMMISSIONER THOMAS: I have a comment.

23 CHAIR BRISSENDEN: Go ahead.

24 COMMISSIONER WALDHEIM: Mr. Chairman, I would
25 like, if the staff would be so kind, to write above

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1 what we did last year, so they can see it for a point
2 of reference. We had 1.4 on the conservation. We had
3 three million on the law enforcement -- 3.2, I believe
4 it was. We had seven million. 1.4 for conservation.
5 I may be wrong on the three million. 1.4 on the
6 restoration.

7 DEPUTY DIRECTOR GREENE: 7.3.

8 COMMISSIONER WALDHEIM: We had 7.3. On the
9 non-CESA we had 6.3. Was the LEOs strictly three? So
10 that should come up to the 18 million.

11 CHAIR BRISSENDEN: And those were funding levels
12 where we didn't reach those; is that correct?

13 COMMISSIONER WALDHEIM: No, it's not a question
14 of reaching. It's a question that when the staff
15 determination and the Commission determination based on
16 the competition criteria, some of those didn't -- they
17 didn't have -- they didn't qualify. So some money was
18 left over in the bucket.

19 CHAIR BRISSENDEN: Well, we should have that
20 information as well, correct?

21 COMMISSIONER WALDHEIM: What's left over in
22 category, I think staff can answer that. They're still
23 going through the reevaluation I think. I don't know.

24 COMMISSIONER THOMAS: Mr. Chairman, just a
25 question. Was there any -- is there anything in the

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1 report that is in our staff packet at Exhibit E -- or
2 at Tab E. I was looking for background staff report.
3 Is there anything here that I'm missing? Okay. And

4 what is the appropriation that we are dividing?

5 DEPUTY DIRECTOR GREENE: Eighteen million.

6 COMMISSIONER THOMAS: And is that written down
7 anywhere?

8 CHIEF JENKINS: When we reported last month on
9 the budget, we gave that number, the \$18 million.

10 COMMISSIONER THOMAS: So the dollar amount out
11 of the Governor's budget, that is the 18 million.

12 CHIEF JENKINS: That is correct. That is the
13 \$18 million. And I know somebody was just asking about
14 the leftover amount. There was \$900,000 plus left over
15 this year in the restoration category. That money
16 reverts back into the trust fund. It still is tagged
17 and tracked as restoration money and can only be used
18 on restoration. For it to be used in the future, it
19 would need to be reappropriated out by the Legislature.

20 COMMISSIONER THOMAS: Can we do a finance letter
21 to reappropriate that?

22 CHIEF JENKINS: The department has -- I think
23 February 14th was the deadline. Typically -- I did
24 check into this because I did have some questions come
25 this weekend on this, and I did some checking around.

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1 Typically we don't ask for reappropriation of local
2 assistance dollars. Local assistance dollars would
3 just revert like that.

4 In the future is when you know -- first of all,
5 since February 14th was the deadline, even if we were
6 to attempt to do that, we just missed that deadline,

7 and that's partly due to the whole cycle that we've
8 been through. So I don't know that we'll ever come to
9 that point again. But if we do, we know now that there
10 is a deadline when we would need to ask for that to be
11 reappropriated.

12 COMMISSIONER THOMAS: If some of us are able to
13 convince the Legislature to add that money back into
14 the line item appropriation, would the department,
15 Division, support that allocation?

16 CHIEF JENKINS: Well, that money that's in
17 there, it's not just that \$900,000. You could tap
18 into -- you know, there's that whole 10 million.

19 COMMISSIONER THOMAS: No, I understand.

20 CHIEF JENKINS: This money is just like that
21 money at this point.

22 COMMISSIONER THOMAS: I understand that, but I'm
23 just saying if we were to go back to the Legislature
24 and say look we didn't spend \$900,000 last year, please
25 put it back in the budget, my question is would you

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1 support that? Because I wouldn't ask if the message
2 back from the department was, Governor, please blue
3 pencil that decision.

4 CHIEF JENKINS: We would support that absolutely
5 because that's restoration dollars and that's the only
6 way we're going to get that spent is if we get some
7 good projects for it to be spent on.

8 COMMISSIONER THOMAS: Great. Maybe we can do
9 that in lieu of the finance letter. Thank you.

10 CHAIR BRISSENDEN: Any other comments from
11 Commi ssi oners? Heari ng none --

12 VICE-CHAIR ANDERSON: Wait a minute, sorry John.

13 CHAIR BRISSENDEN: Judi th, and then Sheri ff
14 Pri zmi ch.

15 VICE-CHAIR ANDERSON: I j ust have a questi on
16 that thi s may address. I had a number of people, over
17 the various meetings when we were talking about grants,
18 questi on why there' s so much money wi thi n the
19 restoration budget since under the regs for the gas tax
20 money it' s a relatively small percentage, but it' s
21 turning out to be an enormous part of the grants
22 budget. And I was wondering if there was some way that
23 one can do an exchange and put some of these
24 restoration doll ars that are tied speci fi cally to
25 restoration into doing restoration where necessary

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1 wi thi n the SVRAs and free up some other doll ars for us
2 to use as grant money.

3 DEPUTY DIRECTOR GREENE: Commi ssi oner Anderson,
4 that' s a good poi nt because obvi ously we know that
5 there are many restoration doll ars out there. The
6 i ssue wi th restoration is obvi ously it is used on lands
7 in areas which have been closed. If you look at our
8 SVRAs, if you were to spend ten percent of restoration
9 doll ars a year, we woul d be closing our SVRAs in ten
10 years.

11 So while we try to actively address the areas
12 where we can of maintenance and conservation, really

13 looking at that three tier system, restoration as being
14 that last resort because we have done our job on the
15 ground to try and address. That last year we -- I
16 think it was about a million and a half dollars that we
17 spent at the SVRAs. It is difficult, though,
18 because -- and I recognize the dilemma. There are a
19 lot of restoration dollars out there, and where we can
20 spend them at the SVRAs, we absolutely do. But to take
21 on much more of an obligation is particularly difficult
22 unless we have a major project.

23 VICE-CHAIR ANDERSON: So you're saying that last
24 year you spent 1.5.

25 DEPUTY DIRECTOR GREENE: I think it was 1.2 to 110

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1 1.5, I have to go back and look. The demand that we
2 have I think recognized historically, the demand has
3 been more on the BLM and Forest Service land than it
4 has been at SVRAs.

5 VICE-CHAIR ANDERSON: We're getting exactly the
6 same kind of challenges to spending all of those on
7 Forest Service and BLM lands. And what I hear
8 Commissioner Waldheim is that we're putting all this
9 money into restoration, and pretty soon we're not going
10 to have any areas to ride on in BLM and the Forest
11 Service. So we're kind of on the horns of a dilemma
12 here.

13 Maybe we can't handle all of this discussion
14 today, but I would like to see some really creative
15 thinking about where we can spend this outside of the

16 grant program, and maybe it's within the SVRAs, and
17 maybe we should do something else. I don't know.

18 CHAIR BRISSENDEN: I have a lineup of
19 Commissioners wishing to speak, and I think
20 Commissioner Priznich was the first, and then Thomas,
21 and then Spittler.

22 COMMISSIONER PRIZNICH: Was Commissioner
23 Anderson done?

24 VICE-CHAIR ANDERSON: Yes, I'm finished.

25 COMMISSIONER PRIZNICH: I think what we've

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1 experienced this year in terms of law enforcement has
2 been a feeding frenzy on what little monies there are
3 available, and I'd like to see more money go to law
4 enforcement. I think the general consensus is that
5 that would be a good thing for everyone concerned. But
6 it was exemplified in the last meeting in kind of a
7 poignant way where Alpine County, Little Alpine County
8 gave up their monies to Calaveras County to make sure
9 that they could provide the adequate law enforcement.
10 They apparently viewed Calaveras' needs as greater.
11 And I really have a difficult time seeing a feeding
12 frenzy occurring within law enforcement. So I would
13 really hope that we can provide more allocation to law
14 enforcement.

15 CHAIR BRISSENDEN: Thank you.
16 Commissioner Thomas.

17 COMMISSIONER THOMAS: Thank you, Mr. Chairman.
18 Staff, can the restoration funding within the

19 grant program be spent on State Park units themselves
20 that are having problems with illegal or detrimental
21 OHV use?

22 DEPUTY DIRECTOR GREENE: Clarify, if you would,
23 Commissioner Thomas, outside of the grants program, is
24 that what you mean? I mean the State Parks currently
25 with the part of the \$3 million that goes from the OHV

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1 trust fund over to State Parks does deal with the issue
2 as it pertains to restoration of some of those lands,
3 whether it be as a result of management issues or for
4 illegal trespass which has occurred.

5 COMMISSIONER THOMAS: But is there a mechanism
6 by which the State Park unit can come to the Division
7 and say look, we have an illegal trail at such and such
8 a location, we want to eliminate that trail and restore
9 that area; is that possible?

10 DEPUTY DIRECTOR GREENE: Probably through some
11 sort of budget change proposal that we would have to go
12 through in order to try and look at additional monies
13 going over it. It would be coming from an operations
14 side, but we can certainly look into it. I think again
15 recognizing statewide within our State Park systems
16 where is that -- where is the demand, how much of a
17 demand is there, and that is the thing that we're
18 trying to investigate currently.

19 COMMISSIONER THOMAS: Okay. Let me be very
20 specific. Let's assume that the law enforcement
21 rangers of the State Park system need special pad units

22 for drunk driving in Anza Borrego, and this Commission
23 thinks that that's a very good law enforcement purpose,
24 and we would like to give the State Park rangers,
25 whatever the number is, \$25,000 to buy a special pads

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1 unit so that when they do a DUI two-and-a-half hours
2 away from a sheriff substation, that DUI will stick.
3 What is the mechanism by which we can make sure that
4 they apply for that grant or by which we can send them
5 monies through this program.

6 CHIEF JENKINS: Once again, I think what we're
7 doing right now with the three million, that's where
8 we're trying to get that to. As the audit pointed out,
9 the three million in the past had gone just generally
10 to State Parks, distributed to -- it didn't necessarily
11 have direct relation. We've gone through an exercise
12 this year where we are sitting down with the managers
13 from Red Rock and Anza Borrego and those places where
14 there is absolutely opportunity and trying to make sure
15 that \$3 million is focussed on areas where there is
16 opportunity so that, for instance, out in Red Rock they
17 have an opportunity to have some better patrol
18 equipment so they can go out and do adequate oversight
19 of the program. And we have looked at -- we purchased
20 sound meters and done a loaner program through outside
21 organizations, as well as inside state parks. So we
22 are looking for creative ways to try to address some of
23 the issues in the state parks --

24 COMMISSIONER THOMAS: That comes from the
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25 operations budget, but is there a way that we can

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1 solicit from the State Park units funds under our grant
2 program?

3 DEPUTY DIRECTOR GREENE: Are you speaking
4 directly to restoration? It seems as though you were
5 just speaking -- I mean a ranger in Anza Borrego
6 dealing with an issue of intoxication.

7 COMMISSIONER THOMAS: That's an enforcement
8 budget.

9 DEPUTY DIRECTOR GREENE: That's an enforcement
10 issue.

11 COMMISSIONER THOMAS: But same problem in any
12 pot.

13 DEPUTY DIRECTOR GREENE: Right. That would be
14 State Parks on that side. That is their budget to deal
15 with making sure those rangers have the appropriate
16 equipment. I don't think it would be appropriate in
17 that particular instance to have monies coming from the
18 OHV trust fund for that.

19 COMMISSIONER THOMAS: Perhaps counsel for the
20 State Parks can look at that issue and provide us some
21 guidance as to how we can interact with the State Park
22 units within the grants program.

23 CHIEF JENKINS: As I understand it, Tim, you can
24 chime in here any moment, we can't give grants to
25 ourselves inside the system. There is no mechanism to

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1 do that. So if we wanted to spend more money in the
2 system and take it out of the grants' \$18 million, the
3 way that would be achieved would be to plan ahead for
4 that and on an upcoming budget year you would have
5 17,500,000 in the grants program the another 500,000
6 you would look at BCPs or you would look at capital
7 outlay.

8 COMMISSIONER THOMAS: I understand.

9 CHIEF JENKINS: Then the capital outlay projects
10 would come to you, the Commission, to approve.

11 CHAIR BRISSENDEN: If I can chime in here, we
12 had this discussion with Ken Pogue with the Attorney
13 General's office. When he looked at this issue a
14 couple of years ago, there is no other state agency
15 that we can fund from the grants program, as much as
16 you said we can't fund ourselves. And that was in the
17 law. So I think that's -- we need to have the law
18 changed if we're going to be able to do that.

19 COMMISSIONER WALDHEIM: Mr. Chairman.

20 CHAIR BRISSENDEN: Commissioner Waldheim.

21 COMMISSIONER WALDHEIM: They're just pulling
22 \$3 million out to do exactly what Mr. Thomas is talking
23 about. We're talking about -- I think we should remove
24 that \$3 million, not that they take it. They can come
25 to us and ask for a grant or come to the Division and

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1 ask for a grant.

2 CHAIR BRISSENDEN: Then we should have counsel
3 look at the law.

4 COMMISSIONER WALDHEIM: I mean they should just
5 not take it out of the pocket before they give it to
6 us.

7 CHAIR BRISSENDEN: Mr. LaFranchi.

8 COUNSEL LaFRANCHI: That would require a
9 legislative change. The grant program only authorizes
10 grants to local agencies, federally recognized tribes,
11 federal agencies, et cetera.

12 COMMISSIONER WALDHEIM: Mr. LaFranchi, right now
13 the Division is being -- we're losing \$3 million a year
14 without any due process.

15 COUNSEL LaFRANCHI: That money is coming out of
16 the support side of the trust fund. The money that's
17 appropriated to State Parks to operate units or trails
18 within State Park -- within the State Park system and
19 the SVRAs. So that's where that money is coming from.

20 COMMISSIONER THOMAS: Mr. Chairman.

21 CHAIR BRISSENDEN: Commissioner Thomas.

22 COMMISSIONER THOMAS: I'll try to be brief.

23 CHAIR BRISSENDEN: Please.

24 COMMISSIONER THOMAS: This is a complicated
25 issue, but it's important. If the Division -- I'm

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1 sorry, if the Commission chose to exercise its
2 budgetary discretion and establish a policy by
3 communicating through the Legislature that we needed an
4 amendment through the budget act to set aside a certain

5 amount of operations money from the Division's DPR
6 budget, and we were willing to give up half a million
7 dollars or something, we recommend to the budget
8 subcommittees that we transfer \$500,000 out of the
9 grants line and we put it in the Division's line for
10 funding State Park units, would the Division support
11 that?

12 CHIEF JENKINS: That is something that sounds --
13 that's a tough one to throw at you right at the
14 beginning. It sounds very possible, and that's
15 something that would take some analysis, and we would
16 all need to sit down together and look at with new --
17 new units being proposed to come on-line, I would think
18 in order for us to really say, yes, that would be a
19 great idea, we would really need to know what's
20 happening with the Fuel Tax Study, what's happening
21 with the new acquisitions, what the new demands on the
22 operating budget are going to be. Absolutely, we would
23 like to sit down and have that kind of discussion.

24 COMMISSIONER THOMAS: The budget is happening
25 now, so could you communicate with us at your earliest
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1 convenience by letter as to that issue, would the
2 Division accept a budget change either through
3 legislative act or BCP to allocate a certain amount of
4 money for the benefit of State Park units.

5 CHIEF JENKINS: We will absolutely look at that.
6 I don't know if we're too late in the process, but we
7 will look at that and get back to you on it.

8 CHAIR BRISSENDEN: There is always another year.
9 Can I set up a brief subcommittee of
10 Commissioner Thomas and Commissioner Waldheim to sit
11 down with Division staff and explore this and bring it
12 back at the next meeting?

13 COMMISSIONER THOMAS: Only if Commissioner
14 Waldheim really wants to go down that road. If he
15 thinks that road has got potholes and is a dead end,
16 why bother.

17 CHAIR BRISSENDEN: In the spirit of cooperation,
18 I would ask the two of you to work well together with
19 the Division.

20 COMMISSIONER THOMAS: Thank you, Chairman.

21 CHAIR BRISSENDEN: Commissioner Prizmich, and
22 then need to go to public comment after.

23 COMMISSIONER PRIZMICH: Yes, if I could just
24 find out when the Fuel Tax Study should be expected to
25 come out and what impact that could have, positive or

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1 negative, on our efforts here.
2 DEPUTY DIRECTOR GREENE: Commissioner Prizmich,
3 there is nobody who wishes that she had that vision
4 through the crystal ball more than I when it comes to
5 what it will look like. But we anticipate that we will
6 have a final report available by August. We are trying
7 to move as quickly as possible to get those numbers
8 beforehand. I know that there's some feeling that the
9 Division is stalling looking at the legislative
10 session, and that could not be more far from the truth.

11 The reality is the Fuel Tax Study will be our guiding
12 force for the future, and so as soon as we have some
13 preliminary estimates of what that looks like, we will
14 get that to you.

15 COMMISSIONER PRIZMICH: Can I ask if it's indeed
16 underway as we speak or is it planned?

17 DEPUTY DIRECTOR GREENE: No, no, we will be
18 having those numbers. We will know what those numbers
19 are. We will know what the impacts are, either
20 positive or negative or what it means for the overall
21 scope of the program. That's why it's so important
22 when we're talking about our strategic plan, what are
23 we talking about, what do the numbers look like, what
24 do the trends look like.

25 COMMISSIONER PRIZMICH: I guess my question is:
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1 Is that study underway at this current time?

2 DEPUTY DIRECTOR GREENE: Absolutely, the
3 study --

4 COMMISSIONER PRIZMICH: We keep hearing --

5 DEPUTY DIRECTOR GREENE: Absolutely.
6 Commissioner Prizmi ch, the study -- this is one of
7 those typical things. The studies began in 1999 with
8 an appropriation of \$400,000. It was challenged four
9 times. Then a lawsuit was filed. It went back again.
10 So I will say strictly in defense of this
11 administration, there has been a delay of four months,
12 but it has not been a delay of years as we have seen
13 when it initially began in 1999.

14 CHAIR BRISSSENDEN: Is it safe to say the raw
15 data is all compiled, and it's just matter of writing
16 the report?

17 DEPUTY DIRECTOR GREENE: Not at this time, no.
18 There are still many, many phone calls that are being
19 made, cross-checking of data at this point in time.

20 CHAIR BRISSSENDEN: Okay. Any further comments
21 from the Commissioners? Commissioner Waldheim.

22 COMMISSIONER WALDHEIM: Mr. Chairman, on the
23 \$18 million that they state that's in the budget, I'm
24 trying to figure out a mechanism under which we could
25 possibly maybe reduce that to \$14 million, and take the
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1 \$4 million and give it to Terry Harper and Kathy with
2 instructions to go out throughout the state and fix all
3 of our trails. I know there is a dedicated group to do
4 that.

5 CHAIR BRISSSENDEN: Can I respectfully refer that
6 to the subcommittee I just appointed. Thank you. Any
7 other comments?

8 VICE-CHAIR ANDERSON: I have a question.

9 CHAIR BRISSSENDEN: Commissioner Anderson.

10 VICE-CHAIR ANDERSON: Yes, has the Division made
11 any effort to reach any other federal agencies? I'm
12 thinking of Fish and Wildlife Service or Bureau of
13 Reclamation to find out whether or not they have
14 opportunities on any of their lands for OHV use and if
15 so might they be interested as applicants. And I'm not
16 interested necessarily in giving them enforcement

17 dollars, but using up some of their restoration dollars
18 if they have problem areas. So that they may not be
19 aware of the --

20 CHAIR BRISSENDEN: Isn't that part of the RFP
21 process anyway? I would hope that it's been for many
22 years.

23 VICE-CHAIR ANDERSON: Okay. I guess I'm
24 suggesting that we not be passive about making a pitch
25 to those agencies, but actively go out and solicit the
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1 places where we might be able to spend some of this
2 money, particularly this pot of restoration money,
3 which is growing by leaps and bounds.

4 CHAIR BRISSENDEN: I realize we need to enlist
5 more restoration grant applicants. I think that the
6 federal agencies are keen to wherever money is, but
7 maybe we should put something in neon.

8 DEPUTY DIRECTOR GREENE: I think it also speaks
9 to -- at one point in time there was I think some
10 discussion that as route designation occurred and some
11 of the results that if, in fact, there was closure as a
12 result of that, that would be a good area where perhaps
13 that restoration account could be expended. So I think
14 that we do see where there are areas, but certainly
15 you're right that pot is growing, but I think there is
16 also some opinions that maybe hold on until you get,
17 you know, a very large project or you hold on until
18 you -- until the route designation occurs. And
19 certainly, Commissioner Anderson, we're more than happy

20 to reach out to other agencies. I think most people
21 know about the restoration account, but we will
22 certainly make that effort and let them know that those
23 funds are available.

24 CHAIR BRISSENDEN: Thank you. Time for public
25 comment. I have three cards. We will start with Don
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1 Klusman, followed by Bruce Brazil, and John Stewart.

2 DON KLUSMAN: Don Klusman, California 4-Wheel
3 Drive Association. Long time ago when I started doing
4 some of this, we had a lobbyist that told me -- he said
5 there's two things you don't want to see, sausage being
6 made and laws being made; it's about the same
7 situation.

8 Good intentions. Law for this restoration
9 account was there. No one thought it was going to take
10 this long to get a lot of things straightened out. We
11 are stuck with it for right now. We have to live with
12 it. So the 7.3, we can't really do much with.

13 The next question comes, what do we do with the
14 other buckets, as we call them. We got the chicken and
15 the egg here. I agree law enforcement needs to be
16 bumped up, but where do we take that money from. The
17 only thing I can see is you might take the point four
18 from conservation, and the point three from the
19 non-CESA, that would give another point seven to the
20 law enforcement account. I would like to say more than
21 that, but I don't know where to pull it from without
22 hurting other programs. I think we do need more money

23 in law enforcement because I think this year proved how
24 difficult it was to spread the money around and make a
25 viable project on different areas. Because there is a
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1 lot of money that is needed in certain areas, but that
2 does not discount the need for your small counties or
3 your areas that don't get ten million visitors, such as
4 most of them in Northern California, but they still
5 need the law enforcement. So it's a real tough egg to
6 crack, but I do think we need to bump up the law
7 enforcement bucket. Thank you.

8 CHAIR BRISSENDEN: Thank you, Bruce Brazil.

9 BRUCE BRAZIL: Bruce Brazil, California Enduro
10 Riders Association. And in determining the amounts of
11 monies that are available for those different pockets,
12 I've got a question hopefully Division can help me out
13 with. There's an X percentage of the fuel funds, I
14 think something like 56 percent of the fuel funds that
15 are appropriated for restricted funds. Out of that, 30
16 percent restoration, 70 percent conservation,
17 enforcement. Who is it and where in the process is it
18 determined how those monies are divided up amongst
19 support that the Division would be using and the money
20 that the Commission would have available for the grants
21 process? Thank you.

22 CHAIR BRISSENDEN: Thank you. John.

23 JOHN STEWART: John Stewart, California
24 Association of 4-Wheel Drive Clubs and United 4-Wheel
25 Drive Associations. Looking at this proposal here, I

1 submit that given experiences in the last couple of
2 years, redetermining buckets of money has been a
3 self-constraining issue that has actually inflicted
4 damage on the program. Coming up with some artificial
5 constraints like the preassigned dollars has been
6 detrimental to actual performance on on-the-ground
7 programs.

8 I also submit that, yes, the law does set aside
9 a certain amount towards restoration, but the law does
10 not say it has to be set aside and spent within one
11 year. Conservation is a very important category. Law
12 enforcement, very important category. Those are also
13 part of the set-aside under the CESA that is a
14 legislative set-aside. Those, when you start looking
15 at the numbers, really don't reflect the overall
16 percentage of what is there. I would like to see the
17 conservation and enforcement bumped up. And, yes,
18 let's take that restoration and set it aside for one
19 year, take the majority of it. Most of the restoration
20 grants did not qualify for funding this year and were
21 arbitrarily qualified. In fact, finding appropriate
22 restoration projects has been very difficult. Let's
23 use the money doing something that benefits recreation.
24 Let's use it for the legislative intent of providing a
25 recreational program for the citizens of the State of

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1 California.

2 CHAIR BRISSENDEN: Thank you. Any others?

3 KAREN SCHAMBACH: Karen Schambach, Center for
4 Sierra Nevada Conservation. I'd like to return to the
5 conversation that you had -- that the Commission was
6 having about the ability to spend more restoration
7 dollars on the support side. And I would really,
8 really encourage the subcommittee to look into that.
9 There are certainly areas in SVRAs that, you know, they
10 may not want to restore, but hill climbs aren't
11 allowed -- at least my understanding of the soil
12 standards, does not allow hill climbs. There are
13 certainly a number of those that could use restoration
14 dollars. Also, as was mentioned, areas on State Park
15 lands that have damage that could use restoration
16 funds. And I think that we need to really aggressively
17 look at spending money on the support side to draw down
18 the pot because that would help alleviate this
19 situation in which restoration which is, I remind you,
20 only 16 percent of the total trust fund is lopsidedly
21 put into grants. And it creates unnecessary shortages
22 in the other categories.

23 The need, however, for restoration is
24 indisputable. And I'm really sorry to see that nobody
25 seems to have taken the opportunity to explain to the

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1 auditors that this was not just a political decision,
2 that there are millions and millions of dollars in
3 restoration grant applications, whether they're funded

4 or not, they certainly illustrate the need for
5 restoration. And I hope that, you know, that this
6 Commission and the Division both will point that out to
7 the auditors, that there is a need. This wasn't just a
8 political decision. It was based on a need, a still
9 unmet need. And the need exists not only on the
10 federal lands but on the state lands and SVRAs as well.

11 So I would support the -- I'm not sure where
12 this came from. I wasn't paying attention, but I would
13 support the buckets.

14 COMMISSIONER THOMAS: The subcommittee would be
15 available to meet and needs to meet fairly quickly if
16 the idea that you propose will come into being. Would
17 you be willing to arrange a meeting between the
18 appropriate people at the State Parks, yourself, and
19 the subcommittee to discuss this issue? Perhaps you
20 have some knowledge about specific areas that you want
21 to see.

22 KAREN SCHAMBACH: I would be happy to do that.

23 COMMISSIONER THOMAS: If Mr. Waldheim is
24 available, I'm certainly available to meet with the
25 State Parks and try to get some support for a proper

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1 allocation.

2 KAREN SCHAMBACH: Okay.

3 CHAIR BRISSSENDEN: Thank you.

4 KATHLEEN MICK: Kathleen Mick, U.S. Forest
5 Service, Regional Trails Program Manager. In looking
6 at some of the statutes -- I might have hatched an

7 answer to this, but I don't know, you can all tell
8 me -- when you look at the legislative intent, the
9 5090.02, there is section five which was a little bit
10 muted in the display that we had earlier. It says:

11 "Off-highway vehicle motor
12 vehicle recreation be managed in
13 accordance with this chapter through
14 financial assistance to local
15 government and joint undertakings
16 with agencies of the United States."

17 And so a joint undertaking is similar to what
18 happened under the MOI with route designation, although
19 it came out of the grants program. I think there's a
20 provision in the statute that allows the Division to
21 enter into other types of contracts and agreements much
22 like we do with the snow program for grooming. So not
23 knowing the Division's finance system all that well,
24 there may be the ability to put in some type of budget
25 change proposal with a limited cap on it. The

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1 restoration money can only be spent on restoration.

2 It's clear that at the SVRAs, there's just not
3 the capacity to do the type of restoration that needs
4 to be done in order to spend down the balances. The
5 bulk of the restoration has fallen on the grants
6 program, and most of that to the federal agencies. So
7 you have areas that have already been inventoried, I
8 think both for Forest Service and BLM, that have use on
9 them that probably could be restored now. You have the

10 implications of the route designation coming up in that
11 should there be closures under an appropriate decision,
12 then you would have areas that again could be restored.

13 So perhaps looking at some type of budget change
14 proposal that puts aside the restoration money outside
15 of the grants program but still being spent on
16 restoration appropriately, which then takes the
17 pressure off of the grants program and allows you to
18 move around those monies under conservation and
19 enforcement and trail maintenance where you feel
20 appropriate. So just a thought.

21 CHAIR BRISSENDEN: Thank you.

22 COMMISSIONER SPITLER: I have a question of the
23 speaker. Could you comment on the ability and need of
24 your agency to conduct restoration this year on your
25 lands? There has been a lot of discussion here about

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1 the level of need for restoration on the federal lands,
2 and I think we realize that the majority of this money
3 is going to be spent on the federal lands. And so I'd
4 like to hear from you and your counterpart at BLM as to
5 what you anticipate the need being on your agencies'
6 lands in this coming year for restoration.

7 KATHLEEN MICK: Without having the ability to do
8 an in-depth analysis, I wouldn't want to go too far out
9 on a limb. But I believe in talking to the units, that
10 we have a capacity to do restoration that would be
11 appropriate under the statute and the regulations, as
12 we understand them. And the extent of that, I don't

13 know. We have areas now that have received OHV use
14 that was illegal that could be restored. Some of that
15 has already been inventoried during the route inventory
16 process for route designation. We also have roads that
17 received OHV use that have already received decisions
18 in a decision document, a NEPA document, that could be
19 implemented, but we just haven't had the internal
20 funding to do that. And then above and beyond that, I
21 don't know. We'd have to take another look at that to
22 be more specific.

23 COMMISSIONER THOMAS: Mr. Chairman?

24 CHAIR BRISSENDEN: Thank you.

25 Commissioner Thomas, is this a question to the speaker?
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1 COMMISSIONER THOMAS: Yes, a question to the
2 speaker.

3 There is an illegal OHV trail from Highway 88 to
4 the Highway 50 area. It's in a Forest Service
5 non-roaded area. Will you be working with your
6 individual forests to restore those existing illegal
7 trails in non-roaded designated areas? That's
8 primitive wilderness, semi-primitive non-roaded forest
9 land areas.

10 KATHLEEN MICK: Not being familiar with the area
11 that you're talking about, I hesitate to comment on
12 that at this time.

13 COMMISSIONER THOMAS: What will you be doing to
14 aggregate the restoration projects so that we have some
15 comfort or certainty or assurance that there is going

16 to be a comprehensive restoration program from the feds
17 in the Forest Service?

18 KATHLEEN MICK: You mean post route designation
19 or just in general?

20 COMMISSIONER THOMAS: In the next funding cycle.

21 KATHLEEN MICK: What, at least preliminarily,
22 we've done is have discussions with units to look at
23 areas that they believe can be restored that already
24 are closed, and that would be our first priority. The
25 second or another sub-priority of that would be areas

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1 that are closed that have received illegal use.

2 In terms of -- I think I know what you're
3 getting at, in terms of roadless areas, semi-primitive
4 non-motorized where there has been use, I'm not
5 prepared to get into an in-depth discussion about that
6 at this time because there are too many other
7 components of that that I don't have adequate knowledge
8 on.

9 COMMISSIONER THOMAS: I'm asking procedurally.
10 Are you going to be aggregating these projects in
11 advance of submitting them so that we have some
12 assurance, similar to route designation, that the
13 regional office is shepherding, managing, pushing the
14 expenditure of restoration funds?

15 KATHLEEN MICK: Yes, the thought is that we
16 would hopefully, like we did two years ago, in a
17 perfect world, be able to aggregate those restoration
18 projects at the region and submit one application.

19 Last year each of the forests did so on their
20 own and seemed to be relatively successful given the
21 last couple of Commission meetings. But the preference
22 would be to -- at least my preference, without having
23 the ability to have talked to the field units at this
24 time, would be to aggregate those at the regional level
25 to take the pressure off of the field so that they

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1 could concentrate on running their programs and spend
2 less time on being in the office writing grants.

3 COMMISSIONER THOMAS: What is the earliest date
4 you can inform us as to what that list will look like?

5 KATHLEEN MICK: I don't know because right now I
6 don't know when the submittal date will be for new
7 applications. We've heard September or October. So
8 we'd have to back into it from there. But the
9 sooner -- you know, the sooner the better. I mean the
10 more proactive we can be, the better because we'll be
11 able to have the ability to know exactly how many
12 projects we're going to have. I mean I would hope,
13 Hal --

14 COMMISSIONER THOMAS: As soon as you can, we
15 would appreciate a letter.

16 KATHLEEN MICK: Okay.

17 CHAIR BRISSENDEN: Thank you. Any other
18 thoughts? Mr. Pickett.

19 DAVE PICKETT: David Pickett, District 36,
20 Motorcycle Sports Committee. I mirror the comments
21 that Mr. Stewart made to you earlier, but I have a

22 suggestion on the restoration dollars. I can't find
23 any reason why that funding bucket can't be lowered on
24 an annual basis and spread out over a longer period of
25 time. And take those monies, as an example using last
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1 year of 7.3, drop it to five, and then take the other
2 2.3 and earmark some specifically for law enforcement.
3 I think it's been made pretty clear during the last 12
4 months that law enforcement has -- it's a crying shame.
5 I believe, and I've stated this many times before, that
6 we've got it backwards. If we have more LE, we'll have
7 less need for restoration.

8 COMMISSIONER WALDHEIM: If we had more trail
9 maintenance.

10 DAVE PICKETT: Anyways, that's my feeling.

11 I also have never heard a discussion about
12 citations and arrests and financial recovery for those
13 folks that are doing resource damage outside of OHV
14 areas. Is there a potential funding bucket for
15 restoration dollars that's coming out of this small
16 budget that we have to work with. I've never seen any
17 kind of cost recovery analysis where we've caught
18 somebody doing wilderness damage, what are they paying.
19 And if they are caught and it goes to court and they're
20 punished, what's happening to those funds? Anyways,
21 I'd like to see more dollars go on the ground. I think
22 that's pretty much clear in 5090.32 and the mission
23 statement that the Division has had on the wall in the
24 main meeting program in Division headquarters. Thank

25 you.

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1 CHAIR BRISSENDEN: Thank you. Seeing no other
2 motion towards the podium, I'll bring the discussion
3 back and entertain a motion.

4 COMMISSIONER WALDHEIM: Okay. Mr. Chairman, I'd
5 like to -- not a motion yet, but during the discussion,
6 I can't overemphasize that everything starts with
7 trails and facilities. Everything starts, and this
8 Commission has to bite the bullet and understand that.
9 When you came in this morning, that was my comment that
10 if we don't have a trail system well maintained, well
11 defined, well signed, facilities well done -- or if we
12 do have it, then the resources get alleviated. The
13 soils standards can be complied with, we have no soil
14 erosions. The facilities, the customer satisfaction
15 goes way up. I'm proving that personally time and time
16 again. It started out ten years ago with the signing,
17 and now it starts where I actually personally go out
18 and rent the tractor and fix trails myself because the
19 agencies don't have the money to do it. And the
20 customer satisfaction just goes dynamically up. People
21 start riding the trails that we want them to be on, and
22 everything else falls into place. And somehow when we
23 do this bucket funding in here, we cannot continue to
24 run our State of California O&M on a \$4.2 million
25 budget. That's all we have. You can take two million

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1 out for the route inventory for the Forest Service,
2 that leaves us \$4.2 million. It can't be done. And we
3 are suffering, and it's getting worse out in the field,
4 and it's getting worse. So when we do our division,
5 what I'm going to make a motion to do is that we put
6 1 million into conservation, \$4 million into
7 enforcement, 4 million into restoration and 9 million
8 into the non-CESA. That's what my motion is.

9 COMMISSIONER THOMAS: Run those numbers again,
10 please.

11 COMMISSIONER WALDHEIM: One, four, four, nine.
12 With the understanding on the restoration, we're not
13 arguing that it's not -- there is more money in there,
14 but we can prorate that. We can prorate that. But if
15 we do not do the non-CESA, the operation maintenance,
16 I'm afraid that the restoration pocket or the need for
17 restoration is going to dramatically increase because
18 you are going to go and close our trails because they
19 are not maintained. I don't care where I go, I can
20 close the trails right today because they haven't been
21 maintained.

22 CHAIR BRISSENDEN: Commissioner Waldheim, there
23 is a point of motion here. You've put a motion on the
24 floor and now you're discussing it and I don't have a
25 second.

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1 COMMISSIONER WALDHEIM: For discussion, second.

2 We can always change it.

3 COMMISSIONER PRIZMICH: I'll second that for the
4 purpose of discussion.

5 CHAIR BRISSENDEN: Motion and second,
6 discussion. Commissioner Anderson.

7 VICE-CHAIR ANDERSON: I have a question kind of.
8 A few years ago when we gave the Imperial County
9 sheriff a big chunk of money to do enforcement down
10 there and then we give some enforcement money to BLM, I
11 think I made the point several times subsequently that
12 we could suck up every dollar of enforcement money that
13 we have and probably not have it misused, but I think
14 that somewhere within this process we need to have some
15 planning for how do we have this not be a sinkhole in
16 Imperial County where it takes the bulk of -- all of
17 the enforcement monies end up going to Imperial County,
18 and the counties in Northern California like Alpine
19 County and so forth lose, you know, the minuscule
20 amounts this they're trying to get for a couple of
21 pieces of equipment.

22 And I have yet to hear the BLM or the Imperial
23 County sheriff have anything that looks to me like a
24 long-range program or plan for making that more
25 self-sustaining. I come from Southern California. I

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1 understand the magnitude of the problem down there, but
2 I really would like to have somebody step up and figure
3 out what's our long-range solution. And I don't know
4 what that is. I don't know whether it's higher fees,

5 and there already are fees; I understand that. I don't
6 know whether it's limits on the number of users so that
7 they get dispersed to other areas and the scale
8 problems of having that many people there at one time
9 are less and reduce the demands on the enforcement
10 system. And I don't know where that money -- where
11 money to do such a plan or do such diligence in
12 pursuing that particular problem, which is going to be
13 with us as long as we kind of let it slide from year to
14 year to year.

15 Maybe we need to task the Division to see if
16 they can't figure out, set aside from planning monies
17 or fund some meetings with local agency people, with
18 the state, and maybe a couple of Commissioners to try
19 to figure out how do we get a handle on that problem so
20 that it doesn't eat up such an enormous chunk of our
21 law enforcement dollars every year.

22 CHAIR BRISSENDEN: Commissioner Priznich.

23 COMMISSIONER PRIZNICH: There's been offers
24 before. First of all, let me say that I talked to the
25 sheriff down there, and I know full well that this is

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1 not the kind of law enforcement he would prefer to do.
2 They've got plenty to do on the ground, the real world
3 that they live in. But it is, in fact, a huge dilemma
4 for them down there, and it's a drawing area for huge
5 metropolitan areas. Believe me, his motivation and I
6 think any law enforcement county sheriff motivation
7 would be to have less of these problems and deal more

8 with crime problems around their communities not
9 associated with OHV.

10 So I firmly do not believe that there's any
11 motivation to continue with this. They prefer to see
12 it diminish. And I think that -- I personally made the
13 offer, and again make the offer to this Commission, as
14 well as make the commitment to the Division, that I
15 would be happy to sit down and talk with any problem
16 area that the Commission views as absorbing too much of
17 the money for law enforcement and see if we can't come
18 up with a plan or provide some testimony to the
19 Commission as to what the long-term solution might be.

20 In the case of Imperial County, I don't know
21 that there is a definite long-term solution. I think
22 they've got to get a handle on it initially, and then
23 it will start working itself out. But I again make
24 that offer to the Chair and to this Commission to sit
25 down and discuss the areas of concerns that

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1 Commissioners may have for law enforcement. But we
2 need to increase the funding for law enforcement to
3 begin with. Imperial County is a sinkhole, and it
4 absorbs a lot of our money, but it deserves it at this
5 point. They're getting a handle on it, and I'd like to
6 see that continue until they do get a handle on it.

7 CHAIR BRISSENDEN: Commissioner Prizmich, I
8 accept your offer, and we'll have a subcommittee of one
9 to reinstitute the law enforcement committee. I'll
10 join you if I may.

11 COMMISSIONER WALDHEIM: Mr. Chairman, I'd like
12 to join on that one too.

13 CHAIR BRISSENDEN: Three's a crowd.

14 COMMISSIONER WALDHEIM: I'll publically announce
15 it then.

16 CHAIR BRISSENDEN: I think Commissioner Spittler
17 wanted to weigh in on this subject.

18 COMMISSIONER SPITLER: Getting back to the
19 motion and the issue before us, funding levels, I ask
20 staff and Division, what is the surplus in the
21 restoration account in the beginning of the current
22 fiscal year?

23 CHIEF JENKINS: There's just a little over
24 \$10 million right now left over when you take out all
25 of the grants money that was spent last year on

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1 restoration, a little over ten.

2 COMMISSIONER SPITLER: Ten million the start of
3 the current year. This year we probably added another
4 million dollars to that?

5 CHIEF JENKINS: Just under that, 900,000 plus
6 some change.

7 COMMISSIONER SPITLER: So your surplus at this
8 point in time would probably be in the neighborhood of
9 \$11 million?

10 CHIEF JENKINS: That's correct.

11 COMMISSIONER SPITLER: I think it's really not
12 fiscally responsible for this Commission to allow that
13 situation to continue. We cannot -- every year since

14 the restoration account has been initiated by the
15 Legislature with the unanimous support of the OHV
16 stakeholders, this Commission and the Division
17 collectively have failed to properly allocate the
18 amount of money that we have available in restoration,
19 thus building each year, including the current year, a
20 surplus larger and larger. And at some point that
21 surplus is going to subsume this entire grant program.
22 We were criticized for not -- we collectively were
23 criticized for not spending the proper amount of money
24 on restoration by the audit, and I think it was a fair
25 criticism to make. It's simply not -- it's just not

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1 fiscally responsible for us not to be implementing a
2 program, as the Legislature intended, by not spending
3 funds on restoration. I think the hope, as one speaker
4 suggested, that we could just prorate this out and
5 spend it in the future will not come to bear simply
6 because the amount of money in income in this program
7 for restoration continues to exceed our expenditures
8 every year and will continue to do so into the
9 foreseeable future.

10 So I think that, you know, there really needs to
11 be -- at some point I've brought this up many times in
12 the past. There needs to be some long-term plan on
13 restoration for how we, the Commission and the
14 Division, are going to allocate these funds and do so
15 while fulfilling the legislative intent in establishing
16 the restoration account and maintaining the other

17 important program elements. No such plan has been
18 presented to this Commission. We haven't established
19 one on our own. At this point our piece is simply to
20 allocate restoration dollars through the grants program
21 as best as we can.

22 I think ideally the solution to this problem
23 that I've advocated in the past is to ask the
24 Legislature to make a special appropriation out of
25 restoration account that this Commission or the

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1 department can allocate aside from or in addition to
2 the grants program or the state support side budget so
3 we can start spending down some of this surplus, and we
4 don't have to spend an ever increasing amount of
5 restoration dollars in the grants program.

6 Absent that special appropriation, this
7 Commission has a responsibility to implement this
8 program as the Legislature intended. That means to
9 spend the restoration dollars that have been allocated
10 for this program by the Legislature. And the funding
11 levels that have been proposed here, \$4 million for
12 restoration, simply don't do that. That will simply
13 exacerbate the problem that we have before us with the
14 restoration funds being unspent, and we'll end up next
15 year with an even larger surplus that will need to be
16 resolved.

17 So with no end in sight, I think that we need to
18 increase that funding level. I think ideally we would
19 make that funding level to such a level that we would

20 start spending down the surplus; but realizing that
21 there is some need to maintain a balance in this
22 program, I would make an amendment to the motion to
23 increase restoration to \$7.5 million and decrease the
24 non-CESA expenditures to \$5.5 million.

25 COMMISSIONER THOMAS: I'll second that.

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1 CHAIR BRISSENDEN: There's a second. Under
2 discussion.

3 COMMISSIONER WALDHEIM: Mr. Chairman,
4 Mr. Spitler wants to spend the none -- the restoration
5 monies. There is nothing wrong with us putting the
6 money into the account for future use. We will have
7 restoration projects throughout the OHV program's life.
8 When the gas tax study comes out, more than likely that
9 will totally change. We don't know which way it's
10 going to go. In the meantime, whatever happens, there
11 is restoration money in the bank to do this restoration
12 job out towards the future. I do not understand why we
13 are so hung up in trying to spend all this money now
14 and starve the very thing that we are created for, and
15 that is to maintain our facilities and our trail system
16 is going to pot. Because you continue to do that, you
17 will end up with soil problems, you will end up with
18 vegetation problems, you end up with projects that
19 possibly could be closed because of rules and
20 regulations. It's directly related, directly related
21 to the lack of funds to maintain our facilities in the
22 state of California.

23 Again, as I stated before, I can go to -- every
24 place I go to, I could possibly close a portion of
25 those areas because they are not in compliance, and 145

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1 it's directly related because we have not funded the
2 proper money for the maintenance and trails of the
3 facilities. And it's deplorable that we continue to do
4 that. We're spending more money on restoration when we
5 don't have to. We don't have to. We're not negating
6 the necessity, but we are definitely countering that.
7 The amount that you want to put in there is totally
8 upside-down. We've got it all backwards.

9 COMMISSIONER SPITLER: Commissioner Waldheim, I
10 think that it would be wholly appropriate to make that
11 suggestion to the Legislature and ask that the -- or
12 the Division, ask the Division request for money for
13 the grants program or ask the Legislature to allocate
14 more money to the grants program or make a special
15 appropriation to the restoration account as I've
16 suggested. Absent that, in the current fiscal year, we
17 have approximately \$8.6 million in income for
18 restoration. The Division spends about 1.2 to 1.5, and
19 this Commission spent in the neighborhood of 6.2, that
20 leaves an additional million dollar surplus that we
21 continue to under spend in restoration in the current
22 year. Frankly, that's not a sustainable situation.
23 That's not a fiscally responsible situation, and it's
24 not an appropriate role for this Commission to be not
25 properly implementing the law as the Legislature

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1 intended.

2 COMMISSIONER WALDHEIM: Mr. Chairman, it is also
3 fiscally irresponsible for us not to maintain the
4 facilities for which we've been charged to do in the
5 state of California.

6 Having said that, Mr. Chairman, I would like to
7 see we maybe table this situation until
8 Commissioner Thomas and myself can meet with the powers
9 that be because there is nothing pushing us on this
10 right now. We will not be making any allocations
11 probably not until September. So it's kind of
12 premature for us right now to try to predetermine a
13 bucket when we don't have all the facts in place that
14 we want to work on.

15 COMMISSIONER THOMAS: I'd like to weigh in.

16 CHAIR BRISSENDEN: Further discussion? There is
17 a motion and a second. There is an amendment I'd like
18 to go forward with shortly.

19 COMMISSIONER THOMAS: I was the second in the
20 motion, the amended motion.

21 The concern I have is that in the five years
22 I've been on this Commission, there have been illegal
23 trails, hill climbs, and log landings that have become
24 home to illegal OHV use in the area of the forest that
25 I know so well in the El Dorado. And for whatever

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1 reason, no restoration occurs because we're told
2 there's not enough money, the regulations of the
3 Division are impeding us.

4 And if the only way we're going to get that done
5 on a comprehensive fashion -- in a comprehensive
6 fashion is by giving block grants to the Forest Service
7 regional office to coordinate restoration of illegal
8 hill climbs and trails, we're going to do it. Because
9 an eight-mile long illegal trail from Highway 88 to
10 Highway 50 gets deeper and deeper each year, and we
11 need to eliminate it. It's not legal, and it's wrong.

12 CHAIR BRISSENDEN: Any other comments on the
13 amended motion and second?

14 COMMISSIONER WALDHEIM: For clarification
15 purpose, do I have to make a motion to table this for
16 the next meeting? Can we do that? Just table it
17 because we don't have all of the facts in front of us,
18 and there is no urgency on this.

19 CHAIR BRISSENDEN: I'm not the professional on
20 Roberts Rules, can we pile on another amendment on
21 this? No, I'm seeing heads shake. So Mr. LaFranchi,
22 do you want to weigh in?

23 COMMISSIONER THOMAS: Call for the question.

24 COMMISSIONER WALDHEIM: Let him answer the
25 question.

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1 CHAIR BRISSENDEN: The question has been called.

2 COUNSEL LaFRANCHI: I think it would be an
3 appropriate subordinate motion under Roberts Rules to

4 continue the item to a later meeting, and you could
5 leave the amendments just where they are at the moment,
6 the major motions just where they are at the moment,
7 and come back at a subsequent meeting.

8 COMMISSIONER WALDHEIM: I'd like to make that
9 motion to continue to another meeting and leave the
10 original motion and the second motion in place. So
11 we'll continue discussion and give Mr. Thomas and
12 myself a chance to go and review and see what we can
13 come up with different alternative plan.

14 COMMISSIONER PRIZMICH: I'll second that.

15 CHAIR BRISSENDEN: Motion and second.

16 VICE-CHAIR ANDERSON: I have a question on it.
17 There's been an assertion that there's no urgency for
18 this decision. I'd like to hear from applicants and
19 the staff as to whether or not they would agree with
20 Mr. Waldheim's assessment of the time limits of this
21 motion.

22 CHAIR BRISSENDEN: Deputy Greene.

23 DEPUTY DIRECTOR GREENE: I think this is a
24 discussion that is extremely important and particularly
25 when we were referring this morning to a shared vision

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1 and an understanding, and you can see that there's such
2 a range of opinions. I think in terms of it really is
3 up to the grant applicants. The Commission really, if
4 you look to the history of identifying the targets for
5 funding, it was simply to try to provide some guidance
6 to the grants applicants as to the priorities of the

7 Commission so that they weren't putting all of their
8 monies into enforcement and finding out that that
9 wasn't a priority once the grants had already gone
10 through. I don't know at this date in time if this is
11 still a priority for the Commission to want to give
12 that direction to the grant applicants. As we look at
13 time lines for the regulations, I think that if you
14 were to table it for the May meeting, that would
15 probably be a short amount of time for the agencies,
16 but I think I would defer to the agencies, as the
17 applicants who are most affected by the decision or the
18 lack of a decision by the Commission today.

19 CHAIR BRISSENDEN: Deputy Greene, when is the
20 cutoff date for applications?

21 DEPUTY DIRECTOR GREENE: The cutoff date or the
22 start date?

23 CHAIR BRISSENDEN: Well, when are you sending
24 out RFPs, and then when is the cutoff date for
25 submittal?

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1 DEPUTY DIRECTOR GREENE: Part of that would be a
2 discussion for later this afternoon, Chairman
3 Brissenden -- sorry, just getting used to it. So a
4 proposal on the permanent regs, we wouldn't be looking
5 at until November. That is of some concern, so what we
6 will suggest later today is also a parallel process of
7 another adoption of the emergency regs such that we're
8 able to get the grant applicants being able to start
9 their process sometime at the end of May.

10 COMMISSIONER WALDHEIM: Mr. Chairman, I don't
11 think that's the question. The question is us not
12 voting on this right now has absolutely no bearing on
13 what the agency is going to apply for right now because
14 that's not due right now. They're not due until
15 September.

16 DEPUTY DIRECTOR GREENE: I couldn't answer that.
17 That would be up to the agencies I think in terms of
18 their planning.

19 COMMISSIONER WALDHEIM: When is the Division
20 expecting grants back for the next cycle?

21 DEPUTY DIRECTOR GREENE: We would like to be
22 able to get the word out to have the agencies begin
23 working on their grant applications by mid May.

24 COMMISSIONER WALDHEIM: And when are they due
25 back?

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1 DEPUTY DIRECTOR GREENE: They would be due back
2 by mid August, mid July.

3 COMMISSIONER WALDHEIM: Mr. Chairman, we have
4 plenty of time for our May meeting.

5 CHAIR BRISSENDEN: Are there other comments on
6 this?

7 COMMISSIONER SPITLER: I guess I'm not sure what
8 type of information that we're expecting is going to
9 come. I mean this is not rocket science here. This
10 is, you know, a matter of the Commission making
11 decisions, as the audit suggested that we do, and
12 provide input to grant applicants as to the priorities

13 of this program. And I guess, you know, working with
14 the Division to answer certain unknown questions is a
15 great idea, and I think that we should -- the
16 subcommittee should by all means go forward and do
17 that. But I think it's our responsibility to answer
18 these questions for the applicants so that they know
19 exactly where this Commission is going in the coming
20 year. And I don't see any reason why this Commission
21 should delay another two months making that decision.

22 COMMISSIONER WALDHEIM: Mr. Chairman,
23 Mr. Spitler, the applicants know which directions we
24 are. They have the boxes. It's just a question to
25 putting the numbers in the boxes. Mr. Thomas brought
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1 up some very interesting ideas that I feel we need to
2 go forward with, and that is specifically how much of
3 the grant money should pay restoration. And that's an
4 issue that he brought up, and I think it's a good one.
5 And we need to look into it before we lock ourselves
6 into a bucket. There is no urgency to lock us into a
7 specific bucket at this point, period. Because the
8 agencies know where we're going. They know the law.
9 It's just a question of dollars. And so we just need
10 to have a little bit more time to come back to you in
11 May to give you our findings. And it may be the same
12 thing, but at least give us a chance to go look at
13 that.

14 COMMISSIONER SPITLER: Agencies don't know where
15 we're going. Simply saying we're going to spend money

16 on the four buckets without putting any dollar amounts
17 in those buckets does not provide any direction.

18 COMMISSIONER WALDHEIM: Mr. Chairman, they have
19 the general --

20 COMMISSIONER SPITLER: Excuse me, Commissioner
21 Waldheim.

22 CHAIR BRISSENDEN: Mr. Waldheim.

23 COMMISSIONER SPITLER: Does not provide any
24 direction to the agencies on what the priorities of
25 this Commission are as the audit directed to us do,

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1 come up with priorities and communicate those
2 effectively to the public. As we talked about this
3 morning, one of the vision statements of this
4 Commission was to identify our priorities and
5 effectively communicate those to the public. So now is
6 our opportunity to do that.

7 COMMISSIONER THOMAS: Call the question.

8 VICE-CHAIR ANDERSON: We haven't had public
9 input on it yet.

10 CHAIR BRISSENDEN: We've had public input on
11 this subject. We've had three motions and seconds. We
12 are now debating the motion of continuing this item so
13 I believe it's time, as Commissioner Thomas called for
14 the question, and I will now call for that question. I
15 think a roll call vote is appropriate.

16 COMMISSIONER SPITLER: Can you just restate
17 which motion we're voting on?

18 CHAIR BRISSENDEN: We're voting on the

19 continuing of this item until the May meeting.

20 MS. ELDER: Anderson.

21 COMMISSIONER ANDERSON: No.

22 MS. ELDER: Brissenden.

23 CHAIR BRISSENDEN: No.

24 MS. ELDER: Spittler.

25 COMMISSIONER SPITTLER: No.

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1 MS. ELDER: Thomas.

2 COMMISSIONER THOMAS: No.

3 MS. ELDER: Prizmich.

4 COMMISSIONER PRIZMICH: Yes.

5 MS. ELDER: Waldheim.

6 COMMISSIONER WALDHEIM: Yes.

7 CHAIR BRISSENDEN: The motion fails.

8 We have the next item is the amendment. And if
9 the maker of that motion could restate the amounts in
10 the various categories, that would be helpful.

11 COMMISSIONER SPITTLER: The amendment would be to
12 amend the original motion to the amount of keeping the
13 original amounts intact for conservation and law
14 enforcement of one million for conservation and four
15 million for law enforcement, modifying the amount in
16 restoration to \$7.5 million for restoration and 5.5
17 million dollars for non-CESA.

18 CHAIR BRISSENDEN: You're math is good.

19 COMMISSIONER THOMAS: Call the question.

20 CHAIR BRISSENDEN: So the question has been
21 called, and can we have roll call, please.

22 MS. ELDER: Anderson.

23 VICE-CHAIR ANDERSON: Aye.

24 MS. ELDER: Brissenden.

25 CHAIR BRISSENDEN: Aye.

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1 MS. ELDER: Spittler.

2 COMMISSIONER SPITLER: Aye.

3 MS. ELDER: Thomas.

4 COMMISSIONER THOMAS: Aye.

5 MS. ELDER: Prizmich.

6 COMMISSIONER PRIZMICH: No.

7 MS. ELDER: Waldheim.

8 COMMISSIONER WALDHEIM: Absolutely no.

9 MS. ELDER: Passed.

10 CHAIR BRISSENDEN: So that passed, the
11 amendment, and we're on to lunch. Thank you for the
12 guidance --

13 DEPUTY DIRECTOR GREENE: Chairman, may I make a
14 comment because there have been a number of comments
15 here this morning. Are you done?

16 CHAIR BRISSENDEN: No, we still need to move
17 onto the last, and I need a little help from the chair
18 emeritus here.

19 COMMISSIONER SPITLER: We need to vote on the
20 original motion as amended.

21 CHAIR BRISSENDEN: Thank you. So a roll call
22 vote on the motion with the amendment.

23 MS. ELDER: Anderson.

24 VICE-CHAIR ANDERSON: Aye.

25 MS. ELDER: Bri ssenden.

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1 CHAIR BRI SSENDEN: Aye.

2 MS. ELDER: Spi tler.

3 COMMI SSIONER SPI TLER: Aye.

4 MS. ELDER: Thomas.

5 COMMI SSIONER THOMAS: Aye.

6 MS. ELDER: Pri zmi ch.

7 COMMI SSIONER PRI ZMI CH: No.

8 MS. ELDER: Wal dhei m.

9 COMMI SSIONER WALDHEI M: Absol utel y no.

10 CHAIR BRI SSENDEN: Thank you. Now we have --

11 lunch I think is probably on many peopl e's mi nds.

12 DEPUTY DIRECTOR GREENE: Chai rman Bri ssenden?

13 CHAIR BRI SSENDEN: Bri ef comments.

14 DEPUTY DIRECTOR GREENE: Just a very bri ef
15 comment because a number of comments have been made
16 today. And I don' t -- again, j ust for clari ficati on
17 purposes, the audi tor who spent many, many hours in our
18 buil ding, li vi ng in our buil ding -- j ust because
19 there' s a wide variety of opi ni ons here today, the mai n
20 focus the audi tor continued to look at the Di vi si on for
21 was what analysi s and what data we had towards the
22 deci si on of the 30 percent. That deci si on is made, as
23 Commi ssi oner Spi tler said, that was made by a vote of
24 the stakehol ders.

25 The Di vi si on supports restorati on, but I j ust

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1 need to make it clear that when all of these issues
2 come back and forth around the audit, it was centered
3 upon the fact of what data, what hard analysis was
4 provided to come to the decision of the 30 percent. So
5 I just need to make that clear for the record as being
6 the recipient of many, many hours of the auditor's
7 questions.

8 CHAIR BRISSENDEN: We thank you for bearing up
9 under all of that. Commissioner Anderson, please.

10 VICE-CHAIR ANDERSON: What 30 percent are you
11 referring to?

12 DEPUTY DIRECTOR GREENE: When you look at the
13 CESA account, 30 percent of it goes to restoration.
14 The continual question by the auditor was what was the
15 data that was provided, the analysis that was made to
16 determine that 30 percent.

17 VICE-CHAIR ANDERSON: All right.

18 DEPUTY DIRECTOR GREENE: And Commissioner
19 Anderson, just clarification purposes, when you asked
20 for our involvement with some of the other agencies, we
21 have been working with U.S. Fish and Wildlife down at
22 Oceano Dunes and Napomo Dunes on a restoration project
23 that we did a couple of years ago. So we have been
24 making an outreach and will do more.

25 VICE-CHAIR ANDERSON: Thank you.

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1 CHAIR BRISSENDEN: We have an overrun here of

2 about hour. If we could all be back by about 2:15.
3 And I have to do a prior commitment to the Sierra
4 Nevada Conservancy Board. I have to ask my wonderful
5 vice chair to take over with the afternoon's business.
6 And I appreciate your assistance.

7 And I also want to comment to Commissioners
8 Waldheim and Thomas, appreciate your efforts in the
9 next two months to come back with some recommendations
10 from your subcommittee and also my blessings to
11 Commissioner Priznich, too. So thank you. Thank you
12 all. We'll see you in May.

13 (Lunch break taken in proceedings.)

14 COMMISSIONER WALDHEIM: I would like to make a
15 comment, Madam Chair, if I may. I would like the
16 record to show in the history of 30 years, since 1983
17 that I've been coming to a Commission meeting, that's
18 the first time that I've seen three Commissioners just
19 walk out because they had prior commitments. It is
20 deplorable. It is disgusting. It's total disrespect
21 for what our program is about, for you the public, for
22 me as a Commissioner and I want the record to show this
23 is absolutely unacceptable and hopefully distribute it
24 to every legislator in the State of California. This
25 is not the way to run our program in the state. Thank

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1 you.

2 (Applause.)

3 VICE-CHAIR ANDERSON: Because of the short list
4 of Commissioners who are present, there are not very

5 many items on the agenda that make very much sense for
6 us to do, but there are some, and I would open public
7 comment, the item scheduled for 1:00 p.m. It's now
8 2:15, but if any of you wish to make public comment on
9 any items not on the agenda, this is for non-agenda
10 items.

11 BRUCE BRAZIL: Good afternoon, Commission, Bruce
12 Brazil, California Enduro Riders Association. At our
13 last open Commission meeting a young lady came up here
14 under non-agenda item and kind of stated her
15 observations of the parliamentary procedures that were
16 not being adhered to in any way, shape or form. One of
17 the main ones had -- that inspired me to kind of grab a
18 book and do a little bit of research and probably one
19 of the most basic ones that kept occurring was there
20 would be discussion and discussion, and then there
21 would be a motion. That is reverse order. There has
22 to be a motion on the floor to bring a motion up. Then
23 you have your discussion, then you have your vote. The
24 reason for that being that there are other actions that
25 can be taken against the motion when it is on the

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1 floor, not just taking a vote, amending, tabling.
2 There are other actions. So it is imperative to have
3 someone bring a motion and second it before the
4 discussion. That's just one of the many items. I
5 thought that was a very important one also, just wanted
6 to bring that to your attention.

7 And with our new chair people, shall we say, the

8 two of you, and for the rest of the Commission, too bad
9 they aren't here, I think it would be recommended that
10 they go through the Roberts Rules of Order. I've seen
11 many instances in there that would really help the
12 facilitation of our meetings here. Thank you.

13 VICE-CHAIR ANDERSON: Thank you. Next,
14 Mr. Stewart.

15 JOHN STEWART: John Stewart, California
16 Association of 4-Wheel Drive Clubs and United 4-Wheel
17 Drive Associations. Ever since this audit came out
18 last summer, with each Commission meeting I have been
19 requesting that the Division and the Commission join
20 together to come up with a shared vision, with a
21 strategic plan. We started making progress toward that
22 this morning. Some of the verbiage talked about was
23 professionalism and how professional the Commission is.

24 Well, if this is a display of professionalism by
25 the Commission, by all means this Commission deserves
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1 to cease to exist. This is deplorable. This is a slap
2 in the face of the citizens of the state of California.
3 This is a slap in the face of our professional staff at
4 the Division, the people who are working, who are paid
5 out of taxpayer funds to manage a program. This is
6 pure unadulterated idiocy on the part of the Commission
7 members that decided to walk out, and the ones that now
8 sit before me and refuse to look at the reality of the
9 situation. It's a part-time Commission that thinks
10 they are in management control of a state budget.

11 Let's join reality. Go back to being a part-time
12 commissioner. If you don't have time, resign. Your
13 resignations are called for. Thank you.

14 VICE-CHAIR ANDERSON: Thank you, Mr. Stewart.
15 Next.

16 NICK HARRIS: Nicholas Harris, American
17 Motorcyclist Association. I guess I'm going to echo
18 the previous speakers. I can't believe we've got all
19 this stuff coming this afternoon, reports from the
20 Division. We've had numerous chiding of the Division
21 today and at previous meetings, and yet now we don't
22 even have a quorum. The SVRAs I guess are just once
23 again out of luck. And I'm very disgusted that this
24 would happen today. We have a new chair who has been
25 here 30 seconds and now they're gone. And so I just

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1 wanted to share my disappointment with the activities.
2 Thank you.

3 VICE-CHAIR ANDERSON: Thank you. Next.

4 HAROLD SOEN: Harold Soen, San Diego Off-Road
5 Coalition. I guess I'm appalled. I cannot believe
6 what I see. I came here from far away. I'm a
7 volunteer. I get no money for what I do. I came here
8 to get some capital outlay for Ocotillo Wells, two
9 slabs to relieve pressure for law enforcement to leave
10 their trailers, and you people leave. This is the most
11 dysfunctional organization I've ever seen. Thank you.

12 VICE-CHAIR ANDERSON: Mr. Klusman.

13 DON KLUSMAN: Don Klusman, California 4-Wheel

14 Drive Association. I can see the timer doesn't work
15 either, so we're great now. First, I want to thank the
16 three Commissioners that are still here. I find it --
17 I've attended commission meetings probably since the
18 early '80s, mid '80s, never had this problem before;
19 hope to never see it again.

20 The Commission has asked staff on the Division
21 to give you figures, facts, reports, and it's
22 unfortunate that the other Commissioners are not going
23 to be able to see those until after the fact. It's a
24 shame that you can't take any action on some of these
25 items. I mean time moves on. There's still expenses

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1 being incurred at our SVRAs. There still needs to be
2 decisions made by this Commission to help with the new
3 regulations, with the upcoming grants cycle. These
4 issues were not put on the agenda just to be put there.
5 They were put there to have some formative discussion
6 and some closure to some of these, or at least some
7 direction. Enough of that topic.

8 The other topic that I wanted to bring up is
9 Mr. Spitler has brought up, I don't know how many times
10 and I sit there and basically let him throw mud at us,
11 about the agreeing to the restoration. I was part of
12 the stakeholders at the time, as well as some of the
13 other people in this room. Yes, we agreed unanimously
14 to it. At that time we were told by the
15 administration, and the Commission agreed, that it
16 would probably be a year and a half and then

17 adjustments were probably going to be made, one way or
18 the other, whatever the Fuel Tax Study showed and
19 possible legislation might have to be done to change
20 it. That was almost five years ago now.

21 COMMISSIONER THOMAS: I move for an additional
22 minute for Mr. Klusman to finish his work.

23 DON KLUSMAN: Oh, it did stop. Shouldn't have
24 mentioned it, huh.

25 COMMISSIONER THOMAS: Now, you're in trouble.

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1 Keep going, you got time.

2 DON KLUSMAN: Like I said, we were under the
3 impression, we were told at that time that it was going
4 to be a year, year and a half. We embraced the
5 environmental community saying, okay, let's do this.
6 Let's get this off of the table. We had a consensus,
7 and then we would -- everybody agreed we would wait
8 until we see what the Fuel Tax Study showed, along with
9 the other things, and make the adjustments then. I
10 don't believe the environmental community is happy that
11 the Fuel Tax Study is not done. I know the OHV
12 community is not. I can't speak for the environmental
13 community, but my conversations, they are not happy.

14 Yes, this money is sitting there by law, and it
15 can't be used for anything but restoration. We have
16 proven in the last four years of funding, yes, there
17 may be that much restoration to do out there, but for
18 one reason or another, the agencies cannot do it. They
19 have not been able to. They ask for that much funding,

20 even last year, with you, as a commission, voting to
21 approve almost everything that came in front of you, as
22 far as restoration, we still did not spend that
23 account. There's something wrong with this picture,
24 and I hope to hell all of us can get this changed in
25 the near future. Thank you.

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1 VICE-CHAIR ANDERSON: Thank you. Others who
2 haven't turned in a slip are welcome to come up. Just
3 be sure that our reporter has the information when you
4 speak.

5 FRED WILEY: I'm Fred Wiley with the Off-Road
6 Business Association, and it's already telling me to
7 stop.

8 MS. ELDER: I'm going the other direction. When
9 it hits three, I'll hold it.

10 FRED WILEY: I'm glad it's not anything against
11 me.

12 First of all, I want to comment briefly on the
13 discussion earlier about the mission statement. I read
14 the mission statement that was up on the screen several
15 times, and it clearly stated everything that everyone
16 was asking for in that original statement. Those folks
17 that started this were not so dumb that they left out
18 things. So I would really like to see you review the
19 original statement and stick as close to that as you
20 possibly can.

21 VICE-CHAIR ANDERSON: Fred, I'd like you to
22 stick to items that are not on the agenda.

23 FRED WILEY: I will. Attendance is not on the
24 agenda. Need to count up the dollars that are sitting
25 in this room and the amount of time, whether paid or
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1 volunteers, the amount of costs of this room and
2 facility, the staff costs, and everything else; this is
3 the second time in about three months that we've had a
4 meeting that really cannot move forward because of this
5 Commission. It's a frustration that the general public
6 feels. We feel as though we're not a part of the
7 system, and then we come here, and the meetings can't
8 move forward and can't go forward because this
9 Commission is really not addressing the issues. Thank
10 you.

11 VICE-CHAIR ANDERSON: Okay. I have one more
12 card from Dave Pickett.

13 DAVE PICKETT: Dave Pickett, District 36,
14 Motorcycle Sports Committee. I too am appalled that
15 three Commissioners left you guys hanging. There are
16 only three of you. Is it even legal for you to adjourn
17 this meeting today?

18 Anyways, five folks came up earlier on the vote
19 that you had for a new chair, and all five had made
20 comment concerning lack of attendance. It was
21 disregarded. Two hours after that vote was made, he's
22 gone. So he's living up to his reputation.
23 District 36 is not happy about this.

24 My main thing is this situation today is the
25 biggest slap in the face to Division, Deputy Director
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1 Greene, and staff. It's outrageous. Those folks have
2 been busting their rear ends to turn this thing around,
3 and what has transpired today is absolutely disgusting.
4 It's just beyond comprehension to me. I don't know how
5 the three of you that are sitting here can even work
6 with these folks.

7 COMMISSIONER THOMAS: I urge you to be civil,
8 sir.

9 DAVE PICKETT: I'm being very civil.

10 COMMISSIONER THOMAS: Disgusting is not a civil
11 word. Let's just try to keep --

12 VICE-CHAIR ANDERSON: Excuse me, Mr. Thomas.
13 We're listening.

14 COMMISSIONER THOMAS: Thank you.

15 DAVE PICKETT: Thank you, Commissioner Thomas,
16 I'll keep that in mind. Anyways, I think I got my
17 point across. Thank you very much.

18 VICE-CHAIR ANDERSON: Anyone else from the
19 public? You're returning?

20 BRUCE BRAZIL: No, it's a point of order. I was
21 just looking over the bylaws for the Commission, under
22 the voting requirements:

23 "The Commission meeting shall
24 not be convened without the presence
25 of a quorum of four commissioners."

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1 So I believe you had four commissioners when the
2 meeting was convened, you had the quorum. Something
3 for legal counsel to consider. We may be able to go on
4 with this meeting.

5 COUNSEL JENKINS: No.

6 VICE-CHAIR ANDERSON: Anyone else? On the last
7 point, counsel for both the Division and the Commission
8 have ruled that we may not take any action.

9 Any other public comment? Okay.

10 LOIS SILVERNAIL: Lois Silvernail, I'm with
11 CORVA. Just to definitely -- because Mr. Thomas wasn't
12 there to make it very clear for the record, I also am a
13 member of the stakeholders when the original vote was
14 taken in regards to the 30 percent of the non-motorized
15 portion going into restoration. And just as
16 Mr. Klusman has said, we did this with the
17 understanding from Division this was a very short-term
18 type of thing, no more than 18 months to two years
19 maximum with that 30 percent being a restoration fund.
20 It was all based on the gasoline sales tax or I'm sure
21 you would, not listening to multiple discussion, at
22 least with the motorized caucus folks that this would
23 never have ever been agreed on.

24 And I'm like everybody else. I took a vacation
25 date from my job today to be here because I'm a

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1 volunteer. At least I didn't have to fly in like a lot
2 of these people. This shows just absolute lack of
3 respect. This is incredible. I mean this is -- I'm

4 appalled, and then we wonder why we had an audit which
5 shows this Commission is falling apart. Most of the
6 folks here that are representing groups are volunteers.
7 This is just bad.

8 VICE-CHAIR ANDERSON: Thank you. Anyone else?
9 Okay. Public comment is closed.

10 COMMISSIONER THOMAS: Madam Chair, I want to
11 address a couple of concerns raised.

12 VICE-CHAIR ANDERSON: Okay, Mr. Thomas.

13 COMMISSIONER THOMAS: Thank you, Madam Chair.

14 It's easy to vent and focus on what you were
15 testifying, I believe is the inadequacy of the process
16 or the inadequacy of the Division and Commission. I
17 think we need to step back a bit and attempt to reach
18 compromise and move forward with a shared vision. You
19 may not like my vision or I may disagree with your
20 vision, but I respect you, and I hope you respect us
21 who suffer through being told we're disgusting, because
22 we do try our best.

23 That being said, I think the circumstances of
24 our situation with a quorum is not of anybody's making
25 in this room and certainly not of ours. The Governor

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1 has three appointments, the Legislature has four, two
2 each, two each. The Governor's appointments are over a
3 year and a half out in one case. One of the Governor's
4 commissioners hasn't shown up in a year. We suffer
5 from the get-go from at least two, certainly one
6 always. We start with six, and two, I happen to know

7 that Commissioner Spitler has gone up over the hill to
8 see his wife and child that he hasn't seen in a week
9 and wanted to get there before the snow came in. Each
10 of you would be entitled to do the same, and it's a
11 personal matter, and that's his matter, and you can be
12 angry or not.

13 But nevertheless we need to just try to treat
14 ourselves well and as civilly as possible so that we
15 can get to that shared vision because there's enough
16 money in this program and will in this program for all
17 of us to benefit, and let's try. Thank you.

18 VICE-CHAIR ANDERSON: Mr. Waldheim, do you have
19 anything you want to add.

20 COMMISSIONER WALDHEIM: Everything has been
21 said.

22 VICE-CHAIR ANDERSON: That's fine, okay. Under
23 advisement, we can't act on approving the minutes.
24 That's clear, so we're going to skip that.

25 Deputy Director's report, please.

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1 DEPUTY DIRECTOR GREENE: Thank you. Just as an
2 information item, based on the Commission -- the last
3 Commission meeting, about two weeks ago now, I think
4 we've all gotten together here for seven Commission
5 meetings in seven months, but the Division is moving
6 forward to execute the project agreements, the grants
7 that the Commission voted on, so we will be moving
8 forward with those.

9 The other issues that I was going to speak about

10 are further on the agenda, so we can do that when the
11 appropriate time is upon us.

12 VICE-CHAIR ANDERSON: Okay. I'm going to --
13 that's it?

14 DEPUTY DIRECTOR GREENE: For now, yes.

15 VICE-CHAIR ANDERSON: Okay, thank you. I'm
16 going to use personal privilege here so that I don't
17 forget and cycle back to the minutes.

18 Just to make a note that most of the errors that
19 I found, and I would appreciate somebody else looking
20 for the pages that they were on, but I noticed
21 previously that someone had failed. Yuha was U-H-A.
22 We can try to correct that, make it Y-U-H-A.

23 And somewhere in one of the grants in the Red
24 Rock area, Red Rock Canyon area, might have been Kern
25 County, might have been Ridgecrest, I'm not quite sure,
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1 but someone totally mangled the pronunciation of the
2 Kiavah wilderness, and our court reporter blew it, so
3 some place in there is a record.

4 MS. ELDER: Judy, please use the microphone.

5 VICE-CHAIR ANDERSON: It's a reference to --
6 obviously the only thing within the context that fits
7 is the Kiavah wilderness that's spelled K-I-A-V-A-H.

8 On the December 10th minutes, page 159, there is
9 no Port of Cologne Act. It's Porter Cologne.

10 COMMISSIONER THOMAS: Is that a place in
11 Germany, the port of Cologne?

12 VICE-CHAIR ANDERSON: I didn't find very many.
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13 I found many other places where an or becomes a for or
14 vice versa, and I'm not bothering with those.

15 On page 162, also December 10th, the species is
16 Arundo, A-R-U-N-D-O, third line from the bottom. And
17 on the next page, the spelling of Amargosa has an A at
18 the end instead of an O. That constitutes the end --
19 if I don't put these in the record right now, I'm going
20 to forget them, and they're going to be lost the next
21 time we get around to actually -- back on minutes.

22 DEPUTY DIRECTOR GREENE: Commissioner Anderson,
23 just when you have a minute. I actually do have a
24 follow up to my report, so my apologies. Just for when
25 it's convenient for you.

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1 VICE-CHAIR ANDERSON: I'm done, unless someone
2 else has found other corrections that they want to
3 throw into the record right now for the minutes.

4 COMMISSIONER THOMAS: No, ma'am.

5 DEPUTY DIRECTOR GREENE: I just wanted to let
6 the Commissioners know that we had prepared a
7 legislative binder for you so that you could keep
8 apprised of the number of bills that are out there as
9 they pertain to OHV recreation. For members of the
10 public, just to let you know, that our website we will
11 begin next week with a link that will provide you with
12 the OHV bills that are out there and allow you to track
13 them. It will be a little bit difficult for us to
14 track them as language changes depending on committee,
15 but we will try to provide that to you on the website.

16 There are a number of bills that are of interest, and
17 so as we move forward, I just wanted to make sure that
18 you were aware of that.

19 VICE-CHAIR ANDERSON: Thank you.

20 DEPUTY DIRECTOR GREENE: The administration
21 bill, just so you are aware, is 2784, the Parra bill.
22 What was not spoken about this morning in the
23 discussion was the fact that this program is set to
24 expire January 1, 2007. So it is of great concern to
25 all of us, and that bill speaks to creating a permanent
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1 program.

2 VICE-CHAIR ANDERSON: Thank you.

3 COMMISSIONER THOMAS: Question, Madam Chair.

4 VICE-CHAIR ANDERSON: Yes, Mr. Thomas.

5 COMMISSIONER THOMAS: Is Parra bill sponsored by
6 the Division?

7 DEPUTY DIRECTOR GREENE: The Parra bill is an
8 administration bill, so certainly the Division is part
9 of the administration.

10 COMMISSIONER THOMAS: Is that a yes?

11 DEPUTY DIRECTOR GREENE: That's a yes.

12 COMMISSIONER THOMAS: Okay. And you've received
13 both Resources Agency approval for the language and
14 Governor's office for approval for the language that we
15 have here?

16 DEPUTY DIRECTOR GREENE: It was from the
17 Governor's office, yes, sir.

18 COMMISSIONER THOMAS: And did we actually
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19 sponsor and prepare this language?

20 DEPUTY DIRECTOR GREENE: That would be leg.

21 counsel develops the language.

22 COMMISSIONER THOMAS: I know, but the conceptual

23 idea is proposed by the sponsor. Was this a bill that

24 was originated inside the Division?

25 DEPUTY DIRECTOR GREENE: This bill originated 175

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1 inside the administration, sir.

2 COMMISSIONER THOMAS: Well, that's not really
3 responsive. I mean sometimes bills come down from the
4 Governor's office, sometimes they come from the agency,
5 sometimes they come from -- thank you. I won't pursue
6 it.

7 DEPUTY DIRECTOR GREENE: Just so -- I know that
8 there's a number of questions, so just to be clear and
9 respectful to the legislation, SB 232 last year, the
10 Figueroa bill, which extended the Commission separate
11 from the Division into 2008. And so just for
12 clarification purposes, as the Governor signed that
13 bill last year and the Legislature wanted to move
14 forward with identifying looking at the Commission
15 separately from the Division, so I just want to make
16 sure that everybody in this room is clear when we're
17 speaking about the present bill and the language that
18 exists in the present bill, I know that there are some
19 people who have some discomfort. Again, I'm not, as a
20 representative of the administration, going to step on
21 the toes of the legislators who have decided that they

22 want to look at that and extend the Commission sunset
23 date as they did last year.

24 VICE-CHAIR ANDERSON: Thank you. Are there any
25 questions from the public on the Director's report?

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1 JOHN STEWART: John Stewart, California
2 Association of 4-Wheel Drive Clubs and United 4-Wheel
3 Drive Associations. I did get an opportunity to read
4 through some of the language of the proposed Parra
5 bill, and from what I see it is a rational attempt to
6 salvage this program. And I look forward to having a
7 chance to really look at the legislation as it moves
8 forward because it appears to be our only salvation for
9 serving the people of the state of California with a
10 recreation program.

11 VICE-CHAIR ANDERSON: Thank you. I wasn't sure
12 if you were moving to the microphone, Mr. Pickett? No,
13 all right.

14 Under Item 7 on the agenda, new business, the
15 Division will request approval of the SVRA. This was
16 not taken off the agenda this morning. This is just a
17 personal expression on my part of an interest in
18 supporting this, and I trust this is going to be back
19 on the agenda for the next Commission meeting since I
20 requested it be put on here.

21 DEPUTY DIRECTOR GREENE: Commissioner Anderson,
22 are you speaking with regard to the minor cap outlay
23 projects?

24 VICE-CHAIR ANDERSON: Yes, 7-B.
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25 DEPUTY DIRECTOR GREENE: Unfortunately, if I may
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1 for a moment, I think the biggest loser here today was
2 the environment and the four million people who
3 recreate at our SVRAs because at this point in time --
4 and I appreciate, Commissioner Anderson, your
5 willingness to move these projects back for
6 reconsideration, the fact is that we do, as we said in
7 the December meeting, our state vehicular recreation
8 areas, we have a situation of some leaking sewage at
9 Hungry Valley. These projects were going to address
10 that. We have issues where we cannot -- we cannot wash
11 our vehicles at Oceano Dunes because we would be in
12 violation of the Clean Water Act. So now we're caught
13 with trying to wash our vehicles up in town. We can't
14 do that any longer because DGS no longer wants us. So
15 I am truly disappointed by today the Commission, those
16 who had to leave for whatever reasons. But the big
17 loser here today was the environment and recreating
18 public out on the ground. And I am truly disappointed,
19 and I do appreciate, Commissioners Anderson and
20 Waldheim, your efforts at the subcommittee to try to
21 bring these up for reconsideration today.

22 VICE-CHAIR ANDERSON: Okay. Moving to Item D,
23 informational report on the status of funds currently
24 appropriated, including Kern City, Bakersfield and the
25 Onyx Ranch.

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1 CHIEF JENKINS: We're going to have our land
2 agent.

3 DEPUTY DIRECTOR GREENE: Let me just ask. That
4 was a request of Commissioner Spitler, so I don't know
5 whether or not this Commission has an interest in
6 hearing this or not?

7 VICE-CHAIR ANDERSON: I think so, yes.

8 COMMISSIONER THOMAS: I think so. I know so.

9 CHIEF JENKINS: So Steve, I'm going to turn it
10 over to you; our land agent for Division, Steve
11 Christiansen, will be making this presentation for us.

12 MR. CHRISTIANSEN: Commissioners, I'm going to
13 start with the Bakersfield project at this particular
14 time and just go through these three items that we're
15 talking about right now. So I've got a picture that
16 shows. We don't have a pointer, do we?

17 DEPUTY DIRECTOR GREENE: Yes, we do.

18 (Discussion held off the record.)

19 MR. CHRISTIANSEN: Thank you. I do have one.
20 Actually, I think this is going to be fine for the most
21 part. If you can zoom in just a little bit, I'd
22 appreciate it.

23 This map is fairly self explanatory. This is
24 the city of Bakersfield here. Well, it was down here
25 and approximately 15 miles away to the northeast is a
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1 piece of property that's been identified as the Gabrych

2 Ranch. It encompasses 11,038 acres. This is what we
3 are proposing for the Bakersfield Off-Highway Vehicle
4 Park. Recently General Services approved the appraisal
5 on this property for \$8,831,000, which is slightly less
6 than 500 an acre. And I just wanted to point out right
7 now what's going on is we are in the process of -- this
8 is Round Mountain Road right through here. There is a
9 piece of property right here, as well as two parcels
10 north of each other here, that we are in the process of
11 negotiating -- the City of Bakersfield is the process
12 of negotiating to either acquire an easement across
13 there or possibly acquire in fee so we can get onto the
14 property. It was part of the appraisal approval that
15 there was going to be access onto this property. It
16 was assumed that there's going to be access. So until
17 actually this is perfected, the easement during the
18 process, we cannot actually acquire the ranch area.
19 There are three end holdings as you can see here, about
20 480 acres, and I can't remember what these other two
21 are here. But this is the Bakersfield project as it
22 stands now. We're working in conjunction with the City
23 of Bakersfield and also the County of Kern.

24 CHIEF JENKINS: Maybe you can give a little
25 background for some of the folks who aren't familiar

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1 with the project on how we got into this, you know, the
2 previous park that had been with the city -- not the
3 official park, but the illegal use and how we ended up
4 here.

5 MR. CHRISTIANSEN: Yes, thank you. There was an
6 area that there had been riding north of the City of
7 Bakersfield. And because of residential development,
8 pressure was put on this area, which was thought to be
9 public domain all along or within the public riding
10 area, and essentially riders were kicked off. And so
11 the City of Bakersfield approached us, in conjunction
12 with the county, and there were several large acreage
13 surrounding in the north of Bakersfield, some further
14 to the east and I think one to the west, of some
15 properties to take a look at.

16 And this particular piece of property is owned
17 by a land speculator, and so we proceeded to talk with
18 him and entered into an option agreement with the
19 Gabrych owner here. So we have -- because of the fact
20 we have an option and we have met the price that he's
21 looking for, we will now proceed with -- the next step
22 is to go ahead and acquire access onto this property so
23 we can proceed with acquiring it.

24 DEPUTY DIRECTOR GREENE: As Steve mentioned,
25 this is really unique and interesting. Speaking

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1 actually, Commissioner Thomas, to what you were talking
2 about earlier in terms of community base, as Steve
3 mentioned, there was a lot of use that was going on.
4 People thought it was legal riding, but it wasn't. So
5 interestingly the non-motorized, as well as the
6 environmental community and the off-road community, all
7 got together. And the off-road community agreed to

8 stop using that particular area, which was actually
9 private. And they all agreed that they would work
10 together to try to identify some land, both the county
11 and the city and all of the different members of the
12 community. So this community-based group began
13 pushing, and obviously, as identified back in 2003 by
14 the Commission for identification of a park in the
15 Bakersfield area. So we were delighted when this came
16 up, and it's interesting this same group who has been
17 involved from day one continues to meet once a month.
18 They've brought in the local ranchers, the cattlemen
19 from the area, as well as Fish and Game is at the
20 table, the Native Americans are, the local community
21 are at the table. It really is -- the Sierra Club. It
22 runs the gamut of the representatives who are there to
23 really make sure that this project moves forward.

24 So as Steve said, we have an option on it.
25 We're delighted. It really is -- I think it gives us¹⁸²

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1 for the first time a piece of land in which we are not
2 inheriting areas that have had resource damage or where
3 there's trails that exist that shouldn't have. It
4 gives us the opportunity really to deal with a clean
5 slate to develop and design trails and areas that will
6 really sustain in the long run. So it really is a
7 unique project.

8 COMMISSIONER WALDHEIM: Madam Chairman, I think
9 we should make sure that we give credit to Dick Taylor
10 for the incredible work and the leadership that he has

11 given the folks of Kern County and especially
12 Bakersfield. He's been going on that -- I personally
13 helped him incorporate the Friends of Open Space, Kern
14 County. So we're delighted with what he's done.

15 The second question I have is: How are the
16 property owners -- there is no road or access -- how
17 have they been getting in there?

18 MR. CHRISTIANSEN: Actually, there has been a
19 cattle ranch trail that has been coming through this
20 particular property, and we think it is likely by
21 proscriptive easement, but it is basically for cattle
22 access and has been. There is not any specific -- when
23 you look at the preliminary title report, it says that
24 it is landlocked; however, there is a cattle ranch
25 trail that they have been using to get on here.

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1 COMMISSIONER WALDHEIM: And those are the people
2 that you're trying to negotiate to get that?

3 MR. CHRISTIANSEN: Actually, the cattle ranch
4 that goes across this particular piece of property,
5 yes, we're trying. We are negotiating with this piece
6 of property here and the one to the north.

7 DEPUTY DIRECTOR GREENE: Commissioner Waldheim,
8 there is also some access in the north through another
9 ranch. Obviously, that wouldn't be the preferred. So
10 the challenge has been, as Steve mentioned as well,
11 that one of the particular pieces of property that's
12 owned by multiple members of the family and trying to
13 locate them, and it's just one of those challenges,

14 Commi ssi oner Waldheim, I thi nk you certai nly are well
15 aware of what that can be. But hopefull y as we're able
16 to work with the ci ty and county and i denti fy who those
17 i ndi vi du als are and get access to that property.

18 VICE-CHAIR ANDERSON: I have a questi on. You
19 menti oned cattle. Is there any other agri cul tural use
20 on thi s land?

21 MR. CHRIS TI ANSEN: No, there's not.

22 VICE-CHAIR ANDERSON: Crop lands?

23 MR. CHRIS TI ANSEN: No, it's all non-crop.

24 VICE-CHAIR ANDERSON: And what type of soi l and
25 terrain are we looking at here?

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1 MR. CHRIS TI ANSEN: The reason why thi s was
2 chosen was after having gone out and looked at it, and
3 Dick Taylor as well, it's vari ous terrain from roll ing
4 hills to areas that would be sui table for off-highway
5 vehi cle, as well as it's large enough for addi ti onal
6 buffer area, as well as possi ble mi ti gati on. But it
7 i nvol ves all di fferent ki nds of terrain.

8 COMMI SSI ONER WALDHEIM: Madam Chair man, for
9 Mr. Pi cket t's edi fi ca ti on, I want to make sure that
10 even though thi s falls wi thi n the Di strict 37
11 bounda ries, I am sure that Di strict 36 wi ll be more
12 than wel come and real ly have fun on thi s si te si nce
13 it's cl ose to your fol ks up there. So thi s is
14 some thi ng, a win/wi n for you, too.

15 VICE-CHAIR ANDERSON: Can you al so el abo rate
16 what -- if you consi dered or what ki nd of probl ems

17 you've seen with the end holders?

18 MR. CHRISTIANSEN: At this point they have not
19 been approached from the standpoint that basically,
20 Commissioner Anderson, we have been focusing on the
21 main ranch land, as well as basically focusing on
22 access.

23 VICE-CHAIR ANDERSON: I understand that. I
24 would hate to see those three parties get together and
25 queer this deal.

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1 DEPUTY DIRECTOR GREENE: Commissioner Anderson,
2 one of the parties actually is a BLM piece of property,
3 and so as we -- our good friend, Jim Keeler is, and
4 hopefully as time goes on we can continue discussions
5 to try to arrange for some sort of -- something that
6 will make the auditor happy.

7 VICE-CHAIR ANDERSON: Okay. Any other questions
8 from Commissioners?

9 COMMISSIONER THOMAS: Yes, I've got several.
10 Who is the seller?

11 MR. CHRISTIANSEN: The seller is Gene Gabrych.

12 COMMISSIONER THOMAS: And he is the land
13 speculator you were referring to?

14 MR. CHRISTIANSEN: Correct.

15 COMMISSIONER THOMAS: Was this on the market as
16 mitigation property at some point you said?

17 MR. CHRISTIANSEN: No, no, it was not. No, he
18 actually purchased the property, and a Dick Taylor
19 approached him or however Dick found out about it, I'm

20 actually not sure. But he buys and sells property, and
21 he was -- from what I understand, it was at one time we
22 were thinking about trying to buy it from the prior
23 owners, and we can't move fast enough, so he bought it
24 up.

25 COMMISSIONER THOMAS: Is there -- it looks like
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1 there is a water course through the lower side. Which
2 river is that?

3 MR. CHRISTIANSEN: Yes, there is. Right through
4 here, this is along here. This is the road here. This
5 would be Round Mountain Road, and then Pozel Creek runs
6 along through this green here.

7 COMMISSIONER THOMAS: Yes, I saw the creek, and
8 that's a tributary to the Kern?

9 DEPUTY DIRECTOR GREENE: No.

10 MEMBER OF THE PUBLIC: It just flows through the
11 valley.

12 VICE-CHAIR ANDERSON: Disperses.

13 COMMISSIONER THOMAS: Last question: The
14 appropriation that was used to -- or you're intending
15 to use to spend to buy this land, which appropriation
16 is that? Are we coming out of the buffer funds? Are
17 we coming out of the -- because in our packet, there's
18 a changed BCP, and I was trying to understand how that
19 related to the purchases of this property.

20 MR. CHRISTIANSEN: I'm going to have defer to --

21 DEPUTY DIRECTOR GREENE: You're correct,
22 Commissioner Thomas, in that resolution it was both

23 for -- identified Prairie City, Onyx Ranch, and a park
24 in the Central Valley. And so Bakersfield is that park
25 that those monies were originally identified for.

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1 COMMISSIONER THOMAS: So does that mean that the
2 remaining funds in that line item will be 14 million?

3 DEPUTY DIRECTOR GREENE: At this point in time,
4 and Steve will talk further about that particular item
5 and the funds and where they have been expended thus
6 far. So there was never any specific identification of
7 a breakout of those funds. And so as we look towards
8 buffer lands at Prairie City or as we move forward at
9 Onyx Ranch, we at the same time look at that and work
10 with those monies as we move forward with this park as
11 well.

12 COMMISSIONER THOMAS: Well, I'm very concerned
13 because the -- it seems like a great acquisition. I'm
14 not saying that, but we made representations to our
15 legislative senators and assemblymen that this
16 22 million would be used in part for buffer lands
17 around Prairie City. And if we're spending it
18 somewhere else --

19 DEPUTY DIRECTOR GREENE: I think if Steve
20 Christiansen actually finishes his presentation.

21 COMMISSIONER THOMAS: If you could address that.

22 MR. CHRISTIANSEN: I will go ahead and discuss
23 Prairie City, what is actually the acquisitions that
24 are taking place out there. I have a map for that.
25 I've got actually handouts to this particular map here,

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1 but if we can make that just a little smaller.
2 This particular map here shows two different
3 acquisitions that are taking place. There is the
4 Barton Ranch right here. This is an easement that was
5 acquired in January of 2005. And it is a residential
6 development restriction, and it can be used -- it was
7 to prevent any other use that would impede the
8 operation of OHV park. This was 3,405,000, and it
9 encompasses 1,069 acres. This particular one here is
10 Deer Creek Hill. It is was acquired in September of
11 2003, and this is buffer land for protection of urban
12 development. As you can see, it is adjacent -- you
13 probably can't see here. Rancho Cordova is right down
14 here.

15 COMMISSIONER THOMAS: Rancho Murieta.

16 MR. CHRISTIANSEN: I'm sorry, Rancho Murieta is
17 right down here, and it encompasses approximately 669
18 acres. This is part of a larger Deer Creek Hills that
19 the State of California purchased in conjunction with
20 an option that they had surrounding the area, over 2000
21 acres.

22 At this particular time, between these two,
23 there are no plans for any kind of acquisitions at this
24 time, nothing on the horizon for any more additional
25 acquisitions right along this Scott Road here or in

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1 between the two. So at this particular time, this is
2 all that we have in terms of buffer and out at Prairie
3 City, and there aren't any particular -- again, isn't
4 anything on the horizon for acquiring out there at this
5 time.

6 COMMISSIONER THOMAS: Madam Chairman, I want to
7 address that.

8 VICE-CHAIR ANDERSON: Yes, Mr. Thomas.

9 COMMISSIONER THOMAS: On the other side of
10 Prairie City is the Rancho Cordova GenCorp Expansion,
11 right, the land use plan for GenCorp properties are
12 within a stone's throw to the northwest and to the
13 west. And if there is any threat to Prairie City at
14 this point, it's from Gencor's proposed land use. If
15 anybody has been following GenCorp -- and now the OHV
16 community is going to have to work with me on this. I
17 have your interest in mind. We've been following this
18 very carefully, and GenCorp is going great guns to
19 develop every square foot of that area. And you guys
20 need to make sure that this money that remains is spent
21 out there or there will be no buffer in Prairie City.
22 I've been on the phone. I've been talking to people
23 about the land use out there, and it's damn important
24 and may be too late. But the fact that this
25 \$22 million appropriation might be lost because of

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1 nonuse or because it's not incumbered means we have a
2 challenge.

3 DEPUTY DIRECTOR GREENE: Commissioner Thomas, if
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4 I may, I'd just like to take a moment and introduce Bob
5 Williamson, who is a superintendent out at Prairie City
6 and at Carnegie, the twin cities. And we also, just so
7 that you know, we have been meeting with GenCorp. We
8 were fully aware of what's going on there. We have
9 tried, and I'll let Bob speak to it in more detail but
10 to make sure that in fact -- I think of utmost
11 importance is try and protect the park with lands
12 contiguous to the park. So that Barton Ranch
13 acquisition was the first step. Bob, if you wanted to
14 speak on some of the continuing negotiations you had.

15 COMMISSIONER THOMAS: And we're very grateful
16 for the Barton acquisition. That's the right thing.
17 We need to do much more of it; that's the problem. And
18 my question is: How are we going to protect the
19 balance of this fund from being unencumbered?

20 MR. CHRISTIANSEN: Well, that is something I
21 really can't speak to. That is something you need to
22 direct to the Division.

23 COMMISSIONER WALDHEIM: Madam Chairman, can we
24 hear from the superintendent? Let's get the first
25 question answered.

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1 VICE-CHAIR ANDERSON: Yes, let's start one at a
2 time here.

3 MR. WILLIAMSON: Well, actually there are
4 several different parcels owned by a variety of
5 landowners that surround Prairie City. Aerojet,
6 GenCorp is one of the larger land owners. And, in

7 fact, Prairie City actually came previously from
8 GenCorp originally from leases and then all purchased
9 by the McGill Cycle Park. There are several other
10 parcels around there that are owned by the Teichert
11 Corporation that are used for mining, and those are
12 also coincidentally owned by -- there's a prior
13 ownership by AKT, the Angelo Tsakopoulos Development
14 Corporation.

15 The parcel that is listed up there is number 29
16 that's also owned by -- excuse me, it's owned by AKT,
17 and it's also being planned for mining by the Teichert
18 Corporation. The area to the south of Prairie City
19 that I believe is number 36, that one, right, that one
20 is currently being mined by the Teichert Corporation,
21 and their plans at this point do not include turning
22 them over for residential use at this point. The area
23 to the west of Prairie City, between there and Grant
24 Line / White Rock Road, most of that area -- there is
25 also Aerojet and is -- a lot of that is Super Fund

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1 site. And so there's no reasonable expectation that
2 that would be developed. The primary --

3 The potential threat for development comes north
4 of White Rock Road and to the east of Prairie City
5 Road, and that area was recently designated by the City
6 of Folsom as part of their sphere of influence, and
7 they're proceeding with annexation of that area, and
8 the intent is to go ahead and develop that for
9 residential development and a portion of it,

10 approximately a third, for open space development. The
11 open space portion of it would be, according to most of
12 their maps, where it says Old White Rock Road straight
13 above where it says road, that area moving to the north
14 and then shortly before it reaches Highway 50, which is
15 off of this map, kind of sweeping off to the left.
16 Most of that is oak woodlands, and that's the area
17 where in most of their plans is designated for open
18 space.

19 The area where we would look at as being
20 potentially the closest residential development is
21 right at the intersection of White Rock and Prairie
22 City Roads right where it says rock. In that area to
23 the north, there's a small section that's designated on
24 their plans as being potentially commercial development
25 for small, like a strip mall, something along those

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1 lines, and then north of there along Prairie City Road
2 potentially real estate, residential development.

3 Those areas we've had numerous discussions with
4 the property owners over the years. Prior to my
5 arrival in the district, none of the property owners
6 had any interest whatsoever in selling to the State of
7 California. They knew exactly what their plan was for
8 many years, and that did not include acquisition for
9 either buffer for OHV use or for rider opportunity
10 purchase.

11 The areas once again off to the east -- well, in
12 the corner just below the intersection of White Rock

13 Road, there are two parcels in there that are owned by
14 Aerojet, and that's where the hand is right there. And
15 those two parcels are, according to Aerojet, not on
16 their plans for development. And in meetings that
17 we've had with them, the area north of White Rock Road
18 that is owned by Aerojet is not really very high on
19 their list for development since they have a very
20 significant area in the southwestern portion of the
21 City of Rancho Cordova that is already approved for
22 development, and they have a very active development
23 program in the process there. And any development --
24 according to statements they've made to Division staff
25 and myself, any development that they want to do in the

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1 Folsom sphere of influence annexation area is way down
2 their interest list.
3 I am currently in negotiations or discussions,
4 more accurately, with the real estate manager for
5 GenCorp in terms of acquiring some special event access
6 that's in the area right off Scott Road, and
7 potentially we still discuss the potential for the
8 state acquiring that section from there up to White
9 Rock Road, which would make a very nice acquisition for
10 buffer use. There are some vernal pools in that area.
11 There are also a fair amount of wetlands in that area
12 that would not make it on face value anything of any
13 particular value for residential development or
14 commercial development in any way that would threaten
15 the park. On the other hand, it is something that

16 would be prime for buffer acquisition. And so those
17 are discussions that I'm having with GenCorp currently.
18 They're ongoing, and I keep talking to them. We'll
19 see. Possibly we'll make some progress at some point.

20 VICE-CHAIR ANDERSON: Mr. Thomas, did you get
21 your question answered?

22 COMMISSIONER THOMAS: I didn't get the question
23 answered. The question was the date that the fund
24 reverts to the general -- the fund issues 600 funds,
25 the \$22 million, reverts to the General Fund, when is
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1 that?

2 CHIEF JENKINS: It will revert this year, but we
3 have been working on -- we've expressed a real strong
4 interest to the administration in having that money
5 reappropriated, so I don't -- those reappropriations,
6 we don't have total control over those.

7 COMMISSIONER THOMAS: When you have something,
8 you don't want to let it go back.

9 CHIEF JENKINS: Exactly. So we've basically
10 done everything we can, and I don't personally see a
11 roadblock in that happening. Can't speak for --

12 COMMISSIONER THOMAS: Why can't we encumber
13 these funds now?

14 VICE-CHAIR ANDERSON: How?

15 COMMISSIONER THOMAS: Through the third party
16 trust for public lands escrow. That's standard
17 operating procedure in the land acquisition business is
18 what when you're about to lose your money because you

19 couldn't buy your land, you encumber with a third
20 party, lock it up, and that gives you an additional
21 three contract years at least, and sometimes more if
22 you're good at it.

23 CHIEF JENKINS: As I understand the process, we
24 would have to actually have a piece of property on
25 line.

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1 COMMISSIONER THOMAS: You would have to be
2 considering something, right.

3 CHIEF JENKINS: And we would have to have an
4 option.

5 COMMISSIONER THOMAS: We don't have to have an
6 option. You have to be considering parcels, as I
7 understand it. Regardless, both the residual rights on
8 the Teichert property could be purchased. Teichert
9 indicates, I understand, that while they want it for
10 mining, the issue of post mining use is something that
11 we could acquire today. You could acquire those rights
12 in this fiscal year.

13 DEPUTY DIRECTOR GREENE: Commissioner Thomas --

14 COMMISSIONER THOMAS: None of this is simple. I
15 understand none of this is simple. But the other thing
16 we can do is we can be in front of LAFCO asking -- and
17 maybe you've done this, but I think this Commission and
18 the Division should be in front of LAFCO telling them
19 that the incompatible use of urbanization within the
20 sound shed of this facility is an incompatible use,
21 violates LAFCO, and if they disagree in Folsom, which

22 is not exactly the most environmentally-friendly
23 development site, if they disagree, we should be in
24 court protecting our interests. Because in fact if we
25 throw up our hands, we'll be just like we are down in
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1 Hollister, with a lot of wealthy people on hills pissed
2 off and calling up their legislators and eventually we
3 are going to lose. And I don't know. I can't make you
4 do your job, but it -- to walk away from \$22 million
5 is -- I won't say disgusting, but that's what I'm
6 thinking.

7 DEPUTY DIRECTOR GREENE: Commissioner Thomas,
8 let me just be very clear that we have no intention of
9 walking away from \$22 million. Having met with
10 Teichert -- having met with Teichert, you can express
11 your interest to want to purchase, but if they have no
12 intention at this point in time of doing anything, it
13 leaves us in a bit of a bind. I think the encouraging
14 factor is the fact that for 50 years, fine, we are
15 protected around the corners of the park. But it is of
16 concern, just like it is of concern to us that the
17 County of Sacramento still owes the Division upwards of
18 half a million dollars based on outstanding audits.

19 So these are all issues that we're grappling
20 with, how can we try and address this and urban
21 development stomping us in the face. We continue to
22 work with the Sacramento Lands Conservancy and Amy
23 Rutledge to try and work wherever -- Amy is tireless in
24 her efforts to try and secure land. So we continue to

25 do it. It is not as if we're just sitting there and 198

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1 have no desire to put those monies, which have been
2 appropriated, to use.

3 VICE-CHAIR ANDERSON: Can we move to the third
4 package?

5 MR. CHRISTIANSEN: Certainly. I don't have a
6 map for this. This is just kind of preliminary
7 information I'm passing along. This has to do with the
8 Onyx Ranch. The Nature Conservancy in conjunction with
9 the Dangermont Group is working on a purchase option
10 agreement with the Rutnick Trust. There is no map on
11 this.

12 The Rutnick Trust owns about 68,000 acres. An
13 appraisal was done on 56,000 acres. We are not privy
14 to that appraisal at this particular time, but it is my
15 understanding that as soon as the Nature Conservancy
16 has the purchase option agreement or worked out an
17 option agreement with Rutnick Trust, they'll be
18 contacting us as well as other agencies, such as the
19 Wildlife Conservation Board, and we can move forward on
20 that.

21 COMMISSIONER WALDHEIM: Can you explain to us --
22 we're not interested in the entire ranch. The Rutnick
23 folks are not going to sell us the entire ranch.

24 MR. CHRISTIANSEN: Exactly.

25 COMMISSIONER WALDHEIM: But they're willing to 199

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1 sell us the 5,000 to 6,000 acres which are encompassed
2 inside of the Dove Springs Jawbone area, which on the
3 Friends of Jawbone map, if you guys had it, it's all of
4 the areas that are grayed. This one here, that are
5 grayed.

6 VICE-CHAIR ANDERSON: Gray green.

7 COMMISSIONER WALDHEIM: The green is BLM, and
8 the gray is the Rutnick property.

9 MR. CHRISTIANSEN: Commission Waldheim, that's a
10 very good point; however, at this particular time we
11 are not privy to the appraisal. And so therefore any
12 map or what has actually been appraised has been
13 commissioned by TNC, they haven't shown us. They've
14 been pretty tight-lipped about it, and I talked with
15 Pete Dangermont in regard to this, he said, well, as
16 soon as we worked out some kind of option, we'll let
17 you take a look at it at this particular point.

18 COMMISSIONER WALDHEIM: Steve, I would differ
19 with what the past chairman has tried to do. He has
20 lost his money. They don't have the funds. You
21 haven't an unwilling seller. Would you please get
22 ahold of Oscar, the trustee of the Rutnick property and
23 see if you can come to some agreement with them. When
24 he provided the Friends of Jawbone the option to
25 purchase that property, he sent it in writing to us,

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1 and I forwarded that to you guys. It's crazy for us to

2 I lose that.

3 MR. CHRISTIANSEN: It's my understanding within
4 the next two week they are going to try to get a vote
5 by the Rutnick Trust, apparently there are ten members,
6 and it takes a majority in order to decide what they're
7 going to do. They have contacted individual members of
8 the Rutnick Trust in the family, and hopefully they can
9 come to some kind of consensus.

10 COMMISSIONER WALDHEIM: But Mr. Dangermont is
11 not going to go and try to take our 6500 acres that we
12 need. He's going for the whole enchilada. What I'm
13 concerned with is that we do not fall into that trap.
14 If Mr. Dangermont can't get -- even if he gets the
15 vote, I doubt he has the money.

16 MR. CHRISTIANSEN: They do not have the money.

17 COMMISSIONER WALDHEIM: That's my whole point.

18 MR. CHRISTIANSEN: That has been apparent to us.
19 As soon as they get a purchase option agreement, they
20 will be contacting us, at least my understanding from
21 what he's telling me.

22 COMMISSIONER WALDHEIM: Are you telling me we
23 have to go through Dangermont; we are stuck with
24 Dangermont? We can't deal directly with Oscar?

25 DEPUTY DIRECTOR GREENE: Commissioner Waldheim,
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1 if I may, one of the issues that has been raised and
2 was raised at the last meeting was the identification
3 that this resolution and the action that was put forth
4 through the Legislature identified areas around Jawbone

5 as buffer and not as recreation, and so that is a point
6 of concern I know certainly to you. As we look at the
7 resolution and we continue to look at the history of
8 the project, but at this point in time, right now as we
9 look at that appropriation, it was for buffer lands in
10 the Jawbone area is how it's written, so.

11 COMMISSIONER WALDHEIM: Well, they snuck in a
12 fast one because that was never the intention. That
13 was never, never the intention. The outside of the
14 Jawbone/Dove Springs area perhaps. But the
15 understanding was that the areas that we currently ride
16 on would be maintained. The areas that we don't ride
17 on would be quasi buffer or mitigation, whatever you
18 want to call it, which includes parts in Red Rock State
19 Park.

20 DEPUTY DIRECTOR GREENE: And it was my
21 understanding of that, as well. But the more that we
22 continue to unwind this project, the more that we look
23 at this, it looks as though at this point in time that
24 those funds were identified -- the only area where
25 those funds would be identified for OHV recreation were
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1 in the Central Valley, Bakersfield area.

2 COMMISSIONER WALDHEIM: Well then, we need to --
3 we need to just change whatever they came up with.
4 Because what we need to do is we need to protect the
5 area there because if we lose that area, we're
6 devastated. Mr. Thomas, I hope -- I'll be happy to
7 show you the area, take you. That's my backyard.

8 That's where I do the signing. That's where I do the
9 trail maintenance.

10 COMMISSIONER THOMAS: You've got the same
11 problem I do in Prairie City.

12 COMMISSIONER WALDHEIM: No, because we're
13 currently using it.

14 COMMISSIONER THOMAS: I know, but the point is
15 the money is there. There is no reason that that can't
16 be -- I mean we're going to lose the appropriation in a
17 short amount of time. We're going to lose the
18 appropriation in a short amount of time. The money is
19 there. I don't believe the money is so restricted that
20 it can't be spent the way you'd like it to be spent. I
21 don't believe that, to be honest. I've got the budget
22 item right in front of me. Maybe there is more
23 documents besides it, but these are choices that are
24 being made, and we're not making them.

25 COMMISSIONER WALDHEIM: Well, I definitely want
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1 to make sure that staff meets with Oscar, makes sure --
2 we're interested in it. We've got the senator. We've
3 got Governor McCarthy. We've got Bill Mayes. We've
4 got Roy Ashburn. They're all behind us on trying to
5 resolve an issue. We are currently utilizing private
6 property in our trail system, period. And so nothing
7 would change. It would just make sure that we're on
8 public property, not on private property.

9 VICE-CHAIR ANDERSON: I agree.

10 MR. CHRISTIANSEN: Thank you, Commissioners.

11 VICE-CHAIR ANDERSON: Thank you. Bakersfield
12 sounds simple compared to the others.

13 COMMISSIONER WALDHEIM: You're right, even
14 though we're using the other ones.

15 VICE-CHAIR ANDERSON: Back to our agenda here.

16 COMMISSIONER THOMAS: Public comment.

17 VICE-CHAIR ANDERSON: Yes, that's what I was
18 just looking for here. I'll take public comment on the
19 report.

20 DON KLUSMAN: Thank you. Don Klusman,
21 California 4-Wheel Drive Association. While we've
22 always been in support of land acquisition, I want to
23 caution on a couple of things. But first off, I find
24 it ironic that many -- that not that many years ago, we
25 were going to purchase a lot of lands around Prairie

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1 City, and the money had been appropriated, but had not
2 been encumbered. And for one reason or another, mainly
3 the fairy shrimp and the toxics from Aerojet, I find it
4 ironic that we're talking about building houses on some
5 of the same lands that were tested and tested positive
6 for huge amounts of jet fuel.

7 But anyway I would encourage -- I'd like to use
8 a stronger word than that, but to do something to make
9 sure we do not lose these monies to get these lands.
10 Because if we don't get these buffer lands around
11 Prairie City, Prairie City is going to be history or
12 you're going to be fighting it such as we've been doing
13 in Hollister for years. Hollister, I mean we bought

14 land under the auspice that we were going to be able to
15 ride on it and still we're not riding on it. The
16 Legislature took half of it and made it a buffer, and
17 we still can't ride on the other half. I can't believe
18 the development that's happened in that area.

19 Bakersfield, I think is a wonderful project.
20 I've been involved with that since the very beginning
21 of it, and let Dick Taylor take the lead. And we
22 looked at a lot of different properties, and I'm glad
23 to see we have one there. The only thing that I
24 caution on is those end holdings. We need to make sure
25 we talk to those people. I don't want to be in the

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1 situation we've been in in Hollister where we get land,
2 and all of a sudden an adjacent property owner, or
3 worse yet an end holder, says we don't want OHVs here.

4 The last thing is Commissioner Waldheim brought
5 up several things about buffers and non-buffers and so
6 forth. I would encourage the Commission to go back and
7 look at their Resolution No. 2003-01. This resolution
8 that you passed at that time on March 20th of 2003 says
9 that much of these funds would be used for buffers when
10 you sent this to the Legislature. So we can't get off
11 track, and I understand where you're come from,
12 Mr. Waldheim. We need to get the lands also, but we
13 need to also follow the intent of this and make sure we
14 have buffer lands there, too. Thank you.

15 VICE-CHAIR ANDERSON: Bruce? John.

16 JOHN STEWART: John Stewart, California

17 Association of 4-Wheel Drive Clubs and the United
18 4-wheel Drive Associations.

19 Don eloquently provided the real context of
20 everything we really have to look at, but also this
21 underscores one issue. We have to look at an
22 acquisition program that is going to provide
23 recreational opportunities, and that means having
24 buffers.

25 Now, with this funding that is identified in the
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1 appropriations, we have to, you know, use caution if it
2 is, in fact, defined to buy buffer land, we have to
3 make sure that that's what it is applied to and not
4 something that's going to be tried to be turned into a
5 riding area. And if it is in fact intermixed with a
6 riding area and you're trying to use funding attaching
7 that buffer, then you are creating or compounding a
8 problem. So let's look at this very carefully. It's
9 Bakersfield. By all means that is a critical, critical
10 program to go through. Buffer around Prairie City as
11 much as possible, yes, we need to do that. Onyx Ranch
12 is the one that shows that there is extreme caution
13 urged on any procurement going forward.

14 If we lose funding that is set aside appropriate
15 for that, as a taxpayer in the state, I would much
16 rather see the money revert to something else and be
17 reassigned to some other place within the state system
18 rather than to see money wasted on something that
19 actually hampers recreational opportunities on its

20 adjacent lands. Use caution with the Onyx Ranch.

21 Thank you.

22 COMMISSIONER WALDHEIM: Madam Chairman.

23 VICE-CHAIR ANDERSON: Hang on just a minute. I

24 have no other slips for public comment. Okay,

25 Mr. Pickett. I just want to get a sense of how many

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1 other people want to speak.

2 COMMISSIONER WALDHEIM: I would like to caution

3 Mr. Stewart that he is not exactly correct when he's

4 making his statements about cautioning in Onyx Ranch.

5 Out of the 6,000 or 7,000 acres that we want to

6 purchase, we probably have a hundred acres worth of

7 trails, leaner trails if you add them together, the

8 width times the length. The rest is all buffer. The

9 whole thing is buffer.

10 JOHN STEWART: Understood, Commissioner, but my

11 caution when I say we need to proceed with caution is

12 if that land contains trails that are used for riding,

13 if that land is purchased with funds that are dedicated

14 towards buffer, then you automatically encumber that

15 trail to be part of the buffer lands; therefore, I'm

16 just saying, use caution the way that these funds are

17 moved forward and moving forward with the Onyx Ranch.

18 Yes, if you could get part of that land set

19 aside for recreation, terrific. I will support that.

20 But unless we can make sure that the language is clear

21 on that, I would hate to see that we come back here at

22 a later time and see recreation opportunities next to

23 it or part of it or intermingled with it at risk
24 because all of a sudden you brought land that you
25 thought had trails on it and is now, this is buffer

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1 land. We don't need another Hollister Hills.

2 VICE-CHAIR ANDERSON: Okay. Thank you.

3 Mr. Pickett.

4 DAVE PICKETT: Dave Pickett, District 36,
5 Motorcycle Sports Committee. Bakersfield, absolutely,
6 wonderful project, it's super, definitely needed down
7 there.

8 Prairie City, as Commissioner Thomas has pointed
9 out, the Folsom sphere of influence, we've got to
10 monitor that very carefully. I have been to a number
11 of public meetings on that and have commented to those
12 folks that I don't want them to annex it and turn it
13 into an airport situation. I think efforts are being
14 made to protect this Prairie City area. I hope you
15 will continue to do that. But on this sphere of
16 influence, there is documentation that the OHV facility
17 is there, and I would encourage the Commission --
18 excuse me, the city council to keep that in mind when
19 they approve maps in subdivisions.

20 As Bob Williamson pointed out about the oaks,
21 there is that particular bottom corner -- I wish the
22 map was still up there -- which should have enough
23 distance to protect us. The left-hand side of Prairie
24 City Road is another issue.

25 On Onyx, I'm with Mr. Stewart, please use

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1 caution here. Things that I've read through the years
2 about some of the acquisition projects that included
3 Mr. Dangermont are questionable in my mind. Thank you.

4 COMMISSIONER WALDHEIM: Mr. Pickett, may I ask a
5 question. Yesterday the news stated that Folsom has
6 approved a big monster shopping center. Is that going
7 to be close to Prairie City?

8 DAVE PICKETT: It's on the other side of
9 Highway 50 off Scott Road.

10 COMMISSIONER WALDHEIM: So it's close to it.

11 DAVE PICKETT: Scott Road to the east. You've
12 got Prairie City, and then you have Scott Road that's
13 further up. That's been on the books for a long, long
14 time.

15 DEPUTY DIRECTOR GREENE: Ed, it's about four
16 miles away.

17 VICE-CHAIR ANDERSON: Thank you. Other public
18 comment.

19 COMMISSIONER WALDHEIM: Help me on Onyx.

20 GEORGE BARNES: George Barnes, Sierra Club,
21 California. Comment in the form of a question: Do we
22 have the current status of the Riverside La Forda
23 Canyon property?

24 COMMISSIONER WALDHEIM: Good question.

25 VICE-CHAIR ANDERSON: Other public comment?

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1 Thank you. We'll close the public comment.

2 Staff, do you have any short answer to
3 Mr. Barnes' question?

4 DEPUTY DIRECTOR GREENE: Thank you, Mr. Barnes,
5 I appreciate that lead in. It was not requested that
6 we speak about that particular issue as it wasn't part
7 of the 22 million. It is part of the 27 million.

8 At this point in time, we are in continuing
9 discussions with Lockheed, DTSE, and the County of
10 Riverside. There is deep concern about the
11 contaminants that are on the property. Lockheed has
12 suggested that they are no longer interested in
13 remediating, and so it brings up the issue of
14 indemnification and that puts everybody in a tough spot
15 right now.

16 So those discussions are ongoing, and that's
17 really at this point in time the status of where we are
18 at Riverside. So obviously with the amount of
19 perchlorate, we have to be able to truck in water from
20 Beaumont. We still have issues of access. We're
21 looking at somewhere in the vicinity of -- I think it's
22 \$10 million to be able to get access on the road that
23 would go into the area. And then obviously we can't
24 have housing there on the property because of the
25 contaminants. So just those concerns that continue.

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1 VICE-CHAIR ANDERSON: Ms. Greene, what's the
2 clock look like on this, on the money that was set
3 aside for this?

4 DEPUTY DIRECTOR GREENE: It is the same thing.
5 It was the same timing back in 2003. And so we have
6 expressed a concern that we would like to continue to
7 pursue this piece of property or at least something in
8 Riverside County.

9 There have been discussions about smaller
10 parcels perhaps throughout the county. It's obviously
11 a huge county, and so how do we address some of those
12 concerns and the demand. But similar to what Chief
13 Jenkins said earlier, we have made it very well known
14 to Finance that we also believe this is an important
15 project that we need to stay with and try to resolve.

16 VICE-CHAIR ANDERSON: Thank you.

17 DEPUTY DIRECTOR GREENE: Commissioner Anderson,
18 just for the stenographer, we are almost at a break
19 time to give her hands a rest. I don't know.

20 VICE-CHAIR ANDERSON: I was going to ask if
21 there was anything -- the last item on the agenda is
22 discussion of audit recommendations, and I don't know
23 that we're in a position to do that with so few
24 Commissioners.

25 DEPUTY DIRECTOR GREENE: Yes, that's a difficult
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1 one again because as we had said back in December, as
2 staff on this particular issue, we just are trying
3 to -- trying to be able respond to the auditor on
4 behalf of the Division and the questions that were
5 raised in the audit. I know that the chair at the time
6 had indicated he had written a letter, the 60-day

7 response. We still unfortunately haven't seen that
8 letter, but I think at this point in time I'm just
9 looking for some direction from you, or I guess the new
10 chair, as to what you would like us -- I mean obviously
11 today was the first step but how you would like to us
12 approach the auditor. I don't know if a letter has
13 been written or not.

14 VICE-CHAIR ANDERSON: I only have one other
15 brief item.

16 CHIEF JENKINS: I was going to say, I do know
17 Commissioner Thomas had some specific issues on that
18 that might be worth coming back and speaking after
19 break about.

20 VICE-CHAIR ANDERSON: Okay. Do you want to take
21 ten minutes? I don't know how long your comments are.

22 COMMISSIONER THOMAS: I'll be very brief.

23 VICE-CHAIR ANDERSON: It's up to you, we'll
24 proceed.

25 COMMISSIONER THOMAS: The Commission at its last
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1 meeting passed the motion asking the staff to prepare a
2 process by which we would respond to the audit within
3 the time frames. That's the 60-day period, the
4 six-month period, and the one-year period. And as I
5 mentioned to Mr. Jenkins earlier today, we are still
6 waiting for that recommendation as to the process by
7 which the Commission and the Division will reach a
8 shared vision and implement the Department of Finance's
9 strategic planning process.

10 It's incumbent upon the Division as a result of
11 that motion to come up with a process, and I certainly
12 am going to recommend to the Chair that he write a
13 letter shortly indicating that we're waiting for that
14 information, and that we have engaged and embarked upon
15 a process without the ultimate controversies, which are
16 unknown at the moment, but we are going to respond to
17 the auditor from the Commission so that it cannot be
18 said that the Commission did not do its best to attempt
19 to reach the audit objectives.

20 DEPUTY DIRECTOR GREENE: And Commissioner
21 Thomas, we are happy to provide you with that process.
22 And in the spirit of a shared vision, I certainly would
23 hope that you are not suggesting that because of what
24 has been occurring with the Legislative Analyst Office
25 suggesting that perhaps we don't have a grants and

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1 cooperative agreement program next year because of the
2 failure to address the issues raised in the audit, I
3 have made numerous -- in each of my reports, I have
4 asked for the Commission to help the Division in being
5 able to answer the questions that were raised by the
6 recommendations of the auditors. I asked going back to
7 October, at which point in time I think it was said by
8 a number of Commissioners that they didn't think that
9 this audit really was important. And we disagreed, and
10 we moved forward again in December. And in December it
11 was put off until January. And I am more than happy,
12 as I said last meeting, that we would provide you with

13 a process, but this was the beginning stages of that
14 process.

15 So if a letter is to be written to suggest that
16 this Division has failed the Commission in any way,
17 shape or form to provide you staff when it comes to
18 answering the questions in the audit, I really would
19 caution or suggest that I have had conversations with
20 the former chair suggesting that a meeting take place
21 last September to deal with the issues that were raised
22 in the audit. And it wasn't until today that this body
23 started that process.

24 COMMISSIONER THOMAS: The record will speak for
25 itself.

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1 VICE-CHAIR ANDERSON: This is a point of
2 information. It may be necessary for the Commission to
3 notice the public of a closed meeting to discuss the
4 current litigation against the Commission and the
5 Division. I don't have a time or any details of that.
6 This is just in the nature of an alert that we may have
7 to have such a meeting, and that's it.

8 COMMISSIONER WALDHEIM: Madam Chairman, before
9 we adjourn, I would like everybody -- we wish our
10 condolences to Jim Keeler. His brother passed away
11 with cancer just recently, and the poor man valiantly
12 is sitting here being with us in his time of need. So
13 our prayers are with you and your family, Jim.

14 VICE-CHAIR ANDERSON: With that, I'm going to
15 close the meeting.

16 DEPUTY DIRECTOR GREENE: Commi ssi oner Anderson,
17 there was another topi c whi ch was the regulati ons.

18 VICE-CHAIR ANDERSON: Excuse me, excuse me. I
19 mi ssed somethi ng?

20 DEPUTY DIRECTOR GREENE: It was the i ssue of the
21 regulati ons and submi ttal of regulati ons to OAL. So
22 that was on the agenda for today. It's obvi ously a
23 very i mportant i tem.

24 VICE-CHAIR ANDERSON: I 'm mi ssi ng --

25 DEPUTY DIRECTOR GREENE: I tem under new

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1 busi ness, I tem No. C, 7-C.

2 VICE-CHAIR ANDERSON: Excuse me, my faul t.

3 We wi ll take a break then. I thought we were
4 done, and I mi ssed -- I 'm sorry I mi ssed thi s i tem.

5 (Break taken i n proceedi ngs.)

6 VICE-CHAIR ANDERSON: That was a request to come
7 to order, please. Mr. Keel er, thank you, Ms. Greene.

8 Thi s pi ece of paper was passed out, and I seem
9 not to be able to locate one. Thi s i s Mr. Thomas'. I s
10 there another copy around?

11 DEPUTY DIRECTOR GREENE: There' s copi es on the
12 front desk, as well as packages.

13 VICE-CHAIR ANDERSON: Thank you. Okay.

14 Mr. Waldheim has pointed out that we had no oppor tunit y
15 for publ ic comment. You' ll have to forgive me, I 'm new
16 at thi s. No publ ic comment on the di scussi on of the
17 audi t recommendati ons. I 'll take publ ic comment now on
18 that.

19 JOHN STEWART: John Stewart, California
20 Association of 4-Wheel Drive Clubs and United 4-Wheel
21 Drive Associations. The audit has been out, and as
22 pointed out earlier today, there are certain timetables
23 that have been missed all the way along. Appreciate
24 the Commission's attention to the details in order to
25 look at this audit and actually pay attention to it.

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1 This audit pointed out critical, critical
2 deficiencies in the management or the oversight
3 management of the program. You know, I have to commend
4 Deputy Director Greene and her staff for looking at the
5 audit as it was coming through and realizing that the
6 critical issue in that audit being the grants program,
7 and the grants program being conducted without a
8 competitive scoring process and taking the initiative
9 to address that issue even before the audit came out.
10 This is a testament to the dedication and the
11 commitment of the professionals within the State Parks
12 within the OHV Division and to their dedication to the
13 program and their commitment to upholding and managing
14 a program. I applaud them for their efforts. And I
15 encourage the Commission to look at your actions and
16 your steps, your part of the process, and come up to
17 speak with the same type of professionalism as
18 exhibited by the State Parks department employees.
19 Thank you.

20 VICE-CHAIR ANDERSON: Next.

21 FRED WILEY: Fred Wiley, with the Off-Road
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22 Business Association. Speaking to the position that
23 the public has with the audit, we were one of the
24 groups that specifically asked for the audit to carry
25 forward. Once the audit was completed on August 17th,
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1 we were pretty well astounded that in the 30-day period
2 after that, this Commission did not want to recognize
3 the fact that the audit found fault with what they were
4 doing. And until today and a little bit in the last
5 meeting, we quite frankly felt that this Commission
6 didn't think that was important. This is one of the
7 largest audits in the State of California's history.
8 It has pointed out many facts that show that this
9 program has problem areas. And I'm very happy to see
10 today that this Commission is now taking steps
11 necessary to answer to this audit. Thank you.

12 DAVE PICKETT: Dave Pickett, District 36,
13 Motorcycle Sports Committee. In discussion on Agenda
14 Item 7-F, Deputy Director Greene made a comment that
15 the 60-day response has still not been received by the
16 Division. Some of you remember, I asked for an update
17 on that in the Southern California meetings about 75
18 days after the audit came out, which requested a
19 response by the Commission Chair and the Commission on
20 the 17th of October. I never did get a straight answer
21 on that. I asked again at, I believe it was the
22 December meeting, and Commission Spittler had indicated
23 that he had responded, and the Division Deputy Director
24 had asked for a copy.

25 Well, here it is, you know, the middle of March,
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1 and she still has not received that, nor have I. So I
2 don't know what the problem is, but I know that the
3 Division has taken this audit very, very seriously.
4 And you have heard the comments of speakers before me
5 that the Commission is just now starting to take notice
6 of this. I appreciate that, better late than never.
7 But I would like to see a copy of this 60-day response.

8 I did make a phone call to the Bureau of State
9 Audits. They indicated to me they have not received a
10 letter. So I think we need to have clarification on
11 that, and a copy of that letter for the Division.
12 Thank you.

13 VICE-CHAIR ANDERSON: Anyone else on the audit?
14 Thank you. We'll close comment on that. All right.

15 I think we're truly are at the last item now; is
16 that correct?

17 DEPUTY DIRECTOR GREENE: That is correct,
18 Commissioner Anderson.

19 VICE-CHAIR ANDERSON: Comments only on grants
20 and cooperative agreement program ranks to be submitted
21 for adoption for the 2006 grant program, please.

22 DEPUTY DIRECTOR GREENE: That is correct, thank
23 you. I appreciate the time.

24 Just wanted to share with you and provide an
25 update to you and members of the public that the time
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1 frames that we are now working with, some of the
2 continued discussions that we have had with the Office
3 of Administrative Law as we try and continue forward
4 with the regulations and the eventual adoption of the
5 permanent regs. As many of you know, this grant cycle
6 went a long bit longer than any of us had anticipated.
7 As a result it has been somewhat problematic as we try
8 to move forward with the permanent regs and recognizing
9 the desire to try and get the money out on the ground
10 next year as quickly as possible.

11 So what you have before you today are a set of
12 regulations along with chapters one and two, should
13 keep you busy just for the weekend. We should have
14 everything else up by tomorrow. But wanted to be able
15 to share with you some of the situations that we're in,
16 be able to get some input from you, and also to let you
17 know and to provide you some information. As we go
18 forward with the permanent regulations, the Director of
19 Office of Administrative Law had initially -- the time
20 frame for regulations can vary anywhere between six to
21 eight months. Because of obviously some of the
22 tensions that have existed and the interest in this
23 program, further discussion, it has really been
24 suggested to us that there really is no way that we
25 could adopt permanent regulations without going through

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1 a process that really would take eight months before we

2 would even be at the point where the grant applicants
3 could start preparing their grant applications.

4 So the permanent regulation time frame that you
5 have at the bottom there essentially says that as we go
6 forward with trying to submit by March 24th, that the
7 final allocation to those grant applicants wouldn't
8 occur until next May. Obviously recognizing that is
9 not something that we would want to do and the desire
10 to try to get monies out on the ground as quickly as
11 possible, what has been suggested is that we move
12 forward with a parallel process which would be
13 emergency regulations based on the permanent
14 regulations. We're not able to move forward with the
15 emergency regulations that currently exist and readopt
16 those; that would not be possible because we need to
17 show OAL that progress has been made and that we are
18 moving forward.

19 I think some of the changes that you'll see in
20 the regulation package, we heard from the public that
21 they wanted a 30-day public comment period from the
22 time that Division made their funding determinations,
23 30 days before it went to the subcommittee. That is
24 something that we've included.

25 We also heard from the public that there was a
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1 desire to have essentially an evaluation panel and a
2 finding of fact from the Division that the members of
3 the public and the Commissioners could look at as they
4 were evaluating the applications before them, to have a

5 better idea of how it was that they were going to be
6 scored.

7 I think there was a suggestion at one point,
8 actually it came from the Chair, that perhaps we lower
9 the funding determination and lower that down to
10 include 40 to 49 points. We did that, as well.

11 There is still ongoing concern about the
12 criteria and have been -- I've been in -- met again
13 yesterday with the former Chair to try and see about
14 continuing to work on those criteria.

15 One of the issues that had been raised, I think,
16 Commissioner Anderson, it was you, who had said that
17 when you provide the bullets of guidance for the grant
18 applicants, for instance, if you had four bullets for
19 efficiency of funds, would you, for instance, score
20 each one of those bullets by giving them a certain
21 score, a point score, and then if the grant applicant
22 didn't address one of those, would that be a problem.

23 As we look the at the current criteria, one of
24 the issues of concern, and we'll see that they're
25 actually in chapter two, would be when we're talking

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1 about wilderness intrusions in closed areas, what do
2 you do when you've got a grant applicant who doesn't
3 have wilderness. And so we don't want to penalize that
4 grant applicant, but also recognize that the Commission
5 is providing some general policy guidance in what is
6 important to them and also looking at that.

7 So as we saw, one of the concerns that we had

8 certainly in the passage of some of those criteria was
9 how we deal with law enforcement and making sure that
10 the law enforcement component is addressed so that not
11 only does it deal with resource protection but also
12 deals with issues of public safety and health. So that
13 is a -- essentially we're continuing to work on those
14 criteria.

15 I recognize it is a short time frame. What the
16 Commission is -- what the Division is going to do for
17 next week, as people are able to look at all of this
18 material, and in particular I'd actually like to thank
19 all of the members of the small stakeholder group that
20 had helped us work on those regulations, we took --
21 there's a wide variety of individuals who attended
22 those meetings, who provided their input, and we'd
23 still like to get that input as we move forward. And
24 in particular I'd like to thank Jim Keeler and Kathy
25 Mick for their ongoing contributions and suggestions

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1 and experience with the program.

2 So at this point in time, the Division would be
3 moving forward with a parallel process of both
4 emergency regs and a permanent reg package that would
5 be due to the Office of Administrative Law on the 24th
6 of March.

7 VICE-CHAIR ANDERSON: Can both of your time
8 lines here include a one-week workshop. Can you
9 elaborate on what that is?

10 DEPUTY DIRECTOR GREENE: Sure. As part of the

11 regulation process, you're required to have one
12 workshop. We actually are going to have two, one in
13 the north and one in the south which we'll be able to
14 take input from the public on the emergency regs or on
15 the regulations at that time. That's actually in the
16 permanent program.

17 On the workshop, the workshop that you see there
18 up on the screen, as we did last year, we provided a
19 two-day grant workshop to all interested in applicants.
20 We covered the costs for the interested applicants to
21 attend the workshop in an effort to make sure everybody
22 was as clear as possible about the regulation process.
23 So we're committed to doing that again. It's not one
24 week. We're not going to have it for five days, but we
25 will try and identify. And I think what we decided is

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1 that last year we held it in one location here in
2 Sacramento over a two-day period primarily because we
3 didn't want to -- because it was the first year, we
4 didn't want to violate the competitive process and have
5 somebody in the south say that we didn't give the
6 information in the north or leave ourselves open to
7 that.

8 I believe now that everybody is more familiar
9 with the process that we have the ability to try and go
10 reach out to some of the local communities who were not
11 as sure of the process as they might have been. And so
12 that effort to outreach and try and let them know how
13 the grant process works.

14 One of the other things that we are working on
15 as well is a CD form of an application so that we don't
16 run into some of the small items that we did, the
17 immaterial deficiencies that we ran into last year, and
18 so to try to make it more user friendly for the
19 applicant as they go through this process, as well.

20 VICE-CHAIR ANDERSON: By a CD format you mean?

21 DEPUTY DIRECTOR GREENE: CD format.

22 VICE-CHAIR ANDERSON: Are you just talking about
23 presenting applicants or proposed applicants with a CD
24 with the format imbedded, and then they just insert
25 their relevant information?

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1 DEPUTY DIRECTOR GREENE: I'll turn it over to
2 Phil in just a minute. I think one of the concerns was
3 that we wanted to -- again, similarly, ran into page
4 limitations, some of those issues last year. In a way
5 to make it similar to when you go on-line, and, let's
6 say, you order clothing. Well, you can't move forward
7 unless you filled out everything.

8 We ran into last year a number of the project
9 costs deliverable sheets that were spent -- took staff
10 anywhere from six to eight hours to try and go through
11 all of those sheets because the mathematical errors
12 were so outstanding. So this is an effort to try to
13 make it a much more efficient process.

14 CHIEF JENKINS: So the main thing we're focusing
15 on for this next cycle is to try to get that project
16 cost deliverable sheet in a format so that you can open

17 up a form on your computer, and it will ask you a
18 series of questions, and step you through the process.
19 And then at the end of the process, once you've entered
20 all of the numbers and whatnot, it will calculate the
21 form, print it out into final format. And so when it
22 comes out, it will look like the form that we had last
23 year. But it will have done all of the calculations
24 for you. We would like to some day have the entire
25 application be set up that way, where it was an

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1 interactive format like that. That's quite expensive
2 and time consuming to do. So right now we're trying to
3 focus on what was the most problematic issue last year.

4 VICE-CHAIR ANDERSON: Which was the project
5 deliverables?

6 CHIEF JENKINS: Yes, the project cost
7 deliverables, the PCD sheet, where there were a lot of
8 problems with calculation errors figuring the 25
9 percent match. There was just a lot of issues, endless
10 hours spent on sorting those things out. So if we can
11 automate that process, we're hoping that will make it
12 simpler for the applicants as well as for the Division
13 to get the -- kind of scoring them.

14 VICE-CHAIR ANDERSON: Thank you. Questions,
15 Mr. Waldheim, Mr. Thomas?

16 COMMISSIONER THOMAS: I have a question. The
17 emergency regulations first. When does the Division
18 intend to submit to OAL the emergency regulations?

19 DEPUTY DIRECTOR GREENE: We would intend to

20 submit both the emergency regulations and permanent
21 regulations on March 24th. The current emergency
22 regulations expire on April 5th. And to make sure that
23 that expiration date is covered, it would put us at
24 March 24th.

25 COMMISSIONER THOMAS: Will you publish a notice
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1 of proposed rule making on the 24th?

2 DEPUTY DIRECTOR GREENE: No, we would not.

3 COMMISSIONER THOMAS: How do you intend to
4 handle that?

5 DEPUTY DIRECTOR GREENE: Actually, let me get
6 some more clarity from you, if I may.

7 COMMISSIONER THOMAS: A notice of proposed rule
8 making is the first step in adopting regulations.

9 DEPUTY DIRECTOR GREENE: Toni, come on up if you
10 would, please.

11 MS. CURTIS: Commissioners, my name is Toni
12 Curtis. I'm a consultant with CPS working on the
13 regulations for the Division. Your question was
14 regarding the emergency regulations or the permanent?

15 COMMISSIONER THOMAS: The permanent.

16 MS. CURTIS: The permanent regulations will
17 include a notice of proposed rule making.

18 COMMISSIONER THOMAS: And will that notice of
19 proposed rule making be published on the 24th of March;
20 is that when it will be --

21 MS. CURTIS: It will be published 10 days from
22 March 28th, which is the allowed Tuesday that OAL has

23 to submit the package. Then they have 10 days from
24 that submission date to post it on -- in their notice
25 register.

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1 COMMISSIONER THOMAS: Right, so we would look in
2 the register notice 10 days after March 28th.

3 MS. CURTIS: That's correct.

4 COMMISSIONER THOMAS: All right. And the
5 regulations -- thank you.

6 MS. CURTIS: And then also that would trigger
7 the 45-day comment period.

8 COMMISSIONER THOMAS: I understand that. Thank
9 you.

10 MS. CURTIS: You're welcome.

11 COMMISSIONER THOMAS: Is the package that is
12 identified as Draft Regulations Adopt 2006, are these
13 the regulations that you intend to submit as part of
14 the permanent regulations which will be noticed in the
15 Notice Register in early April?

16 DEPUTY DIRECTOR GREENE: The regulations that
17 you currently have, as they do say draft, we are still
18 certainly looking now as we put this out, certainly
19 looking for public input. I'd like to try and get that
20 public input so we have the opportunity to address that
21 public input, to try to make as many changes as might
22 be necessary prior to the actual submission date. So,
23 yes, this is a package which we would move forward, but
24 certainly want to make sure that we get input from all
25 parties who have concern.

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1 COMMISSIONER THOMAS: Okay. Thank you. What is
2 your contingency plan in the event that OAL chooses not
3 to renew the emergency regulations?

4 DEPUTY DIRECTOR GREENE: At this point in time,
5 Commissioner Thomas, I believe that that is always a
6 possibility certainly, but we have kept in very close
7 contact with OAL to make sure that we are trying to
8 address their concerns, as well as the challenges which
9 face us. And so at that point in time, we would have
10 to move forward with other alternatives. But I truly
11 believe and I certainly would hope that that will not
12 be the case. And that's why, again, certainly you're
13 welcome to and encourage as much public input as
14 possible. I recognize that this is a very short time
15 frame. I also recognize that some of the concerns that
16 we have and that were raised even up until two weeks
17 ago at that final Commission meeting to allow us to
18 make sure that we address some of those changes. One
19 area of that would be the Consent Calendar. We really
20 tried to make sure that we provided that clarity about
21 the subcommittee meetings and the fact how important it
22 was not only to develop the Consent Calendar, but also
23 to get the information there that would be -- that we
24 would make sure that we were solid on the record and
25 that the Commission could move forward and use that in

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1 their final allegation meeting.

2 COMMISSIONER THOMAS: So do I understand that
3 you don't anticipate needing a contingency plan, so
4 there is no contingency plan in the event that OAL does
5 not renew the emergency regulations.

6 DEPUTY DIRECTOR GREENE: At this point in time,
7 I believe that only these regulations will be passed.

8 COMMISSIONER THOMAS: Thank you.

9 VICE-CHAIR ANDERSON: Are you done?

10 COMMISSIONER THOMAS: All done.

11 VICE-CHAIR ANDERSON: Thank you all for staying
12 around to the bitter end. This is your last
13 opportunity --

14 COMMISSIONER WALDHEIM: Public input.

15 VICE-CHAIR ANDERSON: I am about to give them
16 their last opportunity to comment on the emergency
17 regs, the other regs. This is it for today for public
18 comment.

19 JOHN STEWART: John Stewart, California
20 Association of 4-Wheel Drive Clubs and United 4-Wheel
21 Drive Associations. The grant process is a very
22 interesting process in itself and the emergency regs.
23 Now, after this last round of grants, I undertook a
24 statistical analysis of the grants to see just what has
25 happened, what some of the problem areas are. From my
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1 looking is that I see that the last round of grant
2 processes is basically a sound process. Is it a
3 perfect process? No, statistically I can show you some

4 issues that need to be addressed, need to be looked at.
5 As we go through this next few days with the chance to
6 look at it, yes, I'm going to be looking at the new
7 proposed regulations with an eye on areas where
8 statistically I can pinpoint problems with the current
9 grants cycle.

10 And from just brief reading and looking up
11 there, I notice two issues. In fact, one was brought
12 up as the Consent Calendar. That's a major issue.
13 Another one deals with some of the restoration grant or
14 restoration criteria. So it's within these -- these
15 are critical, and I would encourage as we go through
16 this, and hopefully will not see a radical departure
17 from what the last grants cycle was for the criteria.
18 Is it perfect? No. Is it basically sound? Yes. Can
19 there be a little bit of tweaking? Yes, we would like
20 to see a little bit of tweaking, a few corrections,
21 minor corrections, in order to move the process forward
22 and keep it within a fair and equitable process for the
23 grant applicants.

24 VICE-CHAIR ANDERSON: Thank you. Next.

25 FRED WILEY: Fred Wiley with the Off-Road

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1 Business Association and also representing the
2 California Nevada Snowmobile Association. What we
3 would like to do at this point is support this parallel
4 process. We understand that it does make it a little
5 difficult in the time period to review them, but we
6 think this is a good way to keep the program on track

7 and on time. Thank you.

8 VICE-CHAIR ANDERSON: Next.

9 DON KLUSMAN: Don Klusman, California 4-Wheel
10 Drive Association. I too would like to reiterate that
11 we think this is the proper way to do this, to go after
12 another set of emergency regs, and then go through the
13 permanent process.

14 I applaud the efforts of the Division of asking
15 the public and working with the public on this process.
16 I think it not only helped them but helped the public
17 understand the process, and I hope that the Commission
18 will look at what has been done and not necessarily
19 chastise or belittle what has been done but give some
20 substantive comments to the Division to help make these
21 regulations agreeable to everybody. Thank you.

22 VICE-CHAIR ANDERSON: Next.

23 TODD JOHNS: Yes, I'm Todd Johns, the Plumas
24 County Sheriff's Office. I know it's a long day. I'll
25 try to make this quick.

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1 In regards to the emergency regulations, I would
2 like to see those go forward because I started this
3 grant process last year, and my grant was originally
4 approved on December the 8th, and I still have no money
5 on the ground in my county. An example of that is last
6 week I had a search and rescue call, a mutual aid from
7 another county, and we had no funds to send anybody to
8 that call. So we need to do something to get the money
9 on the ground quicker as far as that goes.

10 The second thing is that in reviewing the
11 developed criteria that was apparently adopted at the
12 December the 10th meeting, as far as law enforcement
13 goes, the way that I read this is as long as I patrol
14 wilderness areas and make sure nobody is trespassing in
15 the private property, I should be able to score a
16 hundred percent. But the thing is is that there's a
17 lot more to law enforcement than just those two things.

18 So what I would like to see is potentially or
19 possibly some guidance from the Commission on what they
20 really want to see. This is very general, and I see
21 preventing resource damage several times on here and
22 intrusion into wilderness several times, and there's a
23 lot more to a law enforcement program than just those
24 two things. So maybe the Commission could give some
25 type of guidance as to exactly what they want to see

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1 there.

2 I would like to support the Division in a
3 fill-in-the-blocks or check-the-box application type
4 format. I believe that's going to be a very cost
5 effective form in the long run, simply because there's
6 a lot of people out there -- my primary job is law
7 enforcement, not writing grants. It takes me about a
8 full two months to write a grant, even one as simple as
9 this may be. And I lose a lot of sleep over it, a lot
10 of time away from my family, and I have to support a
11 simpler grant process. And also I believe that will
12 help you folks when you're reviewing grants if you know

13 exactly where you're looking at something.

14 And also I see next year's grants -- this year's
15 grants application where they want maps and things like
16 that in there. I would suggest that if the maps and
17 things are going to stay the same for the a grant
18 cycle, like my maps this year will be no different than
19 last year, maybe just a box in there that if your maps
20 are the same, fill out this box, and you don't have to
21 submit a bunch of paperwork for that. So that's all I
22 have. Thank you.

23 COMMISSIONER THOMAS: You may end up with a
24 Ph.D. in report writing after becoming so good at
25 writing these applications, right? I mean your reports
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1 ought to look like novels?

2 TODD JOHNS: I don't have time to write reports
3 anymore.

4 COMMISSIONER THOMAS: I'll bet you get a lot of
5 convictions, though.

6 DAVE PICKETT: Dave Pickett, District 36,
7 Motorcycle Sports Committee. I too wish to mirror the
8 comments of Mr. Stewart and Mr. Klusman. While this
9 process is unique with the emergency regs and permanent
10 regs at the same time, I think the plan is good, it's
11 solid, it's moving forward. And as John had indicated,
12 the public's participation has been strong in this
13 draft. These thousand lines of regs of providing
14 clarity, while detailed, it answers a lot of questions
15 and members of the public understand the process

16 better. And I think it's a huge step moving forward.
17 I support and acknowledge Division's hard work in this
18 area. Thank you.

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

20 BRUCE BRAZIL: Bruce Brazil, California Enduro
21 Riders Association. And I was just wondering possibly
22 if the Division could comment. Most of what we've
23 heard on both of these regulations is just the fact of
24 the wording. I'm wondering if the format in which the
25 applicants are going to enter their grant information,
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1 if that has been standardized. As I understand, last
2 year they had quite a random way of entering
3 information or presenting it in their grants, which
4 held up the documentation process of the grants. Thank
5 you.

6 VICE-CHAIR ANDERSON: I trust the staff can
7 include the comments that you've received today. Okay.
8 Yes, Ms. Mick.

9 KATHLEEN MICK: Kathleen Mick, U.S. Forest
10 Service Trails Program Manager. I guess I have a
11 couple of questions. The first thing is that there are
12 regs out on the table, and I'm making an assumption
13 that those are now available on the website or will be
14 shortly in the next day or so given that there's a
15 two-week turn around for when the emergency package is
16 going to be submitted.

17 I thought I heard, but I'm not sure, so I'll ask
18 the question for clarification, that the emergency

19 regulations are not going to those that we're working
20 under now but are going to be something that's been
21 modified to show progress; is that true?

22 CHIEF JENKINS: That's right.

23 KATHLEEN MICK: Okay. So with that said, I
24 haven't had a chance to look at the new and latest
25 version and would just caution against any type of

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1 radical changes from this year because with the
2 compressed -- at least for the emergency regs because
3 with the compressed time frames, I believe that our
4 agency will have a hard time responding, particularly
5 given that we're looking at I think what appears to be
6 June for opening the process, and it looks to be
7 suggested for a filing date; is that true?

8 CHIEF JENKINS: The sixty days is what we set
9 aside.

10 KATHLEEN MICK: Because that is right in the
11 middle of our field season and right in the middle of
12 our fire season. And so that may be difficult for us
13 to -- I mean we're going to give it the old college
14 try, but it could be difficult for us to work within,
15 depending on what Mother Nature brings us, hopefully no
16 fires.

17 And then the other piece is, there doesn't
18 appear to be -- and I just flipped through it briefly,
19 so I may have missed something, so please correct me if
20 I'm wrong. But there are evaluation criteria for an
21 applicant to address within each of their projects.

22 And some of those we'll have to do further analysis
23 with some of our field units to see whether or not we
24 have the ability to address those within some of our
25 projects. So that's a concern I'd like to share with 239

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1 the Commission, given that there were a set of criteria
2 that were passed in December.

3 But the other piece of that is the criteria
4 that's used to evaluate the applications and what is
5 that criteria. In other words, we have the criteria
6 that an applicant addresses, but what are the things
7 within those criteria that the Division are -- the
8 Division folks are going to use in order to establish
9 scores. That's a piece of the transparency to the
10 process that I would like to see added so that we know
11 exactly what the Division's process is with the five
12 members that are going to look at the applications to
13 make their scoring determinations, particularly given
14 that there is a large number of folks at the Division
15 that are new; may have worked in OHV before, but I mean
16 you're getting used to, you know, a process and a
17 program, you're not going to have as much long-time
18 experience. And so I'd like to see that clearly
19 articulated as to what that process will be.

20 And then, you know, our desire, of course, is to
21 try and support as best we can making any tweaks to
22 these emergency regulations before they're submitted so
23 that our comments are taken into consideration, and we
24 don't have to -- we don't have to comment during any

25 type of open comment period.

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1 And I guess my next question would be what for
2 the emergency regs is the open comment period for those
3 that want to, and how is that notification going to
4 take place to the applicants?

5 COMMISSIONER THOMAS: Five days.

6 KATHLEEN MICK: It's the five day.

7 COMMISSIONER THOMAS: Five days, you just get
8 one shot.

9 VICE-CHAIR ANDERSON: Ms. Greene.

10 DEPUTY DIRECTOR GREENE: I think as I mentioned
11 earlier, what we're going to try and do -- and again
12 recognizing the tight time frame and, Kathleen, per
13 your comment, yes, they're going to go up on the web
14 and we certainly want to get that feedback. And so I
15 think if everybody will keep an eye on the website,
16 what we are trying to do next Thursday and Friday is to
17 have an open call-in number where anybody can call in
18 and provide your comments to us so that we can try and
19 work to address those, as the Forest Service just said,
20 to try to be able to address those before that five-day
21 comment period if it's at all possible. And so to look
22 at that.

23 One of the areas that was also raised just now,
24 which I think I addressed earlier, was recognizing that
25 we recognize that this past year the public was looking

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1 for some more information from the Division, and how
2 those determinations were made. And Commissioner
3 Anderson provided her paper as well suggesting that
4 perhaps we do it a certain way and provide that
5 information so that the public can understand. I think
6 that there will always be some questions about whether
7 or not if somebody scores a zero on one and somebody
8 else scores at a ten, does that mean that you have a
9 flawed process or does that mean that there is just an
10 inherent ability for somebody to read something one way
11 and think it one way or not.

12 But one of the areas that is of concern, and
13 I'll just be up front with that right now, is some of
14 the crosswalk that we have, and that is still something
15 that we're working out as we look at the criteria. And
16 as you said, how do we work within the criteria that
17 was provided by the Commission to try and address some
18 of the concerns. Because my concerns are that many of
19 the issues that were raised by the public and even some
20 of the members of the Commission, how do we address the
21 efficiency? How do we address past performance? How
22 do we address if there are in-lieu funds available, are
23 there matching grant funds available in some other
24 entity? All of those issues that come to play.

25 The concern I have is that that wasn't spelled
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1 out clearly in the criteria that were passed by the

2 Commission. And so as we continue to work to try and
3 provide that clarity to the grant applicants, because
4 obviously that is still an area that's a little bit
5 muddy as we go into this process.

6 KATHLEEN MICK: Just, Chair Anderson, one more
7 comment, if I could?

8 VICE-CHAIR ANDERSON: Yes.

9 KATHLEEN MICK: And just to go on the record, we
10 highly support the automated version of the PCD because
11 I think we were the worst offenders in terms of we know
12 how to do resource management, and I guess we are not
13 very good at math, so we will work on that. And should
14 that not come to bare, then perhaps there will be some
15 folks that can loan us some calculators.

16 VICE-CHAIR ANDERSON: I would only encourage all
17 those of you with the public that have these draft
18 documents in front of you, to please be as specific as
19 possible, keeping in mind the kind of difficulty we had
20 this morning with wordsmithing our way through shared
21 vision. We can understand the struggles that the staff
22 is going to come to when dealing with generic comments,
23 if you can keep your comments as specific as possible
24 and recommend, you know, can you find a word for this
25 or please add something in this location that would

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1 describe A, B, and C. I'm sure they would appreciate
2 information that's as specific as possible, rather
3 than, oh, this doesn't look very clear. That's never
4 very helpful when it comes time to fix things.

5 Anyone else?
6 COMMISSIONER WALDHEIM: Madam Chairman.
7 Ms. Greene, the criteria that you have out on
8 the table, is that the final version? There are no
9 other things looming around that that could change
10 again? I'm having a hard time figuring out what do I
11 react to, what I have in front of me or is there
12 something else going to come out. You said check the
13 website. I hate looking at the website because you
14 never know is this the old one, is this the new one, is
15 this the proposed one. You go crazy trying to figure
16 out what in the world are we dealing with. So do I
17 have the final record and that's the one we can make
18 comments on or is there something else out there?

19 DEPUTY DIRECTOR GREENE: I think, Aaron, did you
20 hear? We try, Commissioner Waldheim, when we do update
21 the web to make sure that there is a date so you can
22 see when that update was made.

23 In discussions with Commissioners to try and
24 understand how we move forward, I think as we talked
25 about a shared vision, as the rule-making authority, we
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1 could push forward with criteria as a basis and then
2 get input. But what we decided to do because the
3 Commission did move through with the criteria was that
4 we said we'll use that as a basis.

5 There are challenges within that criteria, I
6 believe, because I think it is particularly difficult
7 as I mentioned in the area of law enforcement. Right

8 now we really don't deal with issues of public safety
9 and the CVC, nor are there very many instances where
10 again we look back at the intent of the program, and I
11 think that we have to, as we discussed this morning,
12 how do we address some of those issues.

13 So I also am trying to be respectful of the
14 Commission who passed these criteria. I also
15 understand that I'm caught in a bit of a bind because
16 there is still a pending lawsuit, and the criteria are,
17 you know, part of that lawsuit. And so I have to be
18 careful as I navigate my way through this to try and
19 look at that criteria. And, yes, I could say, okay, as
20 the rule-making authority, I'm going to come out with
21 what I would think, based on everything I've heard from
22 everybody in this cycle and based on where we started
23 from last year, that here of criteria that I believe
24 are solid and which we could improve upon. But I also
25 don't want to -- I don't want to be disrespectful of

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1 the Commission who also passed criteria.
2 So I'm trying to, as Hal Thomas said, we all
3 have to take small steps. But I am worried about those
4 criteria, but I did put them in there currently in
5 chapter two, but I would like to work over the next --
6 you know, certainly we are going to be working over the
7 weekend to provide alternatives, and perhaps we can
8 have the discussion because there is concern that it
9 does not provide enough guidance to the grant
10 applicants about what it is they need to specifically

11 address.

12 COMMISSIONER WALDHEIM: Madam Chair, this is why
13 it's really driving me crazy. If the criteria that the
14 Commission, the absentee Commission over here passed, I
15 don't put much weight on it. If they passed something
16 that staff cannot work with, who are the ones
17 responsible for doing it, then I would say just change
18 it. I don't care. You are the one who has to
19 implement it. And if the Commission wants you to stand
20 upside-down, and you can't stand upside-down, for God's
21 sake I think you should just change it.

22 Now, what you're telling me, I'm going to have
23 to figure out what the Commission did, what cannot
24 work, what you feel you can't make work, I'm wasting my
25 time. Just give me the bottom line what it is that I

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1 need to make comments to. The last thing I want to do
2 is have you be hindered. You know what you need to do.
3 You are the one who is responsible to do it. And if
4 the Commission messed up, so be it, they messed up.
5 You're the one that has to make the decision, not us.

6 And please tell me here because I can spend the
7 next two or three days going over this for why, when
8 you already know what's not going to work. And I have
9 a hard time because I was not here when those things
10 passed or when they supposedly passed those things.
11 But let's be realistic. The Commission kind of gives
12 you ideas. They're not king. They are not the final
13 word; you are. You're the boss. You are the one who

14 has to implement the things. So with all respect, you
15 give us way, way too much credit. You're the one who
16 has to run the things, Ms. Greene, I would like to know
17 the bottom line what it is that I'm looking at so I
18 don't waste my time.

19 The other thing, Aaron, when you do update the
20 website, could you please, at least to me but I think
21 to the rest of the Commission, send us an e-mail with a
22 link, so all we have to do is go hit it and it comes
23 on. I was expecting a report on the Commission grants
24 the other day. It took me half an hour just to find
25 where those bloody things were. It just drove me

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1 crazy. I kept expecting something from the staff to
2 tell me what was done on the grants, and here it was on
3 the website. And somebody said, well, Ed, they're on
4 the website. I didn't know even where to look for them
5 on the website.

6 So if you guys are updating something for the
7 Commission to comment or look at, just send an e-mail,
8 have Mardi send us or Sandy send us an e-mail or Aaron
9 send us an e-mail, here is the website with the
10 changes, we just click it. Because when we go through
11 200 e-mails a day, I don't have time to fiddle around.
12 I never look at websites. I hate websites, and I never
13 look at them.

14 DEPUTY DIRECTOR GREENE: And I appreciate that,
15 Commissioner Waldheim. And that's what we tried to do
16 as soon as the LAO report came out when we sent you

17 that notification of that report, so we tried to see if
18 we can be proactive for the Commissioners to let them
19 know and similarly to why we put forward the binder
20 today to try to keep you updated on some of the
21 legislation.

22 CHIEF JENKINS: Just one point.

23 COMMISSIONER WALDHEIM: Could you please answer
24 me? Do I have to waste my time going through -- I'm
25 not going to waste my time going through criteria if

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1 you feel it doesn't work. Fix it. Fix it and give me
2 something I can react to.

3 CHIEF JENKINS: I hear you, Commissioner
4 Waldheim. Let me just say though about the criteria,
5 and I appreciate the point you were trying to make.
6 But at the end of the day on the grant cycle, it is the
7 Commission that makes that final judgment about how
8 well the grants applications have met the criteria.
9 And I think part of the difficulty that we all went
10 through in this cycle was trying to figure out how to
11 interpret those criteria when we came down to that
12 final allocation process.

13 And so that's why we felt, since that is
14 something that, you know, we do the preliminary, we do
15 the determinations, the funding determinations based on
16 how well we think that the applications have addressed
17 the criteria, but then after that process, it's back in
18 the hands of the Commission. And the Commission then,
19 based on public testimony and what they read in the

20 grant application and what they get from us is advice,
21 and our best advice on that makes those determinations.
22 So for us to try to take that criteria completely out
23 of the hands of the Commission just would be serving no
24 end.

25 COMMISSIONER WALDHEIM: Mr. Jenkins, I'm not 249

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1 saying for you to take it out of the hands of the
2 Commission. What I'm telling you is that if you feel
3 the Commission has erred in making some of it's -- you
4 can't implement it, then for Pete's sake correct it so
5 it can be implemented.

6 You're the one who has to implement it. Don't
7 try to fit -- how do you say it, fit the button to the
8 suit. I mean you buy the suit, and we'll get the
9 button. You are the last ones. We need to make sure
10 that you're comfortable because you're the first line
11 of defense. We just go and approve things. And if we
12 don't like what you came up with, we have to come up
13 with a justification for the determination. But the
14 bottom line is your responsibility is to make sure it
15 gets implemented. And I want to make sure that you got
16 the right tool to implement something that is sound,
17 that makes sense, that's within the law, and that
18 everybody can understand, so it's fair. That's what
19 I'm after. It's not this Commission is going to have
20 to deal with it. You're the one who deals with the
21 day-to-day operation.

22 COMMISSIONER THOMAS: All right. I've got a

23 questi on.

24 Where are the criteria? You said chapter two, I
25 don't see a chapter two. Within the regulations, I've
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1 been looking for the criteria. What article of the
2 criteria is chapter two?

3 CHIEF JENKINS: I think you're looking at the
4 regulations.

5 COMMISSIONER THOMAS: Regulations, adopt 2006.

6 CHIEF JENKINS: So the chapters one, two, and
7 three incorporated by reference as part of the package,
8 so the criteria are listed.

9 COMMISSIONER THOMAS: Where do you incorporate,
10 what section of the regulations do you incorporate
11 chapter two and three so I can see how it fits in here.

12 DEPUTY DIRECTOR GREENE: If you go into 4970.03.

13 COMMISSIONER THOMAS: Okay. Point 03.

14 DEPUTY DIRECTOR GREENE: It references there the
15 application. It references chapter two. It also
16 references again --

17 COMMISSIONER THOMAS: Which subsection of 03?

18 COUNSEL LaFRANCHI: 4970.03(A) references the
19 application instructions, which consists of chapter
20 one, two and three.

21 CHIEF JENKINS: So right there at the top where
22 it says:

23 "The Off-Highway Motor Vehicle
24 Recreation Division manual for grants
25 and cooperative agreements, and all

1 of its contents and subsequent
2 revisions submitted through the rule-
3 making process are hereby
4 incorporated by reference."

5 So that makes the whole package, the
6 regulations, chapters one, two, and three, one piece of
7 information. What we've tried to do is make it so that
8 you don't have to spend a lot of time going back and
9 forth and back and forth, and that's where when we were
10 mentioning the crosswalk they have to do, we try to
11 make it as straightforward as possible so that you
12 should be able to pick up the chapters, go through the
13 process; as long as you've read the regulations first,
14 you should be able to pick up those three chapters and
15 go through the process and fill out a good application.

16 COMMISSIONER THOMAS: Bye, Commissioner
17 Waldheim, thanks for your hard work today.

18 Am I then to understand if there was subsequent
19 changes to the content and revisions of the
20 instructions, then you would have changed the
21 regulations?

22 CHIEF JENKINS: In some cases there's specifics
23 in the regulations. So if you change one, you have to
24 make sure and go through and change reference in the
25 chapter. Other times it says -- like in the case of

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1 the criteria, the specific criteria are not mentioned
2 in the regulations. It says that you will answer the
3 criteria found in chapter two.

4 COMMISSIONER THOMAS: Where is that?

5 DEPUTY DIRECTOR GREENE: That's on page eight at
6 the top of the page, Item No. Seven:

7 "The project needs benefit
8 discussion that addresses the
9 evaluation requirements and the
10 criteria contained in application
11 instruction manual chapter two."

12 COMMISSIONER THOMAS: Why wouldn't you make the
13 chapter two as part of the regulation?

14 DEPUTY DIRECTOR GREENE: It is. It's
15 incorporated by reference so as you go through --

16 COMMISSIONER THOMAS: Well let me try this:
17 If the application instruction manual chapter
18 two said this is an apple on Monday, and then you
19 decided to change it and now you say this is an orange,
20 would the same regulation cover apples, oranges, and
21 pears, and everything else you decided to call within
22 the category?

23 DEPUTY DIRECTOR GREENE: No, you need to go
24 back. And that is why last year, if you'll recall, in
25 the regulations we actually had each of the needs

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1 description and the criteria were spelled out. In
2 speaking with OAL, what was suggested to us this year
3 was that because if we looked at the possibility of

4 yearly changes to the criteria, then it would make
5 better sense to simply reference them in the
6 regulations, and then able to spell them out in chapter
7 two. That way you were only -- you would go back and
8 change that which was required in chapter two.

9 COMMISSIONER THOMAS: Why wouldn't you just
10 identify criteria which will be adopted by the
11 Commission on an annual basis, something that puts the
12 criteria within our control?

13 DEPUTY DIRECTOR GREENE: Well, you would
14 recognize that the criteria, as in everything the
15 Commission does in this instance, would be that -- if
16 you look at it, would be that general possible
17 guidance. But we are looking at the criteria in trying
18 to say, yes, if you have a foundation of criteria --
19 and then depending on how the Commission feels year to
20 year, that may change, but it might not change so
21 radically. But, again, the intent, which is to provide
22 a clear process for the applicant --

23 COMMISSIONER THOMAS: We might make MacIntosh
24 apples in here, too, but the point I want to make is
25 that this is not -- if there is no certain set of rules

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1 year to year, the mere changing of the label in the
2 attachment changes the content. If this changes each
3 year, but it's still called application evaluations
4 system incorporated by reference, you can change the
5 entire program by merely changing the content chapter.
6 And rather than saying this chapter, which is now

7 adopted here is the rule in year one, and now it stays
8 the rule until it's changed in year two. We'll deal
9 with that later. I mean I'm not going to go on in
10 agony here, but I was just getting first shot. All
11 right. Thank you.

12 COUNSEL LaFRANCHI: I just would like to
13 piggyback that discussion that any changes to chapters
14 one, two, and three in subsequent years have to go back
15 through the administrative process and be republished
16 and reapproved through the Office of Administration Law
17 process.

18 VICE-CHAIR ANDERSON: Okay.

19 DEPUTY DIRECTOR GREENE: And that's part of what
20 we're looking at in the long-range planning would be
21 that the Commission would be able to identify some of
22 the changes they might like to see. Whether or not, as
23 counsel said, you would have to go through a 45-day
24 public comment or whether or not we could just do some
25 of the quick changes in a Form 100, but the goal would

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1 be to --

2 COMMISSIONER THOMAS: I'll put it in writing.

3 DEPUTY DIRECTOR GREENE: Okay.

4 VICE-CHAIR ANDERSON: Anyone else? I think
5 we're done. Thank you.

6 (Meeting adjourned at 4:45 p.m.)

7 --oOo--

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