

2007-09-20 OHV Commission Meeting

STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

REGULAR MEETING

Thursday, September 20th, 2007

9:01 a.m. to 4:04 p.m.

held at

McClellan Air Force Base

Commissioners Present: Anderson, Brissenden, McMillin,
and Willard.

Commissioners Absent: Spitler and Thomas.

Minutes by CHERYL L. KYLE, CSR No. 7014

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1 (Sacramento, California, September 20th, 2007)

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3 CHAIR BRISSENDEN: Good morning, I'd like to

4 welcome you to the September meeting of the California
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5 State Parks Off-Highway Vehicle Commission. I know
6 it's been a long time since we last met, and you
7 probably want to reacquaint yourself with all of your
8 friends out there, but we will have plenty of time to
9 do that later today. Thanks for joining us. Scribe is
10 ready, the staff is ready. Deputy Greene, you're still
11 scribbling. You're ready, Commissioners?

12 COMMISSIONER ANDERSON: Yes.

13 CHAIR BRISSENDEN: You have sound. Everyone is
14 here and ready. We will commence. Tom, do you want to
15 lead us in the Pledge of Allegiance?

16 (Pledged the Flag.)

17 CHAIR BRISSENDEN: And as I've done in the past,
18 a little different roll call, I want to introduce my
19 fellow commissioners. From San Diego we have Mark
20 McMillin second to my left; Gary Willard, just to his
21 left, is from Woodside most recently, gratefully; is
22 that true? And Judith Anderson is from Montrose,
23 California just outside Glendale; is that right?

24 COMMISSIONER ANDERSON: Right.

25 CHAIR BRISSENDEN: We're missing two. One is in ₂

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1 Croatia, and he gives his best. And the other is
2 expecting a baby, not soon, but sometime soon. He's
3 somewhere between Palo Alto and Bend. So I am from
4 Hope Valley, and we welcome you all.

5 If Deputy Director Greene could introduce your
6 chief and go from there. Chief, if you could introduce
7 your staff, that would be good.

8 DEPUTY DIRECTOR GREENE: Good morning,
9 Commissioners, members of the public, nice to see

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10 everybody here today. Chief Phil Jenkins.

11 CHIEF JENKINS: Good morning, thank you, it's
12 nice to be here this morning. So we're going to spend
13 a little bit more time describing some of the staff
14 later, but we have Tom Bernardo, our chief law
15 enforcement officer right now of the Law Enforcement
16 Division. And that was Joanna Parra, who just gave me
17 some paperwork.

18 CHAIR BRISSENDEN: Can we introduce the two of
19 you?

20 CHIEF JENKINS: Who is that? I want to welcome
21 particularly Allen Chancey who is here. He's our new
22 grants manager, and we'll give you more background on
23 Allen and his role and what he's been doing since he
24 arrived here in a bit. Bob Williamson is here from
25 Prairie City. He, of course, is quite involved in the

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1 local action that's going on. Sarah Cumber sitting
2 right over here. Sarah is one of our environmental
3 scientists at the Division. Over on the far table, of
4 course, we have Mardi Stallcop. Thank you, Mardi.
5 Vicki, of course, is there who is our assistant. And,
6 Aaron, is that you hiding over there? Yes, Aaron
7 Freitas. And Brad Torgan, chief counsel for the
8 department, is here as well, and, of course, Tim
9 LaFranchi to my right. I think that's all.

10 CHAIR BRISSENDEN: If you're on the payroll,
11 sing out. Okay. Thank you.

12 And I'd like to make a couple of adjustments to
13 the agenda. If the other Commissioners had suggestions
14 or changes, too, please, let me know. I think Deputy
15 Director Greene wanted to move.

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16 DEPUTY DIRECTOR GREENE: If I may suggest, Chair
17 Brissenden, under New Business, Item No. C, is related
18 to Item No. A and the legislative update on SB 742. So
19 if the Commission so desires that, it might be more
20 appropriate to move C into B. That is just a
21 suggestion.

22 CHAIR BRISSENDEN: Okay. We shall do that.

23 I would like to add a Commissioners' Report.

24 For any incidental items and meetings and ideas that

25 Commissioners have come up with in the last five or six
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1 months to add as the last item is the Commissioners'
2 Report.

3 Without further additions or changes.

4 COMMISSIONER ANDERSON: Where did you put that?

5 CHAIR BRISSENDEN: Right after the Rubicon. Do
6 I hear a motion for approval of the agenda?

7 COMMISSIONER ANDERSON: I'll move.

8 COMMISSIONER WILLARD: Second.

9 CHAIR BRISSENDEN: All those in favor?
10 (Commissioners simultaneously voted.)

11 CHAIR BRISSENDEN: Opposed? Motion carries.

12 And at this time I would like to just do a
13 little advisory, as I have in the past, and that is to
14 let the public know, staff know, and the Commission
15 know that we will be considering many items during this
16 meeting. And although we must use our time wisely, we
17 encourage your input on any item. If you wish to speak
18 to any agenda item, please fill out a blue card, which
19 I believe is in the outer room or Mardi might have
20 some.

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21 STAFF STALLCOP: The green cards are for agenda
22 items.

23 CHAIR BRISSENDEN: I'm sorry, blue cards for the
24 public forum. So if you wish to speak at the eleven
25 o'clock time frame, please fill out the blue card if

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1 it's not already on the agenda.

2 And there is one other ground rule that we have,
3 and that is that we treat everyone with respect and
4 that includes Commission members, Division staff,
5 anyone who testifies, and your fellow citizens. This
6 means no personal attacks and no violent, contentious,
7 or disruptive behavior.

8 So with that, we will go forward with the
9 approval of transcripts.

10 COMMISSIONER McMILLIN: I make a motion we
11 approve it.

12 CHAIR BRISSENDEN: It's been moved.

13 COMMISSIONER ANDERSON: I'll second.

14 CHAIR BRISSENDEN: Any comments? All those in
15 favor?

16 (Commissioners simultaneously voted.)

17 CHAIR BRISSENDEN: Opposed? Motion carries.

18 Under reports, Deputy Director Greene, do you
19 wish to go first?

20 DEPUTY DIRECTOR GREENE: Good morning,
21 Commission members. As Chair Brissenden did say, it's
22 been some time since we met last, so I thought I might
23 do a quick overview of some of the items and issues
24 that we have been dealing with over the past couple of
25 months.

6

1 Back in April, some of you will remember we had
2 extended invitations to members of the Commission, the
3 California Biodiversity Council met. This is a group
4 representing all the resource agencies within the
5 state. It's chaired by the Secretary of the Resource
6 Agency, Mike Crisman, and BLM State Director, Mike
7 Pool. And four times a year they meet and address
8 issues related to resources throughout the state.

9 They identified this year that they wanted to
10 have a meeting to address off-highway vehicle
11 recreation. And so working with State Parks and BLM
12 and the Forest Service and the counties, we identified
13 for the field trip that we would meet at Santa Clara
14 County Park at Metcalf Motorcycle Park and Hollister
15 Hills State Vehicle Recreation Area. I think it was a
16 great two days.

17 The public and members of the CBC had an
18 opportunity to really look at the recreation that's
19 provided and the resource protection that has been
20 done. Many different ideas were exchanged. And out of
21 that two-day meeting came the identification of
22 priorities. One priority was to try and assist Yolo
23 County, who is interested in creating an off-highway
24 vehicle park, assist them using some of the other
25 county parks throughout the state who have experience

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1 with OHV, as well as the state, and also in conjunction
2 with the BLM and Forest Service to develop a map which
3 would help members of the public understand where there

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4 are legal places are to ride, incorporating the ongoing
5 efforts of the Forest Service with the route
6 designation process. And so that is something that we
7 are working towards, as well, and we will be giving an
8 update to CBC at their next meeting.

9 The third week of May found us out at Prairie
10 City at the Hangtown event. Approximately 30,000
11 people were at that event, the largest outdoor sporting
12 event in Sacramento County. And so everybody was able
13 to enjoy a win by Ricky Carmichael on his way out for
14 the final race before his retirement. And so that is
15 the start of the Motocross series. It gets a lot of
16 press, ESPN, and I think what we also took away from
17 that event was the benefit of the partnerships that we
18 have created. And certainly, Bob Williamson, thanks to
19 you, as well, working with the sheriff and CHP. When
20 you have 30,000 people going out a two-lane road, it
21 can be somewhat problematic. So we've worked over the
22 years to try to make sure that traffic patterns flow
23 nicely, and I think we have succeeded in doing so.

24 As many people in this room are interested, just
25 last Monday, was the due date for the grant

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1 applications. While we're still in the midst of
2 counting those applications, thus far we have
3 approximately 150 projects totaling \$23 million worth
4 of request. We have \$18 million to allocate.

5 As you know, the dates have been changed for the
6 Commission meetings. This was due as a result of some
7 discussions that were going on with the Assembly Budget
8 Committee, as well as the Senate Budget Committee

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9 regarding the \$18 million which was approved in the
10 Governor's budget and through the budget process. But
11 when there was some question about the timing of those
12 funds getting appropriated, we were somewhat concerned
13 and didn't want grant applicants to be working on their
14 applications if we didn't know for sure that the
15 funding was going to be there, so we delayed the
16 process by a month.

17 September 17th was when the applications were
18 due to the Division. This will mean that we will then
19 move, working with Chairman Brissenden, to identify
20 December 6th, 7th, and 8th, and the afternoon of the
21 6th, the evening of the 6th, and then the 7th and 8th
22 as the next Commission meeting. I think we will be
23 able to make that occur.

24 There were a number of changes this year in the
25 grant process. I think that we've had good feedback

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1 overall. We worked with a new CD. There were a couple
2 of glitches, and I would like to thank everybody in the
3 room who endured some of those glitches, but I think
4 overall it's becoming a more streamlined process, which
5 is good for all of us.

6 CHAIR BRISSENDEN: Before you go on, that's a
7 \$17 million reduction in requests from last year.
8 Shall we have that discussion under grants a little
9 later in the meeting? Is that what you think that's
10 about?

11 DEPUTY DIRECTOR GREENE: Certainly. I think it
12 was actually last year approximately \$34 million.

13 CHAIR BRISSENDEN: I thought we had 40 plus.

14 DEPUTY DIRECTOR GREENE: I think when it all
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15 played out, but certainly we can have that discussion.

16 And then in terms of a positive thing within
17 that process, I would like just to take a moment to
18 acknowledge Allen Chancey -- Allen, if you would raise
19 your hand -- who is the new grants manager. Allen
20 headed up the Contracts Unit of California State Parks,
21 so he has a lot of experience with contracts and
22 certainly has that experience for us. He also worked
23 with CHP, so he has history with law enforcement and
24 how law enforcement works as well as in the contracting
25 unit on there. We are delighted to have Allen. As I

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1 said, he hit the ground running. He's now got a full
2 team and has moved forward with doing a number of site
3 visits since he arrived, which is something that
4 clearly we know that as a result of a lack of staff,
5 it's been difficult for us. But I think that we're now
6 moving forward.

7 And also, again, a thank you to the BLM and the
8 Forest Service for the ongoing work that we've been
9 doing with the audits. We continue to try and resolve
10 some of those outstanding issues and those outstanding
11 audits, and I think we are making a lot of progress.

12 Along with the contracts, one of the other
13 things we are quite pleased about is just this week we
14 held the interviews for identification of a contractor
15 to work with us on general plans. The top priority
16 would be the general plan process for the Freeman
17 acquisition, and working with Anza Borrego, Desert
18 State Park, and Ocotillo Wells as we move forward and
19 try to get that general plan identified. At Ocotillo

20 Wells we've seen just in the winter again an increased
21 use. This past year we had 1.9 million visitors to
22 that park. So the demand continues in that area.

23 And without taking too much more time, if there
24 are any questions, be happy to take those at this time.
25 But that gives a general overview of the work that

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1 we've been doing over the past few months.

2 CHAIR BRISSENDEN: Thank you. Commissioners, do
3 you have questions of Deputy Director Greene?

4 COMMISSIONER ANDERSON: Yes. Out of the Council
5 meeting, what happened? What does that group do
6 besides talk to each other?

7 DEPUTY DIRECTOR GREENE: One of the points is I
8 think it was the sharing of information that was the
9 most productive. And I will give an example actually,
10 which has been troublesome to us. At Oceana Dunes, we
11 had a fence down which was in a state of disrepair, and
12 we didn't want to have people going through that fence,
13 which is non-motorized on the other side. But in order
14 to repair the fence, we had to get approval from
15 different agencies, the county, Coastal Commission,
16 Fish and Wildlife, Fish and Game, and that process was
17 taking forever. As a result, the resources are
18 impacted, and that's not something as resource agencies
19 that we want to have occur.

20 And so through these discussions at CBC, we were
21 able to bring up issues such as this, and interestingly
22 enough, we found that right after that meeting people
23 came to us and said, you know what, we do need to work
24 on a faster timeline to be able to protect the
25 resources. So issues such as this can be helped

1 through a collaborative process when OHV recreation is
2 managed correctly through cooperation and
3 understanding, particularly at our State Parks where
4 we're protecting the resources, where all of us are
5 protecting the resources. I think that it was an
6 extremely valuable two-day time.

7 COMMISSIONER ANDERSON: Thank you. And then on
8 general plans, while I'm happy that you're moving
9 forward on the one for Freeman, there are a couple of
10 others that are pending that have been pending since
11 I've been on this Commission. And one of my first
12 trips was to a new acquisition. I don't think I've
13 seen the environmental document on that yet.

14 DEPUTY DIRECTOR GREENE: You haven't. And as we
15 reviewed that environmental document -- and I believe
16 you are speaking about Carnegie?

17 COMMISSIONER ANDERSON: Yes.

18 DEPUTY DIRECTOR GREENE: We had some issues at
19 Carnegie that we realized, so we slowed down.
20 Originally we were working on a general plan amendment,
21 but recognizing that perhaps looking at an overall new
22 general plan for the area might be more appropriate.
23 We also recognized before we move forward on an
24 acquisition, we needed to make sure the existing park
25 was in order.

1 Through Bob's leadership, we have been working
2 on this. There is a stream bed study that has been

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3 ongoing and is almost complete. That will give us the
4 data we would need for the general plan as we move
5 forward.

6 COMMISSIONER ANDERSON: And then one other
7 general question that you didn't express in your
8 comments, but I want to ask it anyway because I don't
9 know where else to put it on the agenda, which is I
10 recently, in attending a Sierra Club meeting, saw an
11 announcement of potential releases of radioactive
12 material very near Carnegie and Hollister from that
13 research area that's just to I think the north of
14 Carnegie.

15 DEPUTY DIRECTOR GREENE: Lawrence Livermore?

16 COMMISSIONER ANDERSON: Would you be in a
17 position to comment on such releases?

18 DEPUTY DIRECTOR GREENE: Not at this time,
19 Commissioner Anderson. But I'm certainly willing to
20 follow up with you after the meeting and with all of
21 the Commissioners.

22 COMMISSIONER ANDERSON: Given the information
23 obviously, and running it up through the various
24 department hoops, I'm not suggesting that you comment
25 at that point. I'm asking if given the appropriate

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1 time and research on the issue, you could comment on
2 such a matter?

3 DEPUTY DIRECTOR GREENE: Yes.

4 COMMISSIONER ANDERSON: I think that releases of
5 radioactive material around our OHV areas are not
6 something that I would look forward to.

7 DEPUTY DIRECTOR GREENE: I would be happy to do

8 so.

9 COMMISSIONER ANDERSON: Thank you. That's all I
10 have.

11 CHAIR BRISSENDEN: Okay. Thank you, Deputy
12 Director Greene.

13 Next on our list is the report from the Forest
14 Service, an update. Ms. Mick.

15 KATHLEEN MICK: Good morning.

16 COMMISSIONER McMILLIN: Wake us up, Ms. Mick.

17 KATHLEEN MICK: We'll see about that. I just
18 need a second to open my notes. Okay.

19 Well, good morning, it has been indeed a while
20 since we all got together. And we've been, at the
21 Forest Service, a little bit busy. And I'm Kathleen
22 Mick, the Regional Trails OHV and Route Designation
23 Program Lead, and also for the last several weeks have
24 been the Acting Director of Recreation. So I've been
25 personally a little bit busy. I'd like to welcome all
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1 of you back and say hello to the Commissioners, the OHV
2 Commission staff, and the members of the public that
3 chose to join us here today.

4 I'd like to start out first by saying that the
5 Forest Service provides its condolences to Deputy
6 Director Greene on the loss of her stepdad and all of
7 things that her family has been going through
8 personally with that loss. So the Forest Service sends
9 their condolences.

10 A couple of changes that we have in the midst,
11 you may have remembered I think at the last Commission
12 meeting we had Deputy Regional Forester, Tom Tidwell,
13 here with us, and he spent quite a bit of time. And

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14 since our last meeting, Tom is a rising, shining star
15 with the Forest Service, so he has departed our region
16 and has moved on to be the regional forester for Region
17 One, which is basically the Montana area. And I
18 personally wouldn't be surprised if someday you see Tom
19 Tidwell as the Chief of the Forest Service.

20 Tom has been replaced by Jim Pena, who is now
21 our current deputy regional forester that handles state
22 and private forestry which encompasses recreation,
23 timber, and fire. And Jim comes from the Plumas
24 National Forest, and I hope to get him here at the
25 meetings that we have later in the fall.

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1 And then another note is that our Regional
2 Forester Bernie Weingart is retiring at the end of this
3 month. Bernie is going to be moving to Colorado to
4 join his family, who has been living there for several
5 months now without him. And we will be very happy to
6 greet Randy Moore as our new regional forester. Randy
7 comes to us from Region Nine and has a long history in
8 recreation and also in particularly soil conservation
9 issues. He worked for a soil conservation service
10 before he came to the Forest Service early in his
11 career. He's also been heading the Forest Service
12 transformation project that's going on right now. You
13 may have heard about it a little bit in the news.

14 The Forest Service is undergoing a
15 transformation from the Washington office down to the
16 regional level. It won't affect the field units, which
17 would be the national forest and the supervisors'
18 offices, but for the Washington office and the regional

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19 office, they're doing a transformation, and they are
20 looking at perhaps some consolidation of some regions.
21 We're not quite sure what all that means yet, and we'll
22 know more by 2009 to 2010, but that's just a big change
23 for us, and we're not sure what that will mean. But at
24 any rate, we're looking forward to having Randy Moore
25 for a lot of reasons. As you well know, California is

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1 diverse, and so he will be our first African-American
2 regional forester for this state, which will be kind of
3 cool.

4 So moving on to some more specific things, I
5 believe you received a binder, and if you turn to the
6 Forest Service tab, there are some things that I'll go
7 over, but before I do, there's a couple of items I
8 wanted to highlight. Some of the Division staff is
9 familiar with a case that's been ongoing on the Lake
10 Tahoe Basin, and I was hoping Gary Barnett would be
11 here today to talk about it.

12 But there has been an ongoing court case where a
13 while back a gentleman was arrested for incursion into
14 a closed area with his snowmobile. And as the incident
15 unfolded, one of our employees was almost injured
16 because the guy tried to basically run him over. So
17 that case has been going on under the magistrate, and
18 we finally had a sentencing that occurred on
19 September 10th, and I believe -- Tom Bernardo might
20 help me on this one. I believe the gentleman was
21 actually sentenced to seven days in jail for his
22 actions. There was, I think, a total of nine counts,
23 and on those counts he was found guilty on four of
24 them. So that was a successful court case for us and

25 has been a result of the lot of collaboration between 18

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1 this Commission and the OHV Division in trying to step
2 up enforcement in wilderness areas, particularly in the
3 winter. So that was something that we were happy to
4 see that the magistrate finally upheld our rules and
5 regulations and didn't let someone off easy.

6 In terms of route designation, before I get into
7 the pieces of paper that you have in your binder, I
8 didn't have enough in the office to bring for everyone
9 here in the audience, but you can contact the
10 Los Padres National Forest. But as you know, we've
11 been doing route designation now since 2003. We do
12 have an MOI with the state and the Commission. And
13 midway through that process, the Forest Service came
14 out with a national rule that said that all of the
15 national forests in California and throughout the
16 United States had to designate routes for OHV use, and
17 the end product of that designation is something called
18 a Motor Vehicle Use Map.

19 And so we're very proud that the Los Padres for
20 three of their ranger districts has completed that. So
21 I have some copies of some maps here today if folks
22 want to look at them. I've got enough to at least give
23 to the Commissioners, and I'm happy to take names from
24 members of the public or Division staff who would like
25 a copy, and I'll make sure that I'll send those to you. 19

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1 Phil and Daphne, I think you guys already got yours.
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2 So these are here and they're pretty interesting, and I
3 think it would be good for members of the public to
4 look at those because it is what you will be seeing
5 when a forest finally achieves their designations.
6 That's the map that you will use that will be the legal
7 tool that we will do enforcement from.

8 We're also in the process, thanks to this
9 Commission and the Division, of working on a more
10 user-friendly map because that map is not meant to be
11 user friendly. It's meant to be a legal tool. So
12 we're working on a user-friendly map that will
13 hopefully incorporate some of the components of our
14 current OHV user guide maps. Folks might know, those
15 from the Mendocino, the Los Padres, some of the
16 Southern California forests, the Tahoe, et cetera,
17 those are little pocket maps that we can give to Don
18 Amador and Ed Waldheim, and they can use those to not
19 only find the roads and trails, but trail difficulty,
20 as well as educational and interpretive information.

21 So we're hoping to take the map that you have in
22 front of you and marry that to the maps that we've been
23 producing so that we get a map that can be used, A, for
24 legal compliance, but, B, to actually provide our
25 visitors with some useful information. And so we're

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1 working very hard on that and hope to have our first
2 generation of that map for the Los Padres and some of
3 the other forests by this spring. So we'll see how
4 that goes.

5 So in front of you in your tabbed portion for
6 the U.S. Forest Service, you have several things. The

7 first is a page that basically gives you by forest the
8 status of each of the forests for where they are in the
9 route designation process, and that was requested by
10 Chair of the Commission.

11 The next following, I think, two pages are the
12 results of the inventory status. And you'll notice on
13 the second page there is a caveat that says, "The
14 numbers contained in the spreadsheet are approximate.
15 As units move forward and clean up data, the numbers
16 are subject to change." We do know what we have in
17 terms of the unauthorized trail inventory. But in
18 terms of our system, our system is always morphing.
19 You have a timber sale, you build a road, you
20 decommission a road, it's always fluxing. Sometimes
21 folks don't get those numbers added into the database
22 in an expedient manner. And so the numbers are the
23 best information that we had at the time of the request
24 for this report. But you can watch those numbers
25 change a little bit as people start to move through

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1 their route designation process. And that's one of the
2 things that we're very happy about in this process is
3 that we're going to be able to get our roads house in
4 order, so to speak, because we have some roads that
5 we've accounted for and others that we haven't. And on
6 some forests we have a better accounting than others.

7 The next page is what we like to refer to as our
8 race sheet, and you'll see the little cars on there,
9 and that's the sheet that we use so that each of the
10 forest sups can look at that and see who's beating them
11 to the finish line of route designation in producing a
12 motor vehicle use map like you have before you. So it

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13 gives you a little bit of just an overview status of
14 some of the steps involved, and then there's some
15 asterisks by some of the forests that contain some
16 specific information. Because as you well know if
17 you've been following this process at all, a lot of the
18 forests are in different places.

19 And then when I conclude, Diana Craig would like
20 to address you and talk a little bit about the study
21 that you have. And I think -- Mardi, you brought some
22 of those, so we did give the Commission some copies of
23 the bound studies, so those are for members of the
24 public. I believe the Commissioners already had those
25 sent to you through your e-mail. You also have them in

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1 your binder. So, again, for members of the public, if
2 you don't get to pick up a copy of that report today
3 and you would like one that's bound, then let me know,
4 and I'll be happy to mail that to you. You can also
5 find the study on our website and download it or read
6 it from there.

7 COMMISSIONER McMILLIN: What study is that?

8 KATHLEEN MICK: It's the Effect of Off-Highway
9 Vehicle Use on the American Marten in California.

10 CHAIR BRISSENDEN: Mark, it's in the blue folder
11 that's underneath.

12 KATHLEEN MICK: Yes, with the little guy on the
13 front there. That was a study that was funded by this
14 Commission. It was scientific research. We're very
15 proud in the Forest Service that we have the ability to
16 come up with field projects, and then have a warehouse
17 of researchers that will take those on and do that

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18 research for us. We had a lot of collaboration with
19 the OHV Division over this study as well, and as well
20 as the user committee. So it was pretty cool.

21 CHAIR BRISSENDEN: Before we move off the route
22 designation --

23 KATHLEEN MICK: I was just -- don't worry.

24 So I think it was pretty neat because -- and
25 Diana will talk a little bit more about this, but we

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1 had members of the recreation community, the
2 environmental community, and Division staff out on --
3 throughout at least this study a couple of times. And
4 I think some of those Division folks have moved on by
5 now. But it was pretty cool to have them out and let
6 them experience life from the perspective of a research
7 scientist in working through some of the issues that we
8 have on the ground.

9 So with that, I guess I don't really need to
10 read to you what you already have in front of you and
11 have had for a couple of days, so I would prefer to
12 just open it up for questions that you might have
13 specifically on either route designation or anything
14 the Forest Service has going on.

15 CHAIR BRISSENDEN: Commissioners.

16 COMMISSIONER WILLARD: Well, I've been made
17 aware of a situation in the Tahoe Forest. I just
18 wanted to find out a little bit more about it.
19 Apparently there is a logging operation going on, and
20 the logger is using an OHV route. And apparently they
21 weren't supposed to be doing that per their contract.
22 They're actually using it to take logs out and, you
23 know, changing the nature of the trail.

24 KATHLEEN MICK: That's at Foresthill?

25 COMMISSIONER WILLARD: Yes.

24

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1 KATHLEEN MICK: I've talked to the ranger about
2 that, and I think Don Amador has as well.
3 Unfortunately, from what I know -- and I would prefer
4 to give you the district ranger's phone number and have
5 you speak directly with her or I'll have her call you.
6 But as I understand it from talking with her, we had a
7 little bit of an oversight from the Forest Service
8 where internally, surprise, surprise, we didn't talk to
9 each other. And so the timber hand didn't talk to the
10 recreation hand, and they let a contract. And part of
11 that was to utilize some of the OHV trails as skid
12 trails.

13 What I've asked the district ranger to do is to
14 avoid that situation in the future by having her staffs
15 talk to each other because it's very important that if
16 we do have a need to utilize any trail, whether it's a
17 motorized trail or hiking trail, for some other Forest
18 Service activity, that at the conclusion of that
19 activity, we do the best we can to put that trail back
20 into the condition it was before the activity and also
21 to protect the trail from that activity.

22 I can speak from personal experience from
23 working on the Mendocino where we had a similar
24 situation, but in the timber sale contract, we left a
25 buffer of trees along the trail that were no-take trees

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1 for the logging, and they also did skid across a couple
2 of trails, so we had them put the trail back to
3 condition when they were completed. So that's what we
4 typically strive to do.

5 Unfortunately, on the Tahoe, we didn't get quite
6 there. But I believe at the conclusion of the project,
7 they will, you know, make those trails whole to the
8 best of their ability. I'm confident of that.

9 COMMISSIONER WILLARD: So the logger is within
10 his right to use that trail?

11 KATHLEEN MICK: He is because, as I understand
12 it, it was part of the timber sale contract. It was an
13 oversight by our staff.

14 COMMISSIONER WILLARD: How much longer will that
15 situation go on?

16 KATHLEEN MICK: I don't know, but I can
17 certainly find out.

18 COMMISSIONER WILLARD: And at the end, the trail
19 will be put back into its original state? Was that
20 something the logger has to do, U.S. Forest or?

21 KATHLEEN MICK: My understanding is that they
22 will ask the logger to do that, in trying to work with
23 the logger.

24 My concern was that when I was first made aware
25 of the issue, that there was an expectation that we

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1 would try and get the new volunteer group that they are
2 trying to form up there to do that. And that didn't
3 sit well with me because I don't think that if we make
4 a mistake then -- I mean we should cherish our
5 volunteers, and we should take care of our

6 responsibilities. And there are a lot of things we can
7 have volunteers doing but having them rectify our
8 mistakes is probably not the best way to manage our
9 lands. So I think the district ranger is working
10 through a solution to get those trails fixed. But I
11 haven't checked on that issue recently, but I'm more
12 than happy to do that for you.

13 COMMISSIONER WILLARD: Okay. I would like to
14 see the trail put back in its original state when the
15 operation is down.

16 KATHLEEN MICK: As would I.

17 COMMISSIONER WILLARD: You're right, I think
18 that's something the U.S. Forest Service should take
19 on.

20 KATHLEEN MICK: Absolutely.

21 COMMISSIONER WILLARD: Thank you, Kathy.

22 CHAIR BRISSENDEN: Other questions and comments?
23 I have a couple.

24 How does the raceway relate to Dr. Farrington's
25 pyramid, and where are we within that five-year plan?

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1 KATHLEEN MICK: Unfortunately, on this copy, and
2 that's my oversight, we didn't -- on a previous copy
3 above going across, the information that's there, we
4 had the MOI timeline above that, and somehow we ended
5 up for this copy removing that.

6 But in terms of the Farringtonian pyramid, we
7 have made a couple of tweaks to it based on the fact
8 that, you know, we have this national rule, and that's
9 really now our guiding policy. And so, for instance,
10 step two orders, in some places, you know, the step two
11 orders were -- the pyramid was created for, here is our

12 strategy in general knowing that specifically you may
13 have some conditions where you have to tweak on the
14 ground to do management. The national rule is the
15 same. The national rule provides us a framework for
16 what we're doing in terms of policy, but it leaves the
17 local decision making to the forest units.

18 So, for instance, step two orders, we have a lot
19 of them completed, and I can probably rattle through a
20 list of those that are now in effect. Some of them are
21 forest wide, but we have found that on some forests
22 there wasn't a need to do a forest-wide order. And so
23 we thought it was prudent to save money and move that
24 money to a different step in the project. And so, for
25 instance, on the Six Rivers, they've got one area that

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1 they're having some issues, and they want to do the
2 order for that area, but they don't have the need to do
3 it for the whole entire forest, so why would we want to
4 spend the time and money to do it on the whole entire
5 forest when we don't need it. So those are the kind of
6 things we've been trying to do to be efficient and
7 effective.

8 But in terms of the overall pyramid itself, we
9 are still within the steps, because everybody was in a
10 different place. We're very staggered, but in terms of
11 the end product, end goal, we are still on track. Most
12 of the forests by the end of the calendar year of 2008
13 will not only have a final Environmental Impact
14 Statement, but they'll have a Record of Decision, and
15 they'll have one of those maps that you have before
16 you. The deputy regional foresters, previous and

17 current, are adamant to their forest supervisors about
18 keeping on track because the MOI schedule is not only a
19 commitment we've made to the OHV community, the
20 environmental community, the OHV Division and the
21 Commission, but it is also the schedule that's being
22 used by the chief for the completion of route
23 designation for our five. So we took that MOI timeline
24 and we rolled it right over to the chief's schedule.
25 Most of the units in the nation will complete route

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1 designation by 2010. But for California, most will be
2 completed by calendar year 2008, with the few
3 exceptions that we noted in the MOI, which will occur
4 in 2009, and that's primarily the Klamath and the
5 Shasta-Trinity.

6 CHAIR BRISSENDEN: So will the chief reimburse
7 the State of California for all this lead work?

8 KATHLEEN MICK: Likely not, but I can say that
9 at the end of the project, one of the things that I
10 wanted to do was to roll up the amount of money that
11 the Forest Service has spent, to dispel the myth, and
12 it is an urban myth, that the Forest Service has just
13 used the Trust Funds and that's the only thing that
14 we've used to get this project done, and that's just
15 simply not true.

16 CHAIR BRISSENDEN: It might be helpful for the
17 general public, as well as ourselves, to have an
18 analysis of it.

19 KATHLEEN MICK: Absolutely.

20 CHAIR BRISSENDEN: And in terms of the money
21 going to the Humboldt-Toiyabe, how much was designated
22 for that portion that's in California?

23 KATHLEEN MICK: We've been a little stingy with
24 the Humboldt-Toiyabe because they've only had two areas
25 that are in California, but we have held to our

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1 commitment, because those California lands are part of
2 the MOI. So I believe that this last installment that
3 we just got, the \$2 million, at the last Commission
4 allocation meeting, I believe we gave the
5 Humboldt-Toiyabe about \$70,000. You know, you take
6 \$2 million and you take 19 national forests, that's
7 about \$100,000 a forest when you're at \$1.9 million.
8 So it doesn't actually really go as far as people think
9 it does. And to produce an EIS costs anywhere from
10 \$500,000 to \$1.5 million. So I think people can do
11 that simple math in their head and see that although we
12 did receive a generous amount of money from the Trust
13 Fund and we have tried to be very judicious and
14 efficient in the use of that money, the Forest Service
15 contributed a significant amount to this project.

16 CHAIR BRISSENDEN: Thank you. There is another
17 question. Commissioner Anderson.

18 COMMISSIONER ANDERSON: Yes. In line with that,
19 I notice from this little horizontal chart --

20 KATHLEEN MICK: The one with the cars?

21 COMMISSIONER ANDERSON: Yes, the bar chart, with
22 the little cars, that the Angeles National Forest has
23 leap frogged from -- primarily, apparently because it
24 plans to make no changes from the existing system?

25 KATHLEEN MICK: That's correct.

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1 COMMISSIONER ANDERSON: Is that the only forest
2 where you expect that sort of thing to happen?

3 KATHLEEN MICK: No, it's not.

4 COMMISSIONER ANDERSON: Because obviously you're
5 going to save a whole lot of money. If you're not
6 proposing any changes, you are not going to do the same
7 kind of environmental documents, that won't cost the
8 same amount of money in the forest.

9 KATHLEEN MICK: You're absolutely right. To
10 answer you specifically, what the Angeles has done is
11 they've had a longstanding designated system, they've
12 had a longstanding forest order in place to keep --

13 COMMISSIONER ANDERSON: I understand that, and
14 I'm not disagreeing with that assessment of what
15 happened on the Angeles. I'm asking --

16 KATHLEEN MICK: Are you asking why they're doing
17 what they're doing?

18 COMMISSIONER ANDERSON: No. I'm asking how many
19 other forests might have a similar situation where we
20 can expect to see leap frogging. Because originally my
21 understanding was that it was the Eldorado that was out
22 in front of everybody else.

23 KATHLEEN MICK: Well, the forests that will be
24 leap frogging are again the Angeles, the Cleveland in
25 that the Cleveland is going to do something unique.

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1 They've got a longstanding forest order that's been in
2 place on the forest that keeps people from going off of
3 system roads and trails. They've got two areas on the
4 forest, Corral Canyon and Wildomar, and those are

5 covered under their new forest plan. So I believe in
6 Wildomar, even though they have trails in there, it's
7 actually an open area. So what they're going to do is
8 they're going to produce a motor vehicle use map that
9 matches what their system is now while they continue to
10 work on an EA just to take Wildomar from an open area
11 to having designated trails. They're going to add a
12 couple of trails. And so in the big scheme of things,
13 they're not taking on a forest-wide effort, it's
14 district specific. So they're going to do an EA, so
15 you will see them skyrocket past.

16 The San Bernardino, again, for anybody that's
17 familiar with Southern California knows, they've had a
18 longstanding OHV program and system of trails, much
19 like the Mendocino. They're planning on making just a
20 couple of tweaks, additions to that. So we'll see them
21 skyrocket past because they're also going to do an EA,
22 not an EIS.

23 And then the Los Padres, which you have three of
24 the maps in front of you, which means that for three of
25 the five districts, they are done.

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1 And then for Santa Lucia and Mount Pinos, they
2 are making some changes. They're not quite sure the
3 level of the changes. They're still doing their
4 mixed-use analysis, which is a safety analysis for the
5 use of roads. And so as they work through that,
6 they'll know whether they can just move through and
7 produce a motor vehicle use map or whether they'll have
8 to do an EA to contend with the changes they choose to
9 make on the road system. So, again, you'll see them go
10 scooting on by. And then after that everybody is in

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11 full blown -- having to do some form of full-blown NEPA
12 to finish.

13 COMMISSIONER ANDERSON: So really the money that
14 you have appropriated will not be needed by the full
15 list of equal distribution.

16 KATHLEEN MICK: It's not to say the Angeles
17 doesn't need it because they still have things under
18 the MOI.

19 COMMISSIONER ANDERSON: I understand, but their
20 demand --

21 KATHLEEN MICK: Their demand is lower, so
22 they've gotten less, that's right. If you want to, I
23 can show those figures to you.

24 COMMISSIONER ANDERSON: No.

25 (Simultaneously speaking, Reporter interrupted.)
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1 COMMISSIONER ANDERSON: It's really not an even
2 division.

3 KATHLEEN MICK: No, it's not, and it was never
4 intended to be. It was never intended that way.

5 COMMISSIONER ANDERSON: Okay.

6 KATHLEEN MICK: We're trying to get the money
7 where it's needed.

8 COMMISSIONER ANDERSON: I think that was my
9 question.

10 KATHLEEN MICK: The other forest --

11 COMMISSIONER ANDERSON: I guess I have one other
12 question. The final finish line, as it were, is the
13 forest orders?

14 KATHLEEN MICK: No, the final finish line is the
15 motor vehicle use map, the product that you have in

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16 front of you for the Los Padres.

17 COMMISSIONER ANDERSON: So at what point is the
18 forest order?

19 KATHLEEN MICK: That would be step two. And
20 what you have to realize is that not all of the steps
21 are one follows another. When you're walking, it would
22 be -- think of it more as two people are walking
23 parallel, and so sometimes one person walks faster than
24 the other. So as you're doing step two, you're not
25 stopping and waiting to finish step two before you

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1 start step three, they're concurrent. They're parallel
2 processes.

3 COMMISSIONER ANDERSON: Okay. Thank you.

4 KATHLEEN MICK: One thing, to answer your
5 previous question, is the Lake Tahoe Basin also has a
6 longstanding system in place, and so they are working
7 right now on their motor vehicle use map. And we
8 expect to have that out to the public by the end of our
9 fiscal year, which would be the end of the month of
10 September.

11 COMMISSIONER ANDERSON: Okay.

12 CHAIR BRISSENDEN: Commissioner Willard.

13 COMMISSIONER WILLARD: Yes, I haven't had the
14 chance to read through the Pine Marten study, I've sort
15 of skimmed through it. Why was it done? What was the
16 purpose for it?

17 KATHLEEN MICK: The Commission asked us to do
18 it, and the reason that the Commission asked us was
19 because several -- gosh, this is going back to what
20 year, Diana, 2002, 2003, something like that, there
21 were concerns over a couple of species. The OHV

22 community really wanted to see in terms of -- it was
23 kind of when there was a lot of ebb and flow with the
24 WHPPs. And so there are a couple of species that were
25 species of interest to not only the Commission but the

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1 OHV community. So, for instance, we also have another
2 scientific research project going on for spotted owl
3 that the OHV community has been heavily involved in
4 because, in the words of Don Amador, we want to see
5 real science on these decisions. And then whatever the
6 science says, we will accept, but we want to see the
7 science behind it. And so between the OHV community
8 and the Commission, they asked us to do those studies,
9 so we tried to find a way to get them done.

10 COMMISSIONER WILLARD: And so I just skimmed
11 through it again, but it looks like there is really no
12 impacts that were detected from the scope of these
13 studies due to off-highway motor vehicles, either
14 winter or summer.

15 KATHLEEN MICK: And Diana will talk a little bit
16 about the study and what we're doing to address the
17 findings.

18 COMMISSIONER WILLARD: You could have asked me
19 because I have some living on my neighborhood up the
20 street from me.

21 KATHLEEN MICK: Pine Marten? Are you feeding
22 them chicken?

23 COMMISSIONER WILLARD: No, we don't feed them.

24 KATHLEEN MICK: We did. We got pictures to show
25 you.

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1 The other thing I did want to point out, unless
2 there are others, and I'm happy to address more
3 questions is -- and I want to give my good friend at
4 the BLM his fair share here of time to speak.

5 CHAIR BRISSENDEN: Jim will have his time.

6 KATHLEEN MICK: I don't want to cut him short,
7 believe me.

8 In terms of route designation, I'm sure a lot of
9 you have heard about some of the things that may or may
10 not be going on on the Eldorado, and so I wanted to
11 give you a little update about the Eldorado
12 specifically. As many of you know, they were under a
13 court order to complete their Environmental Impact
14 Statement by this December. They came out with a Draft
15 EIS and had some public meetings that garnered a lot of
16 attention, and there was a lot of spirited dialogue at
17 those meeting, and it was really nice to see folks
18 interested in our processes come out in droves because
19 one of the things that we're going to do is try to
20 capture that enthusiasm and turn those folks into
21 volunteers, since they're very passionate about
22 recreation on Forest Service lands.

23 But based on a lot of the comment that the
24 Eldorado received from the public, they were able to
25 work with the plaintiffs and the interveners and ask

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1 the judge for a 90-day extension to their process.
2 They were granted that, and so what that meant was that
3 their final due date for the EIS will be in March of

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4 2008, and it also allowed the public 45 additional days
5 to comment on a document that for the laymen they were
6 having a little bit of trouble just digesting the
7 volume of material that was there. So that has
8 occurred, and the Eldorado is still working hard to
9 complete their document. And so you'll look for that
10 in March sometime.

11 CHAIR BRISSENDEN: Thank you. Any further
12 questions on route designation? So do you want to turn
13 this over to Diana?

14 KATHLEEN MICK: Yes, please.

15 DIANA CRAIG: Good morning, for those of you
16 that don't know me, I'm Diana Craig. I'm the regional
17 wildlife ecologist for the Forest Service in the
18 regional office in Vallejo. I work closely with Kathy,
19 and I have been working with her on the OHV program for
20 about five years now, I guess.

21 And as Kathy alluded to, probably in 2002, 2003,
22 because of questions that continued to come up from the
23 public, from the Commission, from the Division, and
24 ourselves regarding effects of OHV use on specific
25 species of concern, we initiated a partnership with our
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1 research branch and some other researchers, and the
2 Division and the Commission, to initiate four different
3 studies on the effects of OHVs on wildlife. This is
4 the first study that's been completed. The three
5 others, just so that you're aware, are ongoing, will be
6 finished up this next year. The report will -- I'll
7 probably be here about a year from now talking to you
8 about the Northern Goshawk study, which is a bird of
9 prey.

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10 The Northern Spotted Owl is a study that is
11 continuing and really do appreciate all of the support
12 we've gotten from the OHV user groups on that study.
13 That one still has one more field season to go. And in
14 partnership with the Commission and Division, although
15 they're looking at getting some additional funding to
16 continue the study outside through the National Science
17 Foundation, so that will be real exciting. But
18 regardless, at this time our partnership is done
19 through the Commission and Division, and we'll go ahead
20 and present a final report on that study.

21 And then the third study we call our vertebrate
22 assemblage study, and that was looking at a wide range
23 of vertebrate animal species, mammals, birds,
24 amphibians, and reptiles, in addition to habitat. And
25 the real focus of that study was a broad kind of

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1 diversity study, but also it looked particularly at the
2 prey species of the other three, the marten, the
3 goshawk and the spotted owl. So those are the four
4 studies that we've been working on.

5 And again, as I mentioned, the marten study was
6 the first one completed, and we issued -- the final
7 report, we sent it to, I think, Commissioner Brissenden
8 and the Division some months back. So I just wanted to
9 give an overview of what the study found, where we're
10 going with it, and an offer that if you're interested
11 in more detail, the meat of the study and a pretty
12 picture show, we can get the researcher, Dr. Bill
13 Zielinski, to come in. I'm sure he'd be happy to do
14 that.

15 So hopefully you all at least have in front you
16 the final report. Notice that this is a report that
17 Dr. Zielinski did for his final report for the funding
18 that we received from the Division and the Commission,
19 and that he is proceeding on scientifically publishing
20 the findings, as well. So when those publications are
21 available, we'll make sure you all get copies of that,
22 as well. Bill Zielinski is a researcher with the
23 National Forest Service science side -- we have a
24 research side, in addition to a management side. He
25 works out of the Redwood Sciences Lab up in Arcata, and
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1 he is probably, I'd say, internationally renowned for
2 his expertise on marten and fisher, which are
3 mustelidae weasel species of concerns throughout North
4 America. We were really happy and fortunate to get
5 Bill interested and able to work on this project.

6 I guess there's lots of details on how the
7 project was established in here. I just want to give
8 you kind of an overview of what basically Bill did.
9 Marten are difficult. Although you have them in your
10 backyard, they are not necessarily the easiest animals
11 to observe behaviors. The concern with regard to OHV
12 use is primarily disturbance to the animal. We are not
13 looking at necessarily habitat effects, because the
14 trails are there, the trails are where the trails are,
15 the habitat is what it is. So it's really the effect
16 of the noise and the presence of the vehicles
17 themselves on potential effects on the animal.

18 For bird species, you can actually observe the
19 bird. You can see them. You can watch how they react
20 to a disturbance factor. But for mammals, it's very,

21 very difficult. Martens are primarily nocturnal. We
22 can't necessarily find where they're denning, where
23 they're having their young. So in order to get really
24 detailed information to that kind of degree, you'd have
25 to radio collar them, and it's really expensive and

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1 your sample sizes are very, very low.

2 So what Bill Zielinski and his compatriots at
3 the Redwood Sciences Lab designed was a study that
4 looked at some very coarse filter approaches to marten.
5 And the assumption was that if you saw some sort of
6 difference or effect or potential effect at these
7 coarse levels, then you can go ahead and look with more
8 detail and spend more money to find out exactly what
9 was going on.

10 So he took two areas in two different sites. He
11 found an area where there was OHV use encouraged, trail
12 systems in place, and/or over-snow systems encouraged,
13 and a nearby area where there was not OHV or OSV use,
14 mostly wilderness areas. He compared. He found areas
15 that in size and in quality of habitat were very
16 similar. He did this in two different sites, one on
17 the Lake Tahoe Basin and one on the Sierra National
18 Forest in a more southern central Sierra Nevada, and
19 looked at three different factors throughout the year.
20 So he looked at all four seasons, and he looked at
21 whether marten occurred in these areas in a systematic
22 way, both where there was OHV use and where there was
23 not. He looked at circadian rhythms or daily
24 activities patterns, and he also looked at the sex
25 ratio, how many males to females there were.

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1 The assumption was that if OHV or OSV use had a
2 negative effect on martens, they would observe fewer
3 occupied sample, observe less occurrence in the use
4 area than the nonuse area, they'd observe greater
5 nocturnal activity in the use area versus the nonuse
6 area, and/or they would have seen fewer females in the
7 use area versus the nonuse area. So it's a very coarse
8 filter approach, but that's how he designed the study.

9 And as Mr. Willard alluded to, the findings
10 basically were that he did not find any differences in
11 any of those three factors between the use areas and
12 nonuse areas in either study sites. There are two
13 caveats to that. This is regarding the particular
14 level of OHV and OSV use that was occurring in these
15 sites, which was relatively low, but they did measure
16 that. And they measured that through two different
17 techniques. And that's one of the findings of the
18 study of recommendations is that we find some
19 standardized techniques to measure OSV and OHV use,
20 which he had difficulty. There is not a lot of
21 information out there on that. But they used actual
22 physical people observers, and we also have some
23 techniques that we developed in partnership with
24 Hubbs-Sea World and their research branch and Dr. Ann
25 Bowles down there, and using sound meters, kind of

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1 remote, sending a sound meter out there for a two-week
2 period of time and using that to tell us how much OSV

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and OHV use, using sound as a surrogate.

4 So the effects basically are kind of couched
5 between the type of use -- the amount of use that they
6 are seeing in these areas, and also that the fact that
7 these areas didn't have a lot of other potential
8 stressors that might cumulatively cause problems with
9 marten. For example, they didn't have a lot of timber
10 harvest going on.

11 So based on these findings, Kathy and I are in
12 the process of developing or putting together a group
13 of Forest Service employees from the management side
14 now, both wildlife biologists and also OHV managers, to
15 sit down and look at these studies and develop some
16 findings on how the forests can actually use this
17 information day to day both on their day-to-day
18 management and also in route designation. We're going
19 to be doing that next month in October, and so we'll
20 have some findings come out of that. And we decided to
21 do that route.

22 Scientists are very leery about giving really
23 concrete management implications without a lot of
24 caveats, and that's understandable because their
25 findings are very much dependent on what their study

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1 specifics are. But for managers, we need to use the
2 best scientific information there is available, and
3 this is the best scientific information available.

4 You'll notice in the very beginning of the
5 study, an introduction that there are no other studies
6 on OHV or OSV effects on marten that have ever been
7 done. So this is pretty much the study that we have.

8 COMMISSIONER McMILLIN: I have a question then.
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9 If it shows that it doesn't stress these guys out, then
10 why restudy the study?

11 DIANA CRAIG: It would be really just
12 specifically -- and, again, there's the two caveats
13 that the scientists put in the study because this is
14 what he found based on his study sites. His study
15 sites had a particular type of use. So in areas where
16 there was higher use, there could potentially be an
17 issue. And the other thing is they didn't have a lot
18 of other management activities going on that could
19 cumulatively have a problem, so we want to make sure
20 that we have using the study in a scientifically valid
21 manner so that we are not challenged.

22 So, for example, one thing that I could at the
23 top of my head come up with as a management
24 recommendation based on these studies is that in most
25 cases, you probably wouldn't need to worry about

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1 marten. If you do have an area where it was high OHV
2 use, you had a lot of timber sales activities going on,
3 or a lot of other management going on, and you had
4 high-quality marten habitat that you really wanted to
5 manage martens for, you might be a little more cautious
6 about allowing the use there. Or he had a
7 recommendation here about making sure that there's a
8 nonuse area, like a wilderness area adjacent to it. So
9 there are those types of things we want to make sure
10 that people are using it correctly and we don't get
11 challenged.

12 So we don't expect this to be a big effort, a
13 lot of days. It's just one day we are going to sit

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14 down and have these people that know on-the-ground
15 management, that are knowledgeable in on-the-ground
16 management for OHV and wildlife, and sit down and make
17 sure that we have those recommendations so that they
18 can be fed into the route designation process.

19 COMMISSIONER McMILLIN: Did the grants process
20 pay for these forest studies?

21 DIANA CRAIG: Yes, in partnership. We did have
22 contributing funds.

23 COMMISSIONER WILLARD: How much total was the
24 cost of the study?

25 DIANA CRAIG: I knew you were going to ask that.

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1 You know, I'd have to get back to you because the four
2 studies were combined. Each year they were jointly
3 funded, so I need to see the breakdown.

4 COMMISSIONER WILLARD: Another question, is
5 there any relevance to any other similar species?

6 DIANA CRAIG: It's possible that some of the
7 information in here could be used for -- probably the
8 only other species would be fisher, although I'd be --
9 we'd have to be careful on fisher because it's very
10 limited. In fact, fisher, if we had the choice to
11 study one versus the other, fisher would have been
12 probably the one that would be studied, but we can't.
13 There is very few of them. They're in one, maybe two
14 forests, so you couldn't get a sample size that would
15 make sense.

16 COMMISSIONER WILLARD: Why even be concerned
17 with fishers when there's hardly any of them, and
18 they're in an area that doesn't get OHV use?

19 DIANA CRAIG: And that's probably where it's not
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20 necessary.

21 CHAIR BRISSENDEN: Any other questions?

22 Commissioner Anderson.

23 COMMISSIONER ANDERSON: Could you elaborate on
24 the remark that you made about standardizing vehicle
25 use?

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1 DIANA CRAIG: When all four of our studies
2 started --

3 COMMISSIONER ANDERSON: I missed it in scanning
4 through and reading this.

5 DIANA CRAIG: The researchers all wanted to
6 measure the wildlife, whatever they were going to
7 measure with regard to wildlife and OHV use because
8 that is really the link between using this, the
9 findings of this study.

10 COMMISSIONER ANDERSON: I understand.

11 DIANA CRAIG: And they could not find any
12 standardized protocol to track OHV use. So they
13 actually created their own. And all four studies used
14 similar things. They used visual encounter survey
15 tests where you're walking a certain distance and you
16 track how many you see in a certain time frame or a
17 different effort. And then they worked with Dr. Bowles
18 on using sound as a surrogate for use. They can
19 actually detect by the signature of the sound wave what
20 is causing that sound, whether it be an aircraft or OHV
21 vehicle or a person.

22 So all four studies had to develop that
23 themselves, and we can use those kinds of technology.
24 But the trick, I think, or the challenge is going to

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25 be, it would be helpful to have that kind of data for 49

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1 every OHV-use area, or at least where there are ones
2 where there might be wildlife concerns, and that is the
3 difficulty because it is not standardized at this time.

4 COMMISSIONER ANDERSON: So the remaining
5 difficulties as a result of this study is that the
6 vehicle use was relatively low in the study areas?

7 DIANA CRAIG: Their characterization was that it
8 was about -- you would see one OHV vehicle about every
9 two hours in average over a week period of time, and
10 that only about 20 percent of the home range of the
11 marten was probably receiving OHV use. So those were
12 kind of the two.

13 COMMISSIONER ANDERSON: So it's really not valid
14 to extrapolate this to higher use areas?

15 DIANA CRAIG: I think you need to be careful,
16 and that's what we want this group to kind of sit down
17 and think about. It's one of the biggest, probably the
18 biggest considerations that we want, is how can this be
19 extrapolated. If there is higher use, you probably
20 need to be a little more cautious on how you
21 extrapolate.

22 COMMISSIONER WILLARD: There were two study
23 areas, and one was a very low-use, almost
24 semi-wilderness but with OHV legal in the area, and
25 then the other one was in Tahoe, which was a full

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1 winter, summer with lots of activities from the way I

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understand from reading it.

3 DIANA CRAIG: Right. So it's just a matter of
4 comparing that kind of use to other areas and being
5 able to link the other area with this study area and
6 the study findings.

7 COMMISSIONER ANDERSON: Thank you. It's very
8 interesting. It's hard to read. I appreciate your
9 narrative. Even having taught advanced placement
10 statistics, I find going back and trying to reread
11 this, it's a struggle.

12 DIANA CRAIG: Sorry.

13 COMMISSIONER ANDERSON: No, that's why I
14 appreciate your narrative. The statistical language
15 that comes out of a report like this makes it very
16 hard. They chunk in all of these numbers, DFP -- I
17 don't know what those mean.

18 DIANA CRAIG: It slows you down, though.

19 COMMISSIONER ANDERSON: Thank you.

20 CHAIR BRISSENDEN: Thank you. I just have one
21 clarifying question. The dates of the other reports
22 coming forward?

23 DIANA CRAIG: Right now the vertebrate
24 assemblage study is in the process of being analyzed,
25 so we should expect a report out, I would say, in the

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1 next six months or so. Because of the lateness of the
2 last grant cycle, they wanted another year of study
3 time but that wasn't going to happen.

4 The goshawk study is just finishing up their
5 last year of fieldwork so probably within a year,
6 definitely by not this coming December, but next
7 December we'll have a study for them.

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8 And the Northern Spotted Owl Study was the one
9 that started kind of the latest in its rebound to
10 format. They're going to have a full year of fieldwork
11 next year. So it would probably be another two years
12 before we see a study report from them.

13 CHAIR BRISSENDEN: Thank you. I've been
14 reminded by our Scribe, Cheryl, if you're having side
15 conversations to please have them outside as it gets in
16 the way of her being able to take notes.

17 So moving along, Jim Keeler and the BLM, please.

18 JIM KEELER: Jim Keeler, BLM California State
19 Office. Mr. Chairman and fellow Commissioners, Deputy
20 Director Greene, and the OHMRV staff and members of the
21 public, I really appreciate the opportunity to address
22 the Commission. It's been almost a year, so if I sound
23 a little bit rusty, it's because I probably am, since
24 we've actually had a full Commission report
25 opportunity.

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1 I've included a written report that is available
2 in the Commission binder, and there's also copies of it
3 available for the public. Since most of the items
4 speak for themselves, I'm going to pick a couple of
5 highlights to discuss at this forum but will be happy
6 to entertain questions on any of it that you care to
7 ask.

8 First thing I want to do, though, is introduce
9 my new boss. Tom Pogacnik is the newly-appointed
10 Assistant Deputy State Director for Resources in Lands.
11 I don't know if you remember Tony Danna is the
12 director. Tom is a new assistant. What that means for

13 me is that I can grab him quick and get some additional
14 management support involved in my program. So I really
15 appreciate the opportunity. Tom has worked in the next
16 cubicle over from me for quite a while. He was the
17 wild horse and burro lead for the state. So he and I,
18 between us, would share controversies back and forth
19 across the cubicles that for some reasons we both have
20 programs that are highly, emotionally-charged people
21 activities.

22 CHAIR BRISSENDEN: Welcome, Tom. You look so
23 refined for a wild and burro guy.

24 JIM KEELER: Tom is here today anyhow learning
25 the ropes about the OHV program, if that's the right

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1 thing to say about a horse guy.

2 The program reports across the state are pretty
3 comprehensive and mostly self-explanatory. I've handed
4 out a copy of the 2006 and '07 accomplishment report.
5 I did not have enough copies for the public, but I
6 would be happy to obtain one for anybody that wants
7 them. They're also available on the web. So what I'll
8 do is leave a sheet over here, you can sign up, and
9 I'll either send you a copy and/or add a web link to
10 get a copy if you want to see that.

11 Last year, seven crews -- this is not included
12 in the report. This came in after the report did for
13 me. Last year, seven crews from SCA worked in four BLM
14 field offices doing restoration, site monitoring, fence
15 construction and maintenance, and some other projects
16 to help BLM manage OHV use in the California desert.
17 During the '06 and '07 season, the crews worked over
18 56,000 hours, restored 941 sites, which is a total of

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19 58 miles. They collected more than 24 tons of trash.
20 They constructed almost six miles of fence and
21 maintained another 77 miles, and they monitored 1827
22 previously restored sites for the restoration program.
23 The SCA participation in BLM's restoration program in
24 the California desert has been made possible because of
25 the Commission's interest, and we truly appreciate the

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1 support we've gotten.

2 Second item I think I'm going to cover today,
3 and there's a funny little map that is available for
4 the public and for you guys. The last two pages of the
5 report discuss some of the actions we've been taking
6 down on the Colorado River Corridor. And in
7 researching this, I learned stuff that very few people
8 even at BLM know much about. What this map shows is
9 the 200-miles or so of the Colorado River Corridor from
10 about Needles down to the California border -- or the
11 Mexican border, and the land back in the '20s was
12 jointly managed by BLM and the Bureau of Reclamation.
13 But when they gave it to California or BLM, for some
14 reason they decided to move the management line inside
15 of California so that Arizona offices are managing
16 lands in California. It's a total of about 95,000
17 acres.

18 And the area is strategically -- it's a hugely
19 important area because of the water resources that the
20 Colorado provides, the power that the Colorado
21 provides, but it's also important in an ecological
22 sense because it's a flyway and a series of riparian
23 areas all the way up through the Colorado Basin. So

24 it's very important for birds and some other species as
25 a flyway and as habitat. And it's also important

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1 culturally because it's been such an important human
2 occupancy and travel zone. So there's sensitive
3 resources on both sides of the river.

4 To show you on this map, the purple line is
5 actually the California Desert District, so everything
6 that's between the purple line the river is managed by
7 the Arizona offices. Now, to recognize this or to deal
8 with the fact that sometimes it's hard to work across
9 jurisdictional boundaries, about a year ago we started
10 monthly discussions with all of the field offices on
11 our side of the river and the Arizona side and the two
12 state offices, and these have begun to grow now into
13 some more joint law enforcement projects, joint OHV
14 management projects to protect the kind of resources we
15 have out there and to improve the program so that it's
16 more seamless on both sides of the river so the common
17 pool of visitors doesn't detect a difference in
18 management philosophy or styles.

19 In the past we have asked for grants for Yuma
20 and for Lake Havasu. At this point in this year's
21 grants cycle we decided it was easier administratively
22 to keep the money on the California side but to have
23 agreements so that Arizona staff can work on California
24 lands with California funding through Palm Springs,
25 Needles or El Centro Field Offices.

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1 So that's the formal part of my discussion, and
2 I'm ready to take questions.

3 CHAIR BRISSENDEN: Commissioners.

4 COMMISSIONER ANDERSON: There is only one
5 resource area in Arizona, right?

6 JIM KEELER: No, it's actually two, and then a
7 tiny fraction of the third.

8 COMMISSIONER ANDERSON: Where?

9 JIM KEELER: My GIS doesn't show the Arizona
10 side, but there's an office in Yuma that goes up to
11 about I-10. There's an office at Lake Havasu that goes
12 up just about to the point where the Colorado goes up
13 into Nevada or Northern Arizona I guess. And then the
14 third one is the Kingman office that actually manages
15 it here. Where Highway 40 is, the stuff about where
16 it's marked as Needles, is actually Kingman.

17 COMMISSIONER ANDERSON: So north of Needles is
18 Kingman?

19 JIM KEELER: On the Arizona side.

20 COMMISSIONER ANDERSON: I was under the
21 impression that was all run by Yuma. I guess the Yuma
22 people told me, oh, we've got all of the river, but
23 they don't really.

24 JIM KEELER: They don't. And now in a
25 reorganization, the constant government reorganization

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1 that goes on, we are going back from a two-tier
2 organization that used to have state offices and field
3 offices, now we're back to districts again. And the
4 Colorado District, the district office is actually in
5 Lake Havasu, and it does manage Yuma, Lake Havasu and
6 Kingman. So now it's a district office again.

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7 COMMISSIONER ANDERSON: Thank you.

8 CHAIR BRISSENDEN: Any other questions or
9 comments? I want to thank both the federal agencies
10 and representatives for being here today, and I know
11 it's been a long time, but it's very good to have the
12 information beforehand, so that's helpful. Thank you.

13 Commissioner Anderson.

14 COMMISSIONER ANDERSON: You're not yet meeting
15 with the Fish and Wildlife Service?

16 JIM KEELER: We haven't made that jump yet.
17 That's a good suggestion. It's one we will do, but we
18 found so many issues just -- we've mostly started on
19 some of the cultural stuff in the backside of the Palm
20 Springs, the Blyth, the Tallyhos and some of that
21 stuff.

22 COMMISSIONER ANDERSON: It occurs to me that,
23 you know, there's the Desert Managers Group where all
24 the different agencies, at least in the desert, the
25 military and BLM and so forth get together, that you

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1 might set up something like the River Managers Group
2 that would pull together all of the agencies that are
3 running up and down the river.

4 JIM KEELER: At the moment what we wanted to
5 focus on was just the off-highway vehicle and related
6 activities.

7 COMMISSIONER ANDERSON: I understand that that's
8 your primary concern. There are certainly areas along
9 the river where there are high-use levels that need
10 management.

11 JIM KEELER: Our hope is that we set a good

12 example for some of the other management groups to get
13 together in the same way, that that river corridor is a
14 common ecosystem on both sides of the river, social as
15 well as environmental ecosystems. Your point is well
16 taken, and I think it's being noticed that we're doing
17 this. So I think we're going to have some rub-off
18 effects on everybody else.

19 CHAIR BRISSENDEN: Any others?

20 COMMISSIONER McMILLIN: What's the North Baja
21 Pipeline?

22 JIM KEELER: The North Baja Pipeline, let's see,
23 which office is that in?

24 COMMISSIONER ANDERSON: Yuma Field Office.

25 JIM KEELER: Yuma Field Office. I don't know.

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1 Quite frankly, I'll have to -- I'm not sure on that.

2 CHAIR BRISSENDEN: You want to know where it is,
3 right, Mark, so you don't run over it?

4 COMMISSIONER McMILLIN: I was curious what's the
5 pipeline. I think it's natural gas.

6 JIM KEELER: Probably so.

7 COMMISSIONER McMILLIN: Going to the Wilton,
8 Arizona.

9 JIM KEELER: You know more than I.

10 COMMISSIONER McMILLIN: That's just a guess.

11 JIM KEELER: Would you like me to research that
12 and get back to you on that?

13 COMMISSIONER McMILLIN: If you could, yes.

14 CHAIR BRISSENDEN: Okay.

15 COMMISSIONER McMILLIN: One more question, call
16 on my personal thing, the all American Canal is being
17 relocated and concrete lined. The BLM is weighing in

18 on that heavily, I would imagine. And are you guys out
19 monitoring that?

20 JIM KEELER: Yes. And in the El Centro report
21 also during the weekdays right now, because of the work
22 they are doing right near the Imperial Sand Dunes.

23 COMMISSIONER McMILLIN: Huge project.

24 JIM KEELER: The Herman Snyder Bridge is being
25 closed during the weekdays, and then we have to do some
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1 work around once the new canal or the lining is down.

2 COMMISSIONER McMILLIN: Do you have any idea
3 what the status is of the holding pond at the old Brock
4 Research Center; is that moving forward?

5 JIM KEELER: I can find out again.

6 COMMISSIONER McMILLIN: I'm curious about that.
7 They're going to hold some bazillion acre feet of water
8 there. I don't know if that is moving forward.

9 JIM KEELER: If you can remember during the
10 break, if you can get me an e-mail, I will do both of
11 these and call you back.

12 CHAIR BRISSENDEN: Any further questions,
13 comments? Thank you, Jim.

14 I'm going to look to the scribe, do you need a
15 break or can we get to about another 20 minutes? Okay.

16 Moving on to Unfinished Business, Item A is the
17 Desert Riparian Policy Update. Deputy Director Greene.

18 DEPUTY DIRECTOR GREENE: I'm going to turn it
19 over to Rick LeFlore.

20 CHAIR BRISSENDEN: Thank you, Rick.

21 SUPERINTENDENT LeFLORE: This is Rick LeFlore.
22 I'm a superintendent from Environmental Sciences for

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23 the Division. I want to give you basically a recap and
24 an update of where we are right now with the Desert
25 Riparian Policy. In December 2005, the Commission

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1 adopted its Desert Riparian Policy. As you know, the
2 policy raised numerous implementation issues for us,
3 which included a revamp of grant instructions, the need
4 to engage Office of Administrative Law processes, and
5 also the need to further define just what desert
6 riparian is.

7 At the Division request, TRA Environmental
8 Services Sciences, Incorporated prepared a technical
9 report in August of 2006 to provide Division staff a
10 review of possible definitions of desert riparians.
11 And as you recall, earlier this year in March we had a
12 field trip out into the Palm Springs, Coachella Valley
13 area that I think was very informative.

14 We had a follow-up draft TRA in May of 2007 that
15 proposed specific vegetation communities from the
16 Manual of California Vegetation, known as the MCV, as
17 meeting the definition of desert riparian habitat under
18 Commission policy. August 22nd, 2007, representatives
19 from the Division, TRA, and the U.S. Bureau of Land
20 Management visited six sites on or near BLM desert
21 lands in Southern California. The six sites were
22 adjacent to the north and southeast borders of the San
23 Bernardino National Forest. The purpose of the trip
24 was to visit various sites with an aquatic component to
25 further evaluate what desert riparian looks like on the

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1 ground and to refine the proposed definition of desert
2 riparian habitat for policy implementation.

3 What we have produced out of that is a draft
4 document that actually is a report on our findings, our
5 application of the classification scheme, and we're now
6 undergoing a peer review with BLM scientists on that
7 document. Our intent now is to take that product and
8 actually convene back with the two subcommittee members
9 for desert riparian and actually see if we can calendar
10 a field visit to the Lower Colorado River area in mid
11 October. So what we'll do then is we'll take our
12 findings, hopefully we'll have a very informed
13 discussion and a site view and that will enable us to
14 come back to the Commission, we would anticipate this
15 to be in December, with actually some staff
16 recommendations for your consideration. That concludes
17 my recap and update on desert riparian.

18 CHAIR BRISSENDEN: Thank you.

19 Refresh my memory, who is on that subcommittee?

20 SUPERINTENDENT LeFLORE: That would be Gary and
21 Judith.

22 COMMISSIONER McMILLIN: No, it's myself.
23 Reviewing my notes yesterday and then on the way up
24 this morning, Hal Thomas and I were assigned as
25 subcommittee members. That was --

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1 COMMISSIONER ANDERSON: I think that's correct.

2 COMMISSIONER McMILLIN: It's in the minutes, but
3 I've had no contact with staff and have not been
4 contacted by staff since being appointed to that
5 position. So I'd be curious to see the draft list of
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6 vegetations and the draft document that you're
7 reviewing with the BLM, and then to get back to us.
8 You said you were going to try to schedule a field
9 trip. You've just got to keep us in the loop. I
10 didn't know that this was even going on, to be honest
11 with you.

12 SUPERINTENDENT LeFLORE: We've been providing
13 periodic updates to the Commission, in addition to
14 having the Commission tour in March. And as kind of a
15 reveal here, it does involve quite a bit of staff work
16 because of the scientific nature of it, but that, in
17 fact, is our intent, to engage the subcommittee with
18 our next step.

19 COMMISSIONER McMILLIN: Since our March field
20 trip in the desert of Palm Springs, I haven't received
21 anything.

22 SUPERINTENDENT LeFLORE: That is correct. This
23 has been basically a staff exercise at this point.

24 DEPUTY DIRECTOR GREENE: Commissioner McMillin,
25 as we had indicated at that meeting, at that point once
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1 we had gone out with everybody just to at least provide
2 an overall understanding. But we recognize, and I
3 think the direction by Commissioner Thomas was quite
4 helpful at that meeting, but that the BLM and State
5 Parks had a lot of -- as Rick LeFlore just said, we had
6 a lot of work to do ourselves on the ground in order to
7 provide you the information. And that was clearly
8 evident when we were out on the ground in March. So I
9 think now that they've been out on the ground, been
10 able to look at a number of areas, and gotten the good

11 minds together, now they're at a place in time where we
12 can now reach back out to you with that information and
13 get you out on the ground and be able to look at it.

14 CHAIR BRISSENDEN: If I could just ask staff for
15 Commissioner McMillin and Thomas, when do you think you
16 might be back to try to set up those --

17 SUPERINTENDENT LeFLORE: We would anticipate to
18 come back in front of the Commission in December.

19 CHAIR BRISSENDEN: But you were planning a field
20 train in the Lower Colorado.

21 SUPERINTENDENT LeFLORE: We're looking at mid
22 October depending on individual calendars.

23 CHAIR BRISSENDEN: Would Commissioners that are
24 on the subcommittee be involved in that?

25 SUPERINTENDENT LeFLORE: Yes, that's the intent.
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1 CHAIR BRISSENDEN: Okay. Thank you. Questions
2 or comments?

3 Item B, Strategic Plan Update, I think I have
4 Mr. McMillin once again, thank you for all of your
5 efforts here, and Judith Anderson as the subcommittee,
6 and staff to that is Ed Navarro, I believe.

7 CHIEF JENKINS: Thank you. Let me begin by
8 giving an update of kind of where we've been and where
9 we're going because I know that the strategic plan is a
10 somewhat complex process that we can lose track of from
11 time to time because there's a lot of in between work
12 that's been going on.

13 So in very brief outline form, the Division had
14 put together -- and I know there was work with the
15 Commission back in 2004. As a matter of fact, in the
16 last few weeks, I have been reviewing a lot of

17 materials from 2004, and there was some great stuff in
18 there. There were some public processes done in
19 looking for direction and whatnot. And as I was
20 looking through the format of what we planned to do
21 coming up, it is very similar to what was accomplished
22 back in 2004. So it will be interesting to check our
23 results and see how they match up with the thoughts and
24 feelings the community and the Commission had back
25 then.

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1 The Division had put together a strategic plan
2 that was very good; however, during the audits, the
3 Bureau of State Audits, the audit that was performed on
4 the Division, they pointed out that they wanted the
5 strategic plan to follow the Department of Finance
6 format and guidelines for strategic plans. So that's
7 why we embarked on this current effort that we're
8 engaged in to redo the strategic plan, bring it up to
9 the standard formats. Department of Finance is
10 concerned that any new big ventures that we engage in
11 as a Division, with the support of the community and
12 the direction of the Commission and advice from the
13 Commission, would relate back to that strategic plan,
14 so we just don't decide that this year let's do this or
15 let's do that. It needs to have some overall format.
16 We need to work with the community. We need to make
17 sure that everybody has a say in how we move forward.
18 So that's the broad framework for the strategic plan.

19 What we have done currently on this strategic
20 plan, of course, we began by developing the overall
21 timeline. And I know there has been some frustration

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22 expressed about changes to the timeline as we moved
23 forward, and I just apologize upfront for that.
24 There's been a number of issues that came up, and we've
25 had to stage that timeline back a few times, but I

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1 think in the end we're hoping to get a very quality
2 product out of this, and perhaps it's best to do it
3 right than do it fast sometimes; although I do
4 recognize that we need to move this forward.

5 We have developed that timeline, and we're
6 moving forward with it right now. We've drafted the
7 vision statements. I think in a moment we'll be
8 discussing the vision statement here that's proposed,
9 because we have an alternative version on it, and we
10 would like to have some discussion, of course, I
11 believe amongst the Commissioners about the pros and
12 cons of those two versions; developed a lot of key
13 assumptions; and went out back in I believe it was
14 April. In April, we went out and had a northern and a
15 southern meeting with the public, invited the public to
16 attend; unfortunately, it wasn't quite as well attended
17 as we had hoped. But the ones that did attend had some
18 very good input. I know that Commissioner McMillin and
19 Mr. Navarro and myself were all in Southern California
20 at that particular meeting. And while the group was
21 perhaps around 20, 25 people or less, there was some
22 very good debate, comment. There was well-rounded
23 representation from kind of all sides of the issue.

24 We took that information from that north and
25 south meeting, and put those things together and have

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1 been working with staff to come up and test our key
2 assumptions about this plan. We will then put that
3 information together, and we are hoping to move forward
4 with a statewide summit. At the summit we could bring
5 everybody together and really do some focused work on
6 where the community wants this program to go in the
7 future and what is our collective desire to implement
8 that vision. We will record the results so that we can
9 then take that information and go back as a Division
10 and develop action plans where we actually have
11 deliverables. People will know where we are going, why
12 we're going there, how we plan to accomplish it, and we
13 can track those things. So that's for the overall
14 timeline of where we've been and where we're going.

15 In your package you'll see also then the vision
16 statement, which we have had in front of the Commission
17 the past. You can see the proposed vision statement in
18 paragraph form there. And Commissioner Anderson had
19 proposed perhaps it might be a little wordy, a little
20 hard to understand in the paragraph form and so had
21 submitted this other kind of bulletized version of it.
22 And so we are considering those two things, looking for
23 pros and cons. At that point, I think I'll turn it
24 back to you for discussion or questions. Of course, Ed
25 Navarro is here to help. He's been working very

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1 closely on this project all along, and he'll help me
2 answer any questions you might have.

3 CHAIR BRISSENDEN: Thank you. Commissioner
4 Anderson.

5 COMMISSIONER ANDERSON: Yes, before we start --
6 and I presume you're going to collect some public input
7 on this -- the most significant modification that I
8 might make to this, since I prepared this draft and
9 Mark looked at it, was a request to incorporate
10 education into this someplace. And I think that that
11 may be a good idea. I'm torn as to where it might go,
12 whether to put it under the grants program, in which
13 case you could slide it in one of two points in the
14 last bullet where it might be incorporated under best
15 management practices, although that specifically
16 addresses only the SVRA areas. So that's the only
17 comments that I would make on this.

18 I guess I wanted to reduce what I think is
19 probably the truth, but I don't have any proof for,
20 which was the opening comment in the old proposed
21 vision that we're affirming our place as a recognized
22 leader. Yes, maybe. But if somebody can offer me some
23 documentation that somebody actually has placed us as
24 the leader, other than our anointing ourselves as the
25 leader. I thought it was inappropriate to start there,⁷⁰

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1 and so that's the most significant deletion I think.

2 CHAIR BRISSENDEN: Okay. Commissioner Willard.

3 COMMISSIONER WILLARD: I think the bullet point
4 is a better way of presenting the information. I think
5 it's much more user friendly, much more readable.
6 There are two words, though, that seem to have been
7 left out that I think are important, and I think they
8 would belong in the first bullet. And if you go up to,
9 I believe, the fourth sentence:

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"The OHMRV program will pursue
11 recreational opportunities which are
12 improved in quality and quantity to
13 meet the changing and growing
14 interest of OHV enthusiasts."

15 So the first bullet, improve recreation
16 opportunities to meet the changing and growing
17 interests in OHV enthusiasts, it's the same statement
18 but without the quality and quantity, which I think are
19 important. So I suggest we add those two words back
20 into that. And then I think education is important,
21 and I would suggest that we put that in amongst some of
22 the other items in the last bullet between care and
23 restoration or after restoration. It seems to fit
24 nicely right in there.

25 CHAIR BRISSENDEN: Commissioner McMillin, any 71

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1 thoughts? And I'll go to the public comments. Mardi,
2 if you could bring the cards up for this item? I
3 realize I skipped over the riparian, but nobody jumped
4 up and said wait a minute, so, Don, I'm looking at you
5 since you said "all" on that card.

6 DON KLUSMAN: Mr. Chairman, are we going to do
7 public comments here?

8 COMMISSIONER McMILLIN: We'll do public comment
9 here again? I was just curious. If we're going to
10 have this summit, it feels like we're rehashing.

11 CHAIR BRISSENDEN: It looks like there are going
12 to be a number of opportunities for the public to
13 comment -- but I didn't want to let this day go by, and
14 as Jim Keeler, I'm a little rusty in this process, as
15 well. But certainly weigh in at this point.

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16 COMMISSIONER McMILLIN: As far as the vision
17 statement, I agree with the additions of Judith and
18 Gary, but I've agreed with the last two or three. I'm
19 more not pleased with the process, and Phil has
20 apologized, but we've lost about 16 months from when I
21 first got involved in this. And I want to thank all of
22 the people that were involved with some of the phone
23 calls that Judith and I had, and staff recommendations
24 that that was going to be a lot of public comment, and
25 then we had some of the meetings in San Diego that I

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1 attended, Judith attended another one in Northern
2 California, and now we're getting ready to have a
3 summit with, Phil just said, near a hundred people.
4 I've heard 25, I've heard 70, and I choke at 70 and a
5 hundred. I don't know how we'll ever get this
6 accomplished, but I'm not going to go back through the
7 timeline, but I just wonder if we're going to even meet
8 the latest schedule, especially if we attempt to
9 convene a hundred people in October, I believe we're
10 trying to do that.

11 CHIEF JENKINS: Remember on the phone call we
12 discussed November, all the dates that we had set
13 aside?

14 COMMISSIONER McMILLIN: I just don't know how
15 we're going to accomplish this, so that's my bigger
16 concern. We can wordsmith this thing all day long.
17 Both of them are great. So I don't have any comments
18 other than that.

19 CHAIR BRISSENDEN: I'll move and see. We had
20 two passes out there, so I'll just quickly go through

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21 the ones who've said "everything". No one addressed
22 this one specifically.

23 So there's Amy Granat, you wanted to comment on
24 the strategic plan or the process of the strategic
25 plan? Please come to the dais, if you can, or podium,
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1 I should say, and introduce yourself and your friend.

2 AMY GRANAT: My name is Amy Granat, and I'm with
3 CORVA, California Off-Road Vehicle Association, as well
4 as being a member of some of the other organizations
5 that are here, and I have a very brief statement about
6 the proposed vision statement for the OHV.

7 In light of my permanent disability and many
8 other people of various disabilities or
9 differently-abled people in the State of California, I
10 would like the OHV community, and especially the OHV
11 Commission, to recognize that OHV is used. I would
12 like a sentence in there, something like promote OHV
13 enthusiasts of all abilities, of all ages, so it's
14 recognized that this is a sport that is used by very,
15 very many different people for many different uses.

16 CHAIR BRISSENDEN: Thank you.

17 AMY GRANAT: You're welcome.

18 COMMISSIONER ANDERSON: Abilities and what?

19 AMY GRANAT: And ages, to recognize that there
20 are a lot of children involved and a lot of old people.

21 COMMISSIONER ANDERSON: That's fine. I just
22 didn't catch it. Thank you.

23 CHAIR BRISSENDEN: And Don Amador passed. John
24 Stewart, followed by Ed Waldheim.

25 JOHN STEWART: Good morning, Commissioners, John
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1 Stewart, California Association of 4-Wheel Drive Clubs.
2 I have to concur with Mark, the Commissioner Mark
3 McMillin's comment. This process has been dragging out
4 for a long time. I would like to see this process move
5 forward as quickly as possible. And we could sit here
6 and wordsmith or we could get a big group, summit group
7 together and wordsmith it, but are we really making
8 process?

9 You can actually go back to the enabling
10 language of 5290, Public Resource Code 5290, and look
11 at the reason the OHV Commission and Division were
12 established, to provide and promote recreational
13 opportunities in California. That is a good solid
14 vision statement to work forward to, and let's not
15 complicate it, let's not wordsmith it, let's just get
16 this thing done because we need to have some planning
17 effort and we need to move forward. Thank you.

18 CHAIR BRISSENDEN: Thank you. Ed.

19 ED WALDHEIM: Ed Waldheim for CORVA. Delightful
20 to be here after all of these months. I'm surprised
21 everybody remembers why we are even here. We are the
22 off-highway vehicle recreation program in the State of
23 California. You are commissioners here in charge of
24 helping us provide off-highway vehicle recreation. We
25 keep forgetting that, totally forgetting it.

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1 You have to have trails maintained so the public
2 can recreate and feel in their own comfort zone, as my
3 friend told me the other day, he turned around -- and
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4 I've shared that with Mark and Judy -- he left, and he
5 says, I'm going home, I'm out of my comfort zone. Why?
6 Because the trails were junk, totally junk.

7 So up in the top portion when you talk about
8 leader, I agree with you. We're not the leaders
9 anymore. We've lost our way. Several years ago we've
10 lost our way in the United States as far as being
11 leaders.

12 The "Excellent customer and public service
13 exemplified by the provision of the quality off-highway
14 motor vehicle recreation facilities and experiences,"
15 you get a failure for that, total failure. Everything
16 starts, as I've told you for years, starts in the trail
17 maintenance. If you have no trail maintenance,
18 everything falls apart. If you have good trail
19 maintenance, everything falls in line. The resources
20 will be protected, the people don't go off the trail,
21 they are happy, they feel in their comfort zone. So
22 some place in this top bullet, we need to get to what
23 we are here about, off-road vehicle recreation
24 opportunities, trail maintenance, good trail systems so
25 the public enjoys.

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1 So let's call it what it is, not mince with
2 words, put a little glorified picture around it. We
3 want trail experience, regardless of what you are
4 riding, that could go for bicycles, it could go for
5 hiking, it could go for any sport that we have in the
6 State of California. You have to have good opportunity
7 for people to enjoy. So just change that and the words
8 of -- say what it is, trail experience, snowmobile

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9 experience, off-road experience, racing experience.
10 That's what we want to put in there. And the rest is
11 all feel good kind of stuff, which we all have to agree
12 anyway. But I agree, let's get this done. Thank you.

13 CHAIR BRISSENDEN: Thank you.

14 Don Klusman, you passed a moment ago. You're
15 still passing. Thank you. Bruce Brazil, pass. Kathy
16 Mick.

17 KATHLEEN MICK: Kathleen Mick, U.S. Forest
18 Service. A couple of things on the strategic plan,
19 one, having worked in this program for a really long
20 time and having come from a field unit that at least in
21 the Forest Service was known as a leader in providing
22 OHV recreation in the north part of the state, I would
23 have to say, based on my knowledge at least of working
24 with other Forest Service units and other states in the
25 country, that California has slipped a little bit, and

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1 I think we need to now look, all of us collectively,
2 and figure out how we're going to rectify that. And I
3 think the Division isn't the only one that has that
4 burden to bear. There's two other little tiny agencies
5 in the state that may have some things to say about
6 OHV, and that's the federal government, but I'm just
7 here to speak about the Forest Service, and I'll leave
8 the BLM to Jim Keeler's good words.

9 But I think that it's very important to keep the
10 federal agencies involved in the strategic planning
11 process. To this point, the Division has had us at the
12 table, but I think Phil and Ed will agree that it's
13 been a little bit disheartening to see this project
14 kind of fire up and stall and fire up and stall. No

15 fingers pointed out all, it's just sort of been a
16 victim of part of what's been going on collectively.

17 But I do know that we did work with the
18 Division. We put in a lot of good work, and I just
19 don't want to see that good work lost but rather built
20 upon. So I just wanted to make sure that at least for
21 the record that it's known that the Forest Service is
22 still interested in participating in the strategic
23 plan. I believe that our recreation director, for
24 today that's me, is very committed to supporting the
25 effort and making staff available, you know, not just

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1 myself and other OHV staff, but our regional recreation
2 planner and other folks, to help the Division bring
3 this home so they don't feel like they're having to tow
4 the rock themselves. Because I don't think that that's
5 really a fair burden to place on them, particularly
6 given the size of the land share that the federal
7 agencies, in particular the Forest Service, have in
8 this state. So again we're ready and poised to help
9 you, just let us know how we can do that. Thank you.

10 CHAIR BRISSENDEN: Thank you. Those are the
11 only cards on this subject, unless somebody else wishes
12 to weigh in. Any other comments from Commissioners?

13 COMMISSIONER ANDERSON: I'm going to move this.

14 CHAIR BRISSENDEN: I don't have yours addressing
15 this particular subject, but you can speak.

16 KAREN SCHAMBACH: I left it blank because I
17 might want to speak on everything. Karen Schambach,
18 Center for Sierra Nevada Conservation. And I made some
19 comments early on in this process that the vision

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statement should be forward looking and, you know, like
21 to what does this program aspire. And so I also find
22 it kind of self aggrandizing to say, "affirm its place
23 as a recognized leader" because I don't know that
24 that's true. But I think you could say something to
25 the effect of: We'll strive.

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1 And I agree with Kathy Mick that you can't lead
2 the other agencies that are providing most of the
3 recreation, the OHV recreation in the state out of
4 this. You know, so I would say something to the effect
5 that we'll strive, you know, with our federal partners
6 to become a leader in providing OHV recreation in an
7 environmentally sound way. And, again, I don't want to
8 drag this out either, but I do think that it does
9 need -- since it's a vision, it needs to be forward
10 looking, it needs to be accurate. Thanks.

11 CHAIR BRISSENDEN: Thank you. Sorry for over
12 looking that. I think you're "all" on blue, not on
13 green.

14 So Commissioner Anderson, you were going to?

15 COMMISSIONER ANDERSON: I'm going to move the
16 revised one, and I'm going to read it as I'm revising
17 it, okay?

18 CHAIR BRISSENDEN: Revised vision statement, is
19 that what you're saying?

20 COMMISSIONER ANDERSON: Yes.

21 The California Off-Highway Motor Vehicle
22 Recreation Program will continue to, bullet one,
23 improve the quality and quantity of recreational
24 opportunities to meet the changing and growing
25 interests of all OHV enthusiasts; bullet, promote

1 responsible care of California's natural and cultural
2 resources; bullet, adopt best management practices in
3 State Vehicular Recreation Areas and promote them in
4 other areas; bullet, offer grants to programs that
5 support opportunities, care, restoration, education and
6 management and develop responsible stewardship to
7 promote its vision of developing a safe and sustainable
8 statewide program.

9 That's my motion. The addition of the word
10 "all" in the first bullet is intended to broaden the
11 scope as reflected by the recent speaker and --

12 CHAIR BRISSENDEN: Commissioner Anderson, before
13 you move into discussion, do we have a second?

14 COMMISSIONER WILLARD: I'll second.

15 CHAIR BRISSENDEN: Okay. It's been moved and
16 seconded, now under discussion.

17 COMMISSIONER ANDERSON: That's the reason for
18 that later addition. Ms. Schambach, to address the
19 other areas that provide recreational -- off-road
20 vehicle recreational opportunities, it's certainly
21 implicit in all of them. And in the third bullet where
22 we speak specifically of the State Vehicular Recreation
23 Areas, adopting the best management practices is the
24 only thing that this Commission can actually attempt to
25 enforce within SVRAs. And it is our intent to promote

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1 best management practices in all of the areas to which
2 we give grants and hence promote them in other areas is

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3 intended to address BLM and Forest Service and some
4 other county facilities and anything else that might
5 come along where there is opportunities provided.

6 CHAIR BRISSENDEN: So other comments or
7 suggestions?

8 I will weigh in on a couple of things. I think
9 what you were trying to say under that third bullet is
10 that: Under any best management practices, education
11 comes first. I didn't hear that actually stated.

12 COMMISSIONER ANDERSON: That is certainly my
13 intent, yes.

14 CHAIR BRISSENDEN: The only other overall
15 comment I would make is that vision statements usually
16 you want to be able to memorize and restate when you
17 run into somebody on the street, but this would be a
18 little difficult. But to further the strategic plan
19 process and move it along, I would support this.

20 So all those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR BRISSENDEN: Opposed? Motion carries.
23 Thank you.

24 We have need to take a break for the scribe and
25 for perhaps other functions, so let's be back at about

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1 five after to do public forum.

2 If those of you have not filled out a blue card
3 want to speak to anything not on the agenda, please do
4 so at the break.

5 (Break taken in proceedings.)

6 CHAIR BRISSENDEN: We will go to public forum,
7 and Don Amador is first because "all". I presume

8 you'll shorten your "all" to five minutes or less.

9 Next up, Del Albright.

10 DON AMADOR: Don Amador with Blue Ribbon
11 Coalition. Want to welcome the Commission back. I
12 cannot believe it's been a year, but if that's what
13 people are saying, I'll take their word for it. I
14 don't think it's been a year.

15 McMILLIN: March.

16 DON AMADOR: Okay. Maybe it seemed like a year.

17 One thing we heard about route designation, one
18 of our concerns -- of course, Blue Ribbon has been
19 supporting the effort to designate roads, trails and
20 areas. But one of our concerns has been that we hope
21 that some forests don't use it as a tool to close
22 system roads and trails. The original concept was to
23 address illegal cross-country travel, not to be used as
24 a tool to close up to half of your system roads and
25 trails. So we continue to share a concern about that.

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1 Also the dispersed camping and parking, some
2 forests have taken a rather draconian view of parking
3 off trail and off-road, particularly for hunting and
4 stuff like that.

5 And also just to let you know, there was a court
6 decision yesterday in federal district court that
7 acquitted a trail user for parking off trail. He had
8 contested that citation and was acquitted yesterday in
9 federal district court. So encourage federal agents as
10 they're enforcing these maps to carefully document
11 their citations and be careful in that venue.

12 And as well, too, Blue Ribbon is also concerned
13 about some of the arbitrary timelines in the MOU that's

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14 often cited as sort of the Ten Commandments handed down
15 from Mount Sinai. We don't believe that it has near
16 that amount of authority, but we do support a concept
17 of the timelines; ask that the agencies be careful of
18 arbitrary decision making in that regard. Thank you.

19 CHAIR BRISSENDEN: Thank you. Del, you're aware
20 that we have an agenda item on the Rubicon. You're
21 representing the Friends of the Rubicon.

22 DEL ALBRIGHT: Del Albright, Friends of the
23 Rubicon. I just wanted to give you a quick update. I
24 haven't been in front of the Commission for several
25 years, so I just thought I'd let you know briefly that

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1 Friends of the Rubicon are alive and well. We're on
2 our seventh year doing projects. We have about 21 or
3 22 major projects that we've accomplished, 22,000 hours
4 of trail work that we've logged and documented with the
5 various agencies. We work with all of the local state
6 and federal agencies. In fact, we're still thankful to
7 the Lahontan Water Quality Control Board because they
8 helped to get us started. They encouraged us back in
9 about 2000.

10 CHAIR BRISSENDEN: It's interesting how we
11 encourage things.

12 DEL ALBRIGHT: We've moved hundreds of tons of
13 rocks to fill problem areas, mud holes, and we stand
14 proud in the fact that basically what we hang our hat
15 on is that we mitigated and solved every problem -- or
16 we are continuing to mitigate and solve anything that's
17 brought to us on the Rubicon Trail. And our record
18 stands pretty solid. We use the best management

19 practices. Part of that reason that I'm still the
20 trail boss and my mentor, Don Amador, encouraged me not
21 to be bashful today, but they've kept me their leader
22 for the last seven years for a lot of reasons. But the
23 fact that I can apply the scientific and ecological
24 principles to what we do with a bachelor's degree in
25 forestry and a master's degree in environmental

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1 planning, and advanced military engineer certification
2 in cartology and roads, surveying, everything we do on
3 the Rubicon Trail is BMP, best management practice.

4 Mitigation is our middle name. We fix it when
5 there's a problem. We accept it when there is a
6 problem, and we encourage people to bring them either
7 through the Rubicon Oversight Committee or write to us.
8 And we're talking two counties, two watersheds, and
9 three forest management units, and we take care of this
10 trail, and we take care of it with our heart and soul
11 and sweat. And I offer the Commission, any time, any
12 place, you want a tour, a ride, a look-see, or more
13 information, we'll be there. I personally will be
14 there, too. And my partner hopefully will post -- I'll
15 post this up, but FOTR delivers. And if you want to
16 look more at what we do, we have quite a sheet we'll
17 put up over by the table, and we make ourselves
18 available to you any time. Thank you.

19 CHAIR BRISSENDEN: Thank you. It has been a
20 long time. So don't be so scarce.

21 John Stewart, followed by Ed Waldheim.

22 JOHN STEWART: Good morning, Commissioners, John
23 Stewart, California Association of 4-Wheel Drive Clubs
24 and Tierra Del Sol 4-Wheel Drive Club of San Diego.

25 Yes, it's been a long time between meetings. I 86

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1 would encourage the Commission to get back to the
2 schedule where these are held at least on a quarterly
3 basis, something that is much more appropriate to
4 discuss the issues and move these issues forward so
5 that they don't stagnate.

6 Also, very concerned about late notice and last
7 minute rescheduling of meetings. This meeting was
8 scheduled previously and then all of a sudden it was
9 rescheduled. Keep in mind that there are a lot of the
10 working people out here as the users that are
11 interested in this. We have schedules to meet, and it
12 is nice to have something that's several months in
13 advance so we can plan on and work around, especially
14 if we have to make flight reservations.

15 And this brings up the point that all these
16 meetings seem to be in Northern California. This is a
17 program this applies to the entire state. Like to see
18 some of these in Southern California to let some people
19 have a chance and opportunity to actually sit in, more
20 so than just a select local group.

21 And, finally, Jim Keeler with the BLM mentioned
22 in his report something -- and you'll find more
23 about it -- about this desert tortoise survey and work
24 that is being done. I was at a meeting yesterday with
25 a national park service, Fish and Wildlife Service, in 87

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1 dealing with this desert tortoise education project
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2 that the Commission has funded through past grants.
3 One of the deliverables on that was a survey of
4 attitudes and knowledge about the desert tortoise.
5 That survey is complete. They have just recently
6 received the final copy of the full analysis, and I was
7 assured that it would be on the website for anybody to
8 look at as of last night. And that website is
9 www.deserttortoise.gov.

10 In looking through the executive summary, I
11 would say there were a couple of interesting items that
12 seemed to stand out. The demographics was broken down
13 into three broad categories with respect to education
14 and economic income levels. And when they started
15 looking at the knowledge of the tortoise issues, they
16 found that the higher education levels seemed to know
17 more about the issues affecting the tortoise, which is
18 noted. And, of course, the corollary to that is the
19 lower educational levels -- now this is where you had
20 up through a high school diploma, some college or full
21 degrees, this is the type of spectrum they're looking
22 at. So that's not surprising.

23 They also looked at the economic income and some
24 of this was brought up as trying to match the different
25 types of uses. And it was noted, one thing that did

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1 stand out, was within the OHV communities the
2 respondents claiming is OHV interest, it was equally
3 spread across the entire economic and education
4 spectrum. So the OHV community is across the spectrum.
5 It is not just limited to one group or another.

6 It's also another very interesting point is that

7 the survey pointed out that people are apt to change
8 their behavior based on education. So education
9 programs do work. The more people know about topics
10 and subjects and issues, the more they are apt to
11 change their behavior. And in dealing with the OHV
12 issues that we're faced with here in this state, an
13 education component has got to be a major part of any
14 program as we move forward.

15 And, finally, all of these groups -- and you
16 heard what Del said about the Friends of the Rubicon,
17 more of these types of groups of dedicated users, with
18 the passion to do something to protect their
19 recreational interests are starting to spring up. A
20 lot of these groups are working with the land managers
21 and a lot of the land managers are coming forward with
22 grants to help support their efforts. It is about a
23 quality recreational experience, and it is about the
24 people and the agencies needing the funding to get the
25 materials. We've got the manpower. We just need the

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1 agency's funding in order to get these projects done.

2 Thank you.

3 CHAIR BRISSENDEN: Thank you, Don. The
4 timekeeper, are we on two minutes on public forum?
5 Thanks, Mardi, for taking up that role. Three minutes,
6 just so everyone knows.

7 Ed, you're next.

8 ED WALDHEIM: Ed Waldheim with CORVA. Education
9 is the key to what we need to do. I've asked staff,
10 Daphne Greene, get \$2 million out of the funds that are
11 sitting there, probably not even collecting interest --
12 I hope it's collecting interest. Get Ruth Coleman to

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13 commit \$2 million, put \$4 million into the education
14 program, get Governor Schwarzenegger to go out there
15 and educate the California public on how to recreate on
16 public lands. That doesn't mean just OHV, all forms of
17 recreation.

18 Shared it with Judy this morning, in the Angeles
19 National Forest, the newest thing now is to race
20 mountain bikes downhill. They take off at the Pacific
21 Crest Trail, it's a no-no, find the biggest hill and
22 downhill they go. They're crazy. They're nuts, but
23 we've got new trails coming up all along Highway 14. I
24 didn't do them. It's bicyclists doing them. The
25 hiking people, they go and cross switchbacks, and they⁹⁰

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1 go down. The equestrian people are doing it. There's
2 people going up in Azusa Canyon on Highway 39 and
3 recreating in the waterways over there. You have
4 tampons, diapers and water bottles. I mean you
5 wouldn't believe the junk that we pull out. This
6 wasn't OHV. We haven't done it.

7 So there's a general perception of the public in
8 California that you can just trash your public lands
9 and that needs to change. I think if this Commission
10 asks the Division to look into that and get the
11 Governor to get behind it and do the education, it will
12 be great.

13 As far as the tortoise is concerned, they're
14 rehashing the same thing all over. I'm not in favor of
15 it. I never agreed to the \$40,000 we gave them. I
16 thought it was a waste of time. It's an overall
17 education that people need to do. The tortoise are

18 well and alive. The agencies keep closing land to us.
19 They come up with all of these new ideas that have been
20 rehashed 20,000 times. Ridgecrest, if you took every
21 household in Ridgecrest that has new tortoises, we
22 could populate the whole desert with tortoise and
23 coming out of your ears. Robin Mello, the manager of
24 our Jawbone station, she had three new ones just last
25 week. Last year she had four new ones. That's just

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1 one household. They grow like crazy. Bob, the
2 107-year old tortoise, yesterday we had him walking
3 between us in the room, in the meeting room, and he's
4 still alive and still doing well.

5 So the tortoise are doing well. It's an excuse
6 of closing public land is what this whole tortoise
7 thing is about, and I'm getting sick and tired of using
8 excuses when they could be having the head start
9 program. We could have had millions of tortoises out
10 there by now. But it wouldn't serve their purpose
11 because they would lose a job.

12 The biggest thing that I think you need to do,
13 the Commission needs to do, and thanks to your wisdom
14 you have become the most environmentally insensitive
15 group of any group that I have seen because last year
16 you took away 33 grants from O&M for the whole State of
17 California. Only Mendocino got O&M grants, and we're
18 paying the price now. The trails are in the most
19 disastrous condition that they are. People still come.
20 The million people, they're still coming. They're not
21 going some place else. They're not going away.
22 They're going to come. You have taken away our ability
23 as managers and volunteers to do the job in the

24 agencies, to do what has to be done on the ground, to
25 fix the trails, to maintain the trails.

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1 And Congress is just as guilty. Barstow Field
2 Office has \$300,000 for recreation, \$300,000 from
3 appropriated dollars. That's all they have. How do we
4 get a message to Congress? I have no earthly idea
5 because when I told Gail Norton when we were up there
6 before she left, we need the money; well, Congress
7 won't give it to me. I go to Jerry Lewis and
8 Congressman Buck McKeon, oh, we gave the BLM, the
9 Interior Department their money. Ping-pong balls back
10 and forth. Nobody will fetch up.

11 All I know is the agencies are totally under
12 funded, so I need you guys to please send a strong
13 message to the politicians that, hey, we need the funds
14 because we -- you as the Commission. We can't do it by
15 ourselves. So please help us on that. Thank you.

16 CHAIR BRISSENDEN: Thank you, Ed.

17 Next, Don Klusman, followed by Karen Schambach.

18 DON KLUSMAN: Don Klusman, California 4-Wheel
19 Drive Association. First off, I want to reiterate what
20 Don Amador said on this route designation, the
21 dispersed camping and dispersed parking is a real
22 issue. We are trying to work hard with the Eldorado
23 because when they brought out their DEIS, they are not
24 doing it, and they're not designating it, even though
25 the region guidelines said they can. We'll see how

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1 that works out.

2 But the major concern I have with route
3 designation right now is the public being able to
4 respond to it. If you look at your little racetrack
5 that Kathy put to you there, if you count, there's 10
6 or 11 forests that are going to come out with DEISes
7 basically within the next six to eight months. How can
8 the public comment on that many DEISes, you know, in
9 good conscience of being able to read these? I mean
10 the Eldorado DEIS was over 1100 pages. Yes, you can
11 read the summary and get some of it out of there, but
12 there's also -- my comments back to the Eldorado so
13 far -- since we got an extension, I'll be making some
14 more -- but mine was seven pages back to them citing
15 some of their own CFRs and their own guidelines, and
16 that they've conveniently, one way or the other, forgot
17 out of DEIS.

18 We're going to have this issue all the way
19 through. We're talking about the trails and roads out
20 there. And like Mr. Amador said, some of these system
21 roads are really in jeopardy. What is that going to do
22 for public safety? So we're really concerned about
23 having to deal with this many environmental documents
24 all at once.

25 The other thing I wanted to bring to your

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1 attention is, you know, several years ago Congress
2 passed the fee demo program. It was reauthorized once.
3 Two years ago, Congress made the fee program permanent.
4 When they did that, they also put together a mandate to
5 put advisory councils together to -- each state had the

6 option of having one, two, three, ten, however many
7 they wanted to have. Make a long story short,
8 California has decided on one. It will be an 11-member
9 panel. It's taken basically two years for the
10 bureaucrats to get this put together. There was
11 nominations for it approximately a year-and-a-half ago.

12 I'm proud to announce I'm one of the 11 that is
13 going to be on that representing the OHV. The other
14 person is Roy Denner out of Southern California
15 representing OHV. And the rack that I'm on for BLM --
16 also the gentleman that's on that rack with me on
17 tourism out of Redding, he is also on there. A lot of
18 other names I've heard and know a little bit about, but
19 I think it's going to be a really good working group.

20 The first meeting is going to be November 5th
21 and 6th here in Sacramento. What we are charged with
22 is any federal agency basically that is going to start
23 charging fees will have to come before this rack and
24 have us look at it. We will either say yes, or you
25 need to change things, or no. Now, we are advisory,

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1 true, but the way Congress put it is if we say no, they
2 have to go in front of Congress to get approval. So I
3 just wanted to let you know, I think this is an
4 important step for all of us. Thank you.

5 CHAIR BRISSENDEN: Thanks, Don. Thanks for
6 volunteering for that.

7 COMMISSIONER McMILLIN: Don, is that Department
8 of Forestry?

9 DON KLUSMAN: No, U.S. Forest Service, BLM,
10 Department of Reclamation, and National Park Service.

11 CHAIR BRISSENDEN: How is that information
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12 dispensed in terms of who's in the loop on those
13 meetings and what's on their agendas?

14 DON KLUSMAN: Well, I haven't seen it yet. All
15 I've been told is we're having a meeting. The Forest
16 Service is handling it out of region, so.

17 CHAIR BRISSSENDEN: Well, it seems like the
18 Department of Parks and Rec and certainly Division
19 should be in that loop and we, as well.

20 Karen Schambach next, followed by Brent
21 Schoradt.

22 KAREN SCHAMBACH: Karen Schambach, Center for
23 Sierra Nevada Conservation.

24 I just wanted to make a quick comment about the
25 in-lieu funds. I am under the pretty good impression

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1 that many counties, if not all of them, are putting
2 those in their general funds, and that some counties
3 are having difficulty getting them for the purpose for
4 which they were received. And so I don't know what
5 this discussion can do, other than maybe ask staff to
6 look into what's happening with those. And I don't
7 know if it would need to be legislated or what to make
8 those put into a separate account, but maybe an audit
9 here and there might bring them back into the program
10 they're supposed to be serving. Thank you.

11 CHAIR BRISSSENDEN: Thank you. Just as a follow
12 on, if we could have that at the December meeting, just
13 an update as to what's happened, thanks.

14 Brent Schoradt.

15 BRENT SCHORADT: Good morning, my name is Brent
16 Schoradt. I'm with the California Wilderness

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17 Coalition. And I know that after lunch we're probably
18 going to have an update on Senate Bill 742, but I
19 wanted to just quickly address the role of the
20 Commission.

21 And we ultimately did end up supporting SB 742,
22 but just as the bill probably wasn't, you know, the
23 dream bill that the off-road enthusiast groups would
24 have written if they had their way, I think it's also
25 not the dream world scenario for conservationists

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1 either.

2 And probably the most difficult issue for us
3 that we had to grapple with was ultimately the role of
4 the Commission in terms of approving grants or not
5 approving grants. And I've got to say, I want to let
6 you all know that it was a very hard pill for us to
7 swallow in terms of taking -- you know, approving a
8 bill that takes the grant approval authority away from
9 the Commission.

10 So I just wanted to take this opportunity to
11 thank you all for your service, and, really, you know,
12 you guys are volunteers. And I know that each of you
13 is up here because you care about the state, and you
14 care about public lands, and you care about sustainable
15 OHV recreation. So thank you for your service.

16 And overall, you know, I want to -- I think the
17 legacy of this Commission ultimately is going to be
18 leading the way for not only California but the country
19 in terms of route designation, really putting out that
20 vision several years ago, and I wanted to let you know
21 that our organization is committed to seeing that
22 vision implemented. And we're hopeful that this

23 Commission has laid out a vision for sustainable
24 management that will endure beyond your authority to
25 approve grants. Thanks.

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1 CHAIR BRISSENDEN: Thank you.

2 Bruce Brazil, followed by Kathy Mick.

3 BRUCE BRAZIL: Bruce Brazil, California Enduro
4 Riders Association. I've got two items on here. And I
5 think I'd like to start with the first one, and that's
6 what people seem to believe as far as term limits for
7 the Commission, and that's when your term is up, you're
8 able to still perform the function indefinitely.

9 But I've been going through the California
10 Government Code. I've got some information that seems
11 to be contrary to that, and that it gives you 365 days
12 of being able to operate after the end of the term.
13 It's kind of like a sunset clause, I guess. If the
14 Legislature, the Governor, does not act on it, does not
15 reappoint, the position is vacated. And I've got a
16 couple of copies here, one maybe for legal counsel and
17 one maybe for Mr. Brissenden. I believe it's been a
18 year and a half over.

19 CHAIR BRISSENDEN: It sounds like Santa Claus to
20 me, actually.

21 BRUCE BRAZIL: Anyways, it's something I'd like
22 legal counsel to look into to find out because it could
23 affect voting, et cetera, et cetera, and even possibly
24 Mr. Brissenden's other government groups that he is
25 part of because you would be -- because you would be in

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1 violation of the law because you are still acting in
2 your position, but your position technically is
3 expired.

4 CHAIR BRISSENDEN: My understanding from the
5 speaker is that I serve until they reappoint somebody
6 else. But, Brad, you're here and, Tim is here, and I
7 have faith in your ability to sort that out. Thank
8 you.

9 BRUCE BRAZIL: Second item is over here with the
10 Division, and that's on the state's budget. There's an
11 entry in there for the 2007/2007 under expenditures,
12 and this was for capital outlay of \$31 million. So
13 last year, just if you could refresh me, what was
14 spent? What was that money spent on, the \$31 million
15 for capital outlay?

16 DEPUTY DIRECTOR GREENE: If I may, and I know
17 sometimes it's not appropriate to get in a back and
18 forth, but if I may, Commissioner Brissenden?

19 That was the reversion of the monies set aside
20 for the Riverside project. And when the determination
21 was made that we could not continue with the Riverside
22 project, those monies reverted.

23 BRUCE BRAZIL: I guess I'm confused where they
24 had it, because they had it as an expenditure.

25 CHAIR BRISSENDEN: Bruce, maybe you can take 100

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1 this question off-line with staff. And if anyone else
2 wants to join with Bruce and find out, I'm sure Daphne
3 and Phil can at least take the questions.

4 BRUCE BRAZIL: Who should I --

5 CHAIR BRISSENDEN: I think Brad nodded. He took
6 some notes or would it be more appropriate for -- thank
7 you.

8 Kathy Mick, and while you're wandering up here,
9 I have someone who will be next who doesn't have a name
10 but has an organization under Sierra Treasure Hunter.
11 Would that be you, the anonymous treasure hunter? You
12 will be next.

13 KATHLEEN MICK: Kathleen Mick, U.S. Forest
14 Service. I forgot during my report to mention -- and
15 thank you, Daphne, for the prompting, but I already put
16 a thing in -- that the Forest Service is collaborating,
17 not sponsoring, not even cosponsoring a workshop in
18 October, I believe it's the 11th through the 14th, with
19 the National Off-Highway Vehicle Conservation Council,
20 which is NOHVCC, and they've been traveling around the
21 country doing workshops to educate the public on the
22 National Travel Management Rule and to work with land
23 managers of the Forest Service on understanding, I
24 guess, the needs and desires of the OHV community,
25 including preservation of national resources.

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1 And so we're working with them in a
2 collaborative manner just to help them because
3 California is a little bit different than some of the
4 other regions in the nation. So our role has been to
5 help get the word out about the workshop, and then to
6 help them tailor their agenda to be California
7 specific.

8 But more importantly for mentioning it today is
9 to encourage any of the Commissioners to attend.
10 There's two days for agency folks, that are dedicated

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11 for agency folks, and two days dedicated for
12 enthusiasts. But all four days are open to anyone who
13 wants to attend. So if you want to come on the agency
14 days, you're more than welcome. And the Forest Service
15 and NOHVCC certainly encourage you to do that.

16 And also that it's not just an OHV recreationist
17 workshop, it's a workshop for everybody, and that
18 includes the conservation and environmental communities
19 because NOHVCC wants to hear from that community, as
20 well. And then we also extend the invitation to BLM
21 and to the OHV Division to attend because I think
22 they'll learn a bit more about our process and also
23 hopefully learn something from the California public.
24 So it should be a pretty good workshop, and we're
25 looking forward to that.

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1 CHAIR BRISSENDEN: You'll send out information?

2 KATHLEEN MICK: Yes, I already did send it out
3 to the mailing list and sent it to the Division, so I
4 would look to them to get it to the Commissioners. And
5 then if you go to the NOHVCC website, they've got stuff
6 posted, as well. And it's going to be held here, I
7 believe at the Lion's Gate, which is just up the road
8 here on McClellan Air Force Base, October 11th through
9 the 14th, Thursday through Sunday. It will be a good
10 opportunity for folks.

11 DEPUTY DIRECTOR GREENE: NOHVCC is sending us
12 the packets that we can send to you.

13 CHAIR BRISSENDEN: Thank you. Sierra Treasure
14 Hunter, please state your name.

15 RANDY BURLESON: Good morning, Commissioners.

16 My name is Randy Burleson. I figured that out in the
17 walk up here. Sorry, I didn't have the form completed.
18 I am a member of the Sierra Treasure Hunters Club,
19 which is a member of Cal-4 and the Blue Ribbon
20 Coalition. And more to the point, I'm an active
21 Friends of the Rubicon volunteer.

22 I'd like to hang a couple signs listing some of
23 the activities that we've done. Where is a good place
24 for that, out by the door?

25 CHAIR BRISSENDEN: General information I believe
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1 can be on the table.

2 RANDY BURLESON: Great. One spells out what Del
3 said, sort of an overview of what it is that we do.
4 And another specifically calls out some of the
5 effective erosion mitigation projects that we've done
6 in some cases with OHMRV funding.

7 Some of the highlights of those -- there's 20
8 projects, so you can look at them later -- is the
9 Lahontan District Erosion Mitigation Project working
10 with the Forest Service and the county to reroute the
11 Loon Lake connector, aggressive work on the Rubicon
12 Trail, multiple sections along the old trail, including
13 this year reworking the Wentworth Springs Road drainage
14 in cooperation with El Dorado County, a huge project
15 that we just finished. This occurs all in addition to
16 some of our outreach and education efforts. We had a
17 sanitation grant first through Friends of the Rubicon
18 and then through El Dorado County with, I believe,
19 Off-Highway Vehicle funds, and we've had oil cleanup
20 kit grant that was also pioneered through Cal-4 and
21 then protected through El Dorado County.

22 We do a regular Rubicon Trail patrol. It's
23 volunteer based. It's been huge for education and
24 outreach, and we're looking forward to doing more of
25 these activities. We hope that you consider supporting

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1 us in doing that and guiding us in moving forward. I
2 appreciate your time. Thanks.

3 CHAIR BRISSENDEN: Thank you. I have one green
4 card from Tom Tammone. I think he wants it to be a
5 blue card.

6 TOM TAMMONE: Okay. Make it a blue card. Okay,
7 I'm confused. Tom Tammone.

8 Anyway, going back into what Ed Waldheim was
9 saying, we do need education. I do encourage the
10 Governor to get involved at his own level and start
11 helping us out with that, especially with the five
12 percent we're looking at with SB 742, I'm afraid that
13 it's not going to be sufficient.

14 As we go through this designation process, in a
15 perfect world, we should not need to do any restoration
16 work. We should have a managed trail system.
17 Everybody will be educated. Everybody will be staying
18 on the trails. Now, we're locked into having so much
19 for restoration and again we're not spending it. I
20 don't have any official numbers, but preliminarily it
21 looks like again we are going to leave about
22 \$2.5 million on the table again under the Restoration.
23 I don't understand. From my understanding of the state
24 code, for whatever it's worth, why we can't move some
25 of that to the other categories.

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1 I would suggest \$2.5 million be moved from
2 Restoration, \$1 million be moved to non-CESA, \$1
3 million be moved to Law Enforcement, and 500,000 be
4 moved to Conservation. Of course, I have no official
5 numbers, but that would be what I could suggest as a
6 member of the public.

7 We need to get more involved, and as we manage,
8 we need to recognize the managed system as being more
9 of a catalyst for determining how the funds are
10 resolved, rather than having a fixed number spent every
11 year on Restoration. If this process is going to get
12 us somewhere, theoretically we should not have to be
13 spending any money whatsoever on restoration. I know
14 this isn't a perfect world, but let's face it, we're
15 spending all this money on all these processes, and
16 that's what we're working towards.

17 Ed Waldheim said we need to be able to have
18 management for the trails, we need money to maintain
19 them. If we're not going to have a trail system for
20 people to ride on, it's not worth our time trying to
21 educate them to ride on it. They will ride anyway.

22 But all I can say is we need to look at a
23 different definition of restoration. In every other
24 process it is looked at as maintaining trails or
25 restoring trails to a usable condition, not closing

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1 them and making them look like they've been to a
2 premotorized state. At some point we're going to have
3 to look at that through the legislators. I'm going to

4 ask them to do that from this point on.

5 As we go through this process, and as we become
6 managed, we should not need to be spending anything on
7 restoration, and we should be able to have a rate of
8 about five to ten percent a year, to be able to not
9 have restoration, and move into only management and
10 education. Thank you.

11 CHAIR BRISSENDEN: Thank you. This ends the
12 public forum, unless there are some people who didn't
13 put a card in.

14 DEPUTY DIRECTOR GREENE: Chair Brissenden, may I
15 make one statement, I recognize that there was some
16 concern about the changing of the dates of the meeting.
17 I would just like to acknowledge that we had had a
18 number of complaints from the public because, in fact,
19 the meetings were identified to be on Rosh Hashanah, so
20 we had heard from members of the public.

21 But one of the additional reasons that we looked
22 to change the dates, the Chair and I worked together on
23 this, was that because when the budget negotiations set
24 the time frame back a month, we would have been looking
25 at having the meeting on the Thursday and Friday before

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1 the grant applications were due on the Monday. We
2 considered for the public and the interested parties
3 that it was going to be particularly difficult to ask
4 the agencies to be sitting here at a Commission meeting
5 when they needed to be finalizing their grant
6 applications. So that's the reason that we moved that.

7 Recognizing right now that everybody knows that
8 that December meeting as well, because of the
9 regulations, needs to move as well. So we are now

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10 December 6th, 7th, and 8th for the allocations of the
11 grants. It's not done without thought. It really was
12 one of those ones that we struggled and tried to work
13 with members of the community. Thank you.

14 CHAIR BRISSENDEN: Thank you.

15 There was a request earlier, and I would just go
16 out of form to go back to the Forest Service report, as
17 the Deputy Director also wanted some information on the
18 impacts of fire on OHV use in certain forests. So if
19 you could comment on that.

20 And we could take her off the red button, Mardi.

21 KATHLEEN MICK: No, you can red button me,
22 that's fine.

23 We do have a couple of fires going on in the
24 state. As you know, there was a fire on the Plumas,
25 and that one I think has been pretty much wrapped up.

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1 Earlier in the year, we had a fire on the Lake Tahoe
2 Basin. I believe the most current fire that involves
3 OHV areas is a campground, in particular some trails,
4 is on the San Bernardino, and at least earlier in the
5 week the community of Fawn Skin was evacuated, and I'm
6 not sure if those folks have been able to move back in
7 or not.

8 We're working with the San Bernardino to get an
9 estimation of the extent of damage that occurred. As
10 most of you are aware, last year the Cleveland had a
11 huge fire that pretty much wiped out their OHV area,
12 and they were successful to get some Forest Service
13 funds to go in and do some repairs so that they could
14 open the area back up.

15 I think the Los Padres, based on last year's
16 fire, has been able to open up their OHV area. So we
17 hope that the impact to the recreation community should
18 be minimal. But that also the recreation community,
19 and that's not just the traditional OHV folks of dirt
20 bikes and ATVs, but all those people just leaving a
21 paved road going to a dirt road, that before you go and
22 recreate, that you check with your local unit that
23 you're interested in visiting and make sure that they
24 don't have any closures. And if they do, you respect
25 those because they are not arbitrary. They're there

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1 for a reason, and it's usually to protect resources.

2 DEPUTY DIRECTOR GREENE: And our hearts go out
3 to the Forest Service. It has been a terribly
4 difficult year, particularly with the Zaca fire.
5 Including the Zaca fire, were there any other OHV areas
6 impacted?

7 KATHLEEN MICK: I haven't heard of any. I think
8 primarily there was a huge loss in wilderness, and
9 there was a fire on the Cleveland that started into one
10 of the wildernesses down there, on the De Anza District
11 and then it backed off and shifted the other way. So
12 there was a lot of effect to our precious wilderness
13 resource. But on the San Bernardino, as far as I know,
14 that's the only OHV resource that was affected this
15 year.

16 CHAIR BRISSENDEN: Okay. Thank you.

17 Now, we'll go back to our unfinished business.
18 Then we have a few minutes before noon, and that would
19 be Item C, Discussion on Grant Funding for 2007/2008
20 Grants and Cooperative Agreement Program. This is just

21 sort of a general overview of how we're going to get
22 through deciding \$18 million worth of grants.
23 Fortunately it's fewer requests this is year by almost
24 a third, which should help the process, but how we are
25 going to get through in basically two days, given the

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1 crunch of time, and also just sort of an update on what
2 you see as the grant -- where the requests were coming
3 in and what amounts, and where the staff may have some
4 difficult moments, if you may enlighten us on that.

5 CHIEF JENKINS: The applications have been
6 coming in, and what we have done this year is try to
7 streamline our intake process. So the numbers I'm
8 giving you are going to be very -- we haven't gone
9 through with a fine-tooth comb, so these are ballpark
10 figures of what's been requested in these categories.

11 And just to go back on one statement you said
12 about less requested this year, while there seems to be
13 a lower total dollar amount requested this year, I
14 think there's probably about as many projects
15 suggested, just not so many of the really large
16 projects where a whole lot of money goes to one place.
17 So as far as workload, we still have a lot of
18 applications to go through, a large number of projects.

19 CHAIR BRISSENDEN: I hear 175. Last year it was
20 201, right?

21 CHIEF JENKINS: Are those the right numbers?

22 CHAIR BRISSENDEN: I may be off one or two.

23 CHIEF JENKINS: Let me give you the numbers, the
24 broad numbers. Let's start over here on the left-hand
25 side of my form, on the non-CESA a category,

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1 \$5.2 million had been the target set aside or set forth
2 by the Commission. It looks like we had a little over
3 \$9 million requested for that category.

4 In the category of Conservation, \$600,000 was
5 set aside, that was the target for the Conservation
6 category. There was approximately \$1.3 million
7 requested in that category.

8 And then in the Enforcement budget, the amount
9 targeted was \$5 million, and we received somewhere in
10 the neighborhood of about \$8.7 million in requests for
11 that category.

12 And in the Restoration bucket, \$7.2 million was
13 the target, and we received about \$4.7 million in
14 requests there. So I didn't actually have the number
15 of actual projects. You might be slightly ahead of me
16 on that.

17 CHAIR BRISSENDEN: Daphne referenced it earlier,
18 I thought.

19 CHIEF JENKINS: As I said, these are very
20 preliminary numbers. You'll notice the grant staff
21 isn't here today. They're still back there kind of
22 crunching the numbers, making sure that they have
23 updated information, making sure that they have all of
24 the numbers correct in going through that first sort of
25 all of the projects that have come through the door.

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1 DEPUTY DIRECTOR GREENE: I think one the
2 important things to remember in this year with the

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3 regulations is that where there is money available,
4 full funding will occur. So if there is a category
5 where the Commission identified a certain amount, and
6 the request did not meet that category, then
7 automatically all of those projects will be funded at
8 their full requested value. That should on some level
9 perhaps make it go a little bit smoother and a little
10 bit faster. So in reference to the December meeting,
11 that is hopefully the expectation.

12 CHAIR BRISSENDEN: Thoughts from the
13 Commissioners, and then I'll go to public comment.

14 VICE-CHAIR ANDERSON: I'm sure under that last
15 comment you just made about there's fewer requests than
16 allocations, that you will still examine that the
17 quality of the grants --

18 DEPUTY DIRECTOR GREENE: Of course, we will
19 look --

20 VICE-CHAIR ANDERSON: -- at least meet a minimal
21 standard.

22 DEPUTY DIRECTOR GREENE: That is correct. There
23 are certain specific guidelines they do have to meet.
24 We recognize the grant applicants dedicate time to
25 submit a good-quality application. We recognize that

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1 if an applicant puts in the time, energy, and effort to
2 identify in a realistic way how much money that they
3 need, then if they score well they deserve the full
4 amount of funding that they requested. It enables them
5 to budget their dollars more effectively and
6 efficiently, and I think overall we'll have a better
7 grants program.

8 CHAIR BRISSENDEN: Any other Commissioner
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9 comments? Mark?

10 COMMISSIONER McMILLIN: Just curious what the
11 timing is. Here we are almost October 1st, we're
12 meeting December 6th. When will we receive our -- are
13 we going to -- I've only been through one.

14 DEPUTY DIRECTOR GREENE: You'll receive all of
15 the information by regulation 30 days ahead of time,
16 and so you will get all of your binders and all of the
17 information necessary 30 days prior to that
18 December 6th.

19 CHAIR BRISSENDEN: It could be a fun time at
20 Thanksgiving. So moving along, I have Amy Granat.
21 You're going to pass. Don Amador, John Stewart, pass.
22 Ed Waldheim.

23 ED WALDHEIM: I'm not passing. I cannot believe
24 my brothers and sisters are passing on this one here.
25 In here is probably the nuts and bolts of our program.

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1 This will be your opportunity 5.5 -- \$5.2 million for
2 O&M. When you review it, and staff is still reviewing
3 this, I hope and pray to God that they did their job
4 well, but you will also have to really look at it
5 carefully. Are we putting money on the ground or is it
6 just being thrown in the air and we have nothing to
7 show for it?

8 I've talked extensively with staff about this,
9 I'm very concerned about the Barstow Field Office.
10 They didn't put any O&M in there. I could shoot them
11 for that. I don't understand their logic. They say,
12 well, the Commission doesn't like us, they're not going
13 to give us any money anyway. That kind of thought just

14 drives me up the wall. Barstow, 3.9 million acres,
15 El Mirage has nobody working there. Water came into
16 the lake, there was nobody there to close the lake. We
17 tried to close it, but people were not cops so they
18 wouldn't listen to us, and they destroyed the lake. I
19 have nobody. There is nobody in El Mirage. That's a
20 25,000 SVRA run by the BLM because we decided to do
21 that. It is our responsibility as the OHV Division to
22 make sure they have money there to run that area;
23 otherwise, we should take it over and run it ourselves
24 or give it to Friends of El Mirage and we will run it.

25 Things like that just infuriate me that you, 115

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1 as Commissioners, will have to really look with staff,
2 whatever they recommend to you, look very carefully,
3 please make sure that this time, not like last year,
4 you give on-the-ground O&M its undue attention. We
5 cannot go two years without proper maintenance of our
6 trails because then we're going to be in big, big hurt.
7 We have to maintain the trails. So please when you get
8 these grants, when you look at them over Thanksgiving
9 Day weekend, take a highlighter, on-the-ground O&M,
10 trail maintenance, what do they have. Those folks that
11 have it, reward those folks who really do the job on
12 the ground. Thank you.

13 CHAIR BRISSENDEN: Thank you, Ed.
14 Don Klusman.

15 DON KLUSMAN: Don Klusman, thought I was going
16 to pass, didn't you?

17 CHAIR BRISSENDEN: Never.

18 DON KLUSMAN: Don Klusman, California 4-Wheel
19 Drive Association. I'll make it real quick.

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20 You have an undaunting task coming this December
21 to look at all of these grants. Since the public --
22 since you were not able to have subcommittee meetings
23 in advance for the public to give you input, I would
24 sincerely hope that when we get up here in front of you
25 in December, that you take a lot of our comments to

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1 heart because we do know what's going out there on the
2 ground, especially in our areas, just like what Ed said
3 there. He's speaking Southern California. You know, I
4 can tell you what the Lassen is doing or the Plumas is
5 doing, so can a lot of other people if they're here.
6 So looking forward to December, I think.

7 CHAIR BRISSENDEN: Bruce Brazil, and then
8 followed by Tom Tammone.

9 BRUCE BRAZIL: Bruce Brazil, California Enduro
10 Riders Association.

11 And I'd also like to kind of question how the
12 Commission came up with their granting levels for this
13 year. In the past, they've always had excess monies
14 that was unspent in the Restoration fund, and yet the
15 other funds they came up short. Once again, this year
16 it looks like it's going to be a repeat.

17 Wondering about the possibility being that
18 grants funding is an agenda item today, you do have a
19 quorum up there, and do you have some idea of what the
20 grants requests are, the needs of the agencies? Can
21 you revisit the granting funding levels and make some
22 adjustments today? I believe any one of you that voted
23 for these funding levels can ask to be -- to have it
24 brought back to the table and revisited. I think that

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would be a very just thing to do at this time.

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1 And in the past also I believe the Division has
2 mentioned that they have trouble spending the
3 Conservation monies. Well, it looks like under SB 742,
4 that won't be a problem. I don't see any delineation
5 between CESA and non-CESA as far as expenditures for
6 the Division. It looks like it all just goes into one
7 bucket for them. Anyway, something for you to
8 consider. Thank you.

9 CHAIR BRISSENDEN: Thank you. Tom, you're next.

10 COMMISSIONER McMILLIN: I have a question of
11 Phil. Can we do that? I hate to see money go wasted
12 in the top shelf and not spent.

13 DEPUTY DIRECTOR GREENE: The money won't be
14 wasted. That Restoration money is obligated money, and
15 so that money needs to be spent on Restoration, and
16 there certainly is -- there are demands throughout the
17 state for restoration.

18 COMMISSIONER McMILLIN: So the 7.2 is by law; we
19 had to have 7.2 in that bucket?

20 DEPUTY DIRECTOR GREENE: No, the Commission
21 identified it per the regulation. So now to change
22 that, would be somewhat problematic. It is the
23 Commission identifies the priority for funding. It's
24 supposed to give the guidance to the grant applicants.
25 And so at this point in time to change it, I would

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1 defer it legal counsel, but I think that that would be

2 stepping into areas that we simply couldn't do because
3 those are identified monies and those are obligated
4 monies.

5 COUNSEL LaFRANCHI: Deputy Director is
6 essentially correct that to change it now would work an
7 unfairness on the applicants who were counting or
8 relying on that number when they made their strategic
9 decisions about what to apply for and what not to apply
10 for.

11 And secondarily, the 7.2 million is a little bit
12 connected to the restriction on the use of funds. In
13 terms of where that came from, you may recall
14 Commissioner Spittler's analysis at the meeting where he
15 made the motion for that 7.2, that if you did try to
16 move out of that 7.2 and allocate that money to
17 something else, it would tend to run up against that
18 30 percent restriction in the CESA account on use of
19 that money for restoration.

20 CHAIR BRISSENDEN: Thank you. That was
21 legislatively mandated. I think this was the Keeler
22 bill.

23 COMMISSIONER McMILLIN: Darn good idea, though,
24 Bruce.

25 CHAIR BRISSENDEN: Tom, please.

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1 TOM TAMMONE: I am a fan of the O&M. I'm going
2 to go ahead and stick with the numbers I said before.
3 If it is possible to move the money, \$1 million to Law
4 Enforcement, \$1 million to O&M for non-CESA, and
5 500,000 for Conservation.

6 I'm not a legal expert, but, you know, being the
7 fact that the ways and means monies that are already

8 being paid out to the new survey, and the new survey
9 was supposed to be out two years ago, I think it might
10 be butting heads legally on this.

11 And reading through ten pages of the transcript,
12 I never really did find that there was a legitimate
13 roll call vote on the 7.2 amount. I can't even figure
14 out from reading it, how many people voted which way on
15 it. So maybe perhaps it's not even -- maybe it's a
16 Roberts Rules of Order issue with this. I think it
17 should be looked at, and I think there is grounds for
18 legal challenges on this, and I think the money should
19 be moved into the other categories.

20 And I'm not so sure that the regulations read
21 that way. We've had two counsels come up here and tell
22 us different things before. So as far as I'm
23 concerned, the issue is on the table and we should
24 consider moving \$2.5 million out of the Restoration
25 category to the other categories. And as staff goes 120

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1 through the process, I do believe that the numbers that
2 they're giving you will go down because some of the
3 grants will probably be eliminated upon review that
4 they're not complete. So, if anything, these numbers
5 that they're giving you is probably going to go down.
6 The amount of projects is about the same. And being it
7 all or nothing, maybe perhaps that the applicants
8 aren't so much reaching for the stars hoping to get to
9 the moon, but I hope not. Thank you.

10 CHAIR BRISSENDEN: Thank you. That is the end
11 public comment. Can I bring it back to the Commission
12 for any additional comments under our direction or any

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13 more advice from staff?

14 DEPUTY DIRECTOR GREENE: I would like to thank
15 everybody for getting their grants in on time, so we
16 really appreciate that.

17 CHAIR BRISSENDEN: Having another month or more
18 probably helped a little bit, but I realize there was
19 suspense through the budget period.

20 So with that, we have two extra minutes past
21 noon. So if you will be back by about five after 1:00,
22 we'll take a little over an hour break for lunch.
23 Thanks for being here.

24 (Lunch break taken in proceedings.)

25 CHAIR BRISSENDEN: While I'm thinking of it, I
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1 want to thank the Forest Service. I presume they
2 loaned us this meeting place; is that correct? Kathy,
3 are you around? Anyway, whomever is with the Forest
4 Service, if you could extend our thanks, and we will
5 send flowers later.

6 DEPUTY DIRECTOR GREENE: Always keep in mind,
7 nothing is for free.

8 CHAIR BRISSENDEN: So welcome back. If I can
9 find my agenda, we will move to legislative updates on
10 Senate Bill 742. I think we combined the fuel tax into
11 that and its implications for the program underneath SB
12 742. And sitting in for Daphne Greene is Bill Herms;
13 is that correct?

14 BILL HERMS: Chairman Brissenden, thank you. I
15 am Bill Herms. I'm the Deputy Director for
16 Legislation, California State Parks. Commissioners,
17 thank you for having me here today.

18 Today, I am here to give you an overview and a
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19 brief history and status on SB 742 by Senator
20 Steinberg. Senator Steinberg introduced SB 742 on
21 February 23rd of this last year. It moved through the
22 Senate and the Assembly and was amended a number of
23 times reaching its final form on September 6th.

24 At that time Assemblywoman Wolk brought the bill
25 up on the Assembly floor, where the Assembly floor

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1 passed the final version 74 to 0. After that the bill
2 moved over to the Senate where Senator Steinberg
3 brought the bill up on the Senate floor, and the vote
4 was 30 to five. So we were very pleased at the broad
5 bipartisan support that the bill received as it moved
6 for final passage.

7 As I move through this, I have decided rather
8 than go through the bill sort of line by line, it is 23
9 pages -- it is a large and complicated bill -- that
10 rather what I would do is look at the broader and more
11 significant pieces of the bill and talk about them sort
12 of by subject matter. So I'll begin moving through in
13 that way, and feel free to interrupt me at any time if
14 you have questions.

15 The status of the bill as it stands now is it
16 has passed from the Legislature and is sitting before
17 the Governor awaiting his signature or veto. At this
18 time, he has done neither, and we await the Governor's
19 pleasure on SB 742.

20 CHAIR BRISSENDEN: Before you move on, I had a
21 Commissioner wanting to know if she could ask questions
22 as you go along.

23 COMMISSIONER ANDERSON: The version that was in

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24 our packet was the April 9th, 2007 version. Excuse me,
25 I'm misreading this. It's upside-down.

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1 BILL HERMS: It reads from bottom to top. It's
2 counterintuitive.

3 COMMISSIONER ANDERSON: So there were no
4 amendments after September 6th?

5 BILL HERMS: That's correct. The bill was in
6 its final form, as you see before you, on September 6th
7 and was voted on by the Assembly and the Senate in its
8 final form, and that's the bill that sits before the
9 Governor today.

10 The most significant provision of SB 742 is that
11 it extended the sunset date, which had been
12 January 1st, 2008 for the program and the Commission,
13 it has been extended. The bill would propose to extend
14 to January 1, 2018, a ten-year extension.

15 Further, the bill addressed funding
16 restructuring. One aspect that it addressed was the
17 Green Sticker has been raised from \$25 every two years
18 to \$50 every two years. You'll find that in Section 24
19 of the bill. We're going to talk a little bit about
20 the Fuel Tax Study in a moment, but I would like to
21 mention here that the bill sets the fuel tax funding
22 level at the funding level that was provided in the
23 2006/2007 budget, and so that becomes the baseline fuel
24 tax funding for the program.

25 With respect to the grants program, there were a
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1 number of provisions that affected all of the grants.
2 One of those was that the proposal is that the grants
3 will be approved by the Director of State Parks and
4 Recreation, currently Rick Coleman; that all Grants and
5 Cooperative Agreements will be distributed on a
6 competitive basis; that there would be a 25 percent
7 match for all applicants, so this was a change from
8 before. The categories for which nonprofits and
9 educational institutions can apply have been broadened,
10 specifically to include restoration and operations and
11 maintenance. The deputy director in the scoring
12 process specifically will not be participating in the
13 scoring process, and grant applicants now have an
14 appeal process that ultimately ends up in front of the
15 Director of State Parks and Recreation.

16 The bill sets out four categories for grants and
17 cooperative agreement applicants and establishes them
18 as 50 percent for acquisition, maintenance, operation,
19 planning, development or conservation of trails and
20 facilities. So this would be 50 percent of the total
21 grant monies that are available for that year;
22 25 percent for ecological restoration or repair to
23 habitat damaged by either legal or illegal off-highway
24 motor vehicle use; 20 percent for law enforcement
25 entities for personnel and equipment; and five percent

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1 for education and safety, which totals to 100 percent
2 of the grant dollars made available for that fiscal
3 year.

4 Additionally, the Conservation and Enforcement
5 Services Account, CESA, funds will be distributed by
6 the Division upon appropriation by the Legislature in

7 the following way, and you'll find this in Section 22
8 of the bill: Up to 40 percent of the CESA funds can go
9 for cooperative agreements or challenge cost sharing
10 agreements with the U.S. Forest Service and the U.S.
11 Bureau of Land Management to complete necessary route
12 designation, planning work and to implement route
13 planning decisions. Additionally, up to \$1.1 million
14 per funding cycle can be used to increase the amount of
15 funds available for restoration grants. So that was a
16 significant provision to the bill.

17 Additionally, SB 742 contains provisions that
18 add two additional commissioners to the OHVMVR
19 Commission, forgive me if I got that wrong. This gives
20 the Governor five appointees, all of whom will require
21 Senate approval. Two Commission appointees remain with
22 the Assembly, and two Commission appointees remain with
23 the Senate. This brings the number of commissioners to
24 nine.

25 As mentioned earlier, the Commission will no 126

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1 longer approve grants and cooperative agreements, and
2 additionally the Commission will no longer approve
3 major or minor capital outlay projects or establish
4 general policy for the Division. All of this brings
5 the OHV Commission more in line with the role that the
6 California State Parks and Recreation Commission plays
7 for California State Parks, which is advisory in
8 nature.

9 Finally, SB 742 increases fines for individuals
10 found illegally riding in a closed area for \$50 for the
11 first offense, \$75 for a second, and \$150 for a third

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12 and subsequent offenses. Additionally, the court may
13 assess costs sufficient to repair property damage
14 resulting from the violation.

15 Now, I've gone through these fairly quickly. As
16 I said, this is a very large and complicated bill, I
17 would imagine that you have questions, and I'm here to
18 answer them.

19 CHAIR BRISSENDEN: Commissioners?

20 COMMISSIONER McMILLIN: Could we have a copy of
21 your executive summary because it is part of the
22 minutes now?

23 BILL HERMS: All I have are my working notes. I
24 do not have an executive summary. In the bill itself,
25 it has an executive summary. It's called the digest.

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1 In fact, the first --

2 COMMISSIONER McMILLIN: Is that in our bill?

3 BILL HERMS: It should be in the packet, yes.

4 DEPUTY DIRECTOR GREENE: It's the first couple
5 of pages, Mark. The actual bill begins on page five.

6 COMMISSIONER ANDERSON: It's similar, but not
7 quite the same.

8 BILL HERMS: Additionally, the Legislature does
9 do analyses, and they have executive summaries. The
10 final version of the bill which passed the Senate floor
11 has a Senate analysis. I could provide that for the
12 members if you wished.

13 CHAIR BRISSENDEN: Mr. Willard.

14 COMMISSIONER WILLARD: What's the disposition of
15 the unspent Restoration funds, I think some \$14 million
16 are sitting in the account.

17 BILL HERMS: I would have to defer to Daphne on
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18 that.

19 DEPUTY DIRECTOR GREENE: Gary, what Bill had
20 just mentioned in terms of the bill addresses that
21 outstanding \$14 million, so 40 percent of that would be
22 appropriated to BLM and U.S. Forest Service for route
23 designation planning and implementation, the remainder
24 to be allocated on a yearly basis at \$1.1 million into
25 the Restoration account.

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1 CHAIR BRISSENDEN: So in addition to the
2 25 percent?

3 DEPUTY DIRECTOR GREENE: That's correct, in
4 addition to the 25 percent.

5 CHAIR BRISSENDEN: Until it's expended.

6 DEPUTY DIRECTOR GREENE: That's correct.

7 CHAIR BRISSENDEN: Hearing no further
8 questions --

9 COMMISSIONER McMILLIN: Forty percent right off
10 the bat on year one for BLM?

11 BILL HERMS: The bill makes 40 percent available
12 for expenditure. It does not signify a timing. So how
13 that would be implemented is unknown at this time. As
14 I said, this is, in fact, proposed legislation, so we
15 would have to wait for the Governor to sign this before
16 we could get too much into details of implementation,
17 but the bill does provide 40 percent but not within a
18 particular time frame.

19 DEPUTY DIRECTOR GREENE: Commissioner McMillin,
20 that would be in the form of either a grant or
21 challenge cost share agreement.

22 CHAIR BRISSENDEN: Mr. LaFranchi.

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23 COUNSEL LaFRANCHI: I would just mention that
24 the bill makes that money available and earmarks it,
25 but it's still up to the Legislature to look at how

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1 much they would want to appropriate that money in any
2 given year and does limit the extra amount into the
3 Restoration account to 1.1 million on top of the
4 40 percent. Does that kind of explain? Because this
5 is an appropriation bill. It still has to be budgeted
6 and go before the Legislature.

7 CHAIR BRISSENDEN: Further questions? I do have
8 the public that would like to weigh in.

9 COMMISSIONER McMILLIN: I've got one more
10 question. That was a good summary. The 50 percent on
11 the first breakdown.

12 BILL HERMS: Operations and Maintenance?

13 COMMISSIONER McMILLIN: Read me that slower,
14 acquisition, maintenance and then I just summed it up
15 as on-the-ground stuff.

16 BILL HERMS: Fifty percent for acquisition,
17 maintenance, operation, planning, development or
18 conservation of trails and facilities. And you'll find
19 this section, in fact, the language that describes all
20 of these buckets in the bill under Section 9 under
21 59.5.

22 COMMISSIONER ANDERSON: Starts on page ten.

23 COMMISSIONER McMILLIN: Okay.

24 CHAIR BRISSENDEN: Do you want to keep asking?

25 Then I'll go to the public comment section.

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1 COMMISSIONER ANDERSON: Under the responsibility
2 of the Commission, besides holding hearings, there's a
3 new item in here, and I would appreciate enlightenment
4 as to how the Commission is going to prepare and submit
5 the program report to the Governor and Assembly
6 committees and Senate committee -- Appropriations
7 excuse me, not Assembly. It's in section -- I don't
8 know. Anyway, I'm on page eight.

9 How you would go about assembling the data
10 that's required for this seems to require almost an
11 audit function to the Commission, the status and
12 accomplishment of funds appropriated for restoration
13 pursuant to paragraph two, a summary of resource
14 monitoring, data compiled, and restoration work
15 completed. Those kinds of data are not data that are
16 usually available to the Commission. How would the
17 Commission go about -- do you have any help on how that
18 might be accomplished?

19 BILL HERMS: Well, I think at this point,
20 especially given the fact that this bill, SB 742, has
21 not been signed into law, concerns about implementation
22 are probably best left until this is enacted into law.
23 The Governor can choose to sign this or to veto this.
24 As to how the Commission will carry out any aspect of
25 how the law may change, I am not prepared to answer.

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1 COMMISSIONER ANDERSON: Anybody with any ideas?

2 COUNSEL LaFRANCHI: Commissioners, this would be
3 no different than any other report that the Commission
4 would prepare or has prepared, the response, for
5 example, to the audit. The Division would continue to

6 act as staff to the Commission and would, working with
7 the Commission, at the Commission's direction, gather
8 together the appropriate information, summarize it, and
9 put it in the report format on behalf of the
10 commission.

11 COMMISSIONER ANDERSON: Okay. That's what I was
12 wondering, what kind of staff support there would be
13 for completing this because it's not -- it's not the
14 sort of file information that the Commission itself
15 normally has access to. It becomes -- the only reason
16 I'm pointing it out is because the Commission has very
17 few concrete responsibilities beyond being informed and
18 meeting and holding public hearings. This report is
19 the only other meat and potatoes, if you like, that's
20 mentioned here. I mean you can review plans, but if
21 you have no authority to make a decision on the plans,
22 that's also a change from the existing law; is that
23 correct?

24 COUNSEL LaFRANCHI: I think that's correct.

25 COMMISSIONER ANDERSON: Yes. Currently, the

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1 Commission not just reviews the plans for new and
2 expanded local SVRAs, but have decision and authority
3 on the environmental documentation, correct?

4 COUNSEL LaFRANCHI: The Commission would
5 continue to approve general plans for the SVRAs; that
6 would be correct.

7 COMMISSIONER ANDERSON: Where is that?

8 COUNSEL LaFRANCHI: That's a little more
9 complicated.

10 COMMISSIONER ANDERSON: Where is that listed

11 here? I don't see that.

12 COUNSEL LaFRANCHI: It's not specifically
13 listed, but all State Park units are required to have a
14 general plan as a part of the generic law for the State
15 Park system, and the SVRA is included within that
16 system. And any action -- and normally, general plans
17 are approved by the State Park and Recreation
18 Commission, except in situations where an SVRA is
19 involved, in which case the OHMVR Commission approved
20 the general plan. So that's not part of the organic
21 OHMVR act here, but you would have to read that by
22 reason of other provisions in the Public Resources
23 Code.

24 COMMISSIONER ANDERSON: That's different from
25 what I was told elsewhere. That's important. Thank

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1 you.

2 CHAIR BRISSENDEN: Further questions?

3 Daphne, did you want to fold in the discussion
4 before we go into public comment about the Fuel Tax
5 Study and its implications for the programs before we
6 go to comment?

7 DEPUTY DIRECTOR GREENE: John, I think Bill
8 addressed that in terms of the funding source at this
9 point in time, unless you had any specific questions.

10 CHAIR BRISSENDEN: Well, it still mystifies me
11 how we spent over \$2 million in five years and much of
12 that never got used or was disabused in the process,
13 and I guess I needed something from administration as
14 to why, but we had a brief discussion.

15 BILL HERMS: I think that goes beyond what is in
16 SB 742, but as I mentioned before --

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17 CHAIR BRISSENDEN: That's why. It was folded
18 into this discussion, and I just was curious.

19 BILL HERMS: Well, SB 742, as I mentioned
20 earlier, uncouples the funding for the program from the
21 Fuel Tax Study and sets it on a baseline. There was a
22 consensus that there were program needs here, there was
23 law enforcement needs, grant program needs, Division
24 needs, and that the Fuel Tax Study was not an
25 appropriate means for basing that. And in order to

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1 maintain an orderly program that continues to grow,
2 that the idea was to set a baseline, and then to work
3 from that into the future, and that's what SB 742 does.

4 CHAIR BRISSENDEN: Okay. Underneath that is
5 about three novels, but.

6 BILL HERMS: And I would suggest the Commission
7 may wish to ask the Division at some point in the
8 future, should this bill be signed into law. I'm sure
9 the Division would gladly hold a workshop or provide
10 additional time for a more in-depth discussion of what
11 SB 742 does, should it actually be signed into law.

12 CHAIR BRISSENDEN: Thank you for the good
13 overview, though.

14 COMMISSIONER WILLARD: That's a good point.
15 Assuming that it's passed, are we envisioning some sort
16 of an overview of how we're going to implement and what
17 we're going to actually be doing? I mean will we have
18 like a meeting in January where we might get into the
19 nitty-gritty and the nuts and bolts of how to move
20 forward into the new era?

21 DEPUTY DIRECTOR GREENE: I would certainly say

22 that if, in fact, it was signed, then we certainly
23 would provide such a workshop. As Mr. Herms indicated,
24 this is a large bill with a lot of parts, and I think
25 that, yes, what we'd like to do is to do pie charts and

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1 flow charts and be able to put it all into context.
2 It's a little premature at this point in time,
3 obviously.

4 CHAIR BRISSENDEN: Commissioner Willard, that
5 supposes that there is a Commission, which we've asked
6 staff on whether or not these particular positions go
7 forward or reappointments are to be appointed or other
8 people to be appointed, so.

9 BILL HERMS: Well, as I have read SB 742, there
10 is nothing in SB 742 that specifically says that the
11 membership on the current Commission will change, other
12 than the way that the Commission normally evolves as
13 positions expire. There is no additional explicit
14 language that makes any commissioner's tenure expire
15 prematurely.

16 CHAIR BRISSENDEN: That does require, at
17 minimum, three more appointments.

18 BILL HERMS: I believe you have one vacancy, and
19 that's two more. So, yes, that's correct, there would
20 be three as of January 1st.

21 COUNSEL LaFRANCHI: Yes, I think I would just
22 add to that that, of course, if the bill is signed,
23 that the existing Commission terms would be served out,
24 and then as far as the Governor appointments, those
25 would, starting in January, be subject to the bill,

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1 which will subject them to -- would give the Governor
2 two additional appointments, and subject those
3 appointments to Senate confirmation, but that would
4 begin in January. But the existing commissioners, any
5 terms that are unfilled or unspent at this time would
6 continue until those terms expire, and then these
7 provisions would kick in for the reappointment if they
8 are gubernatorial appointments.

9 CHAIR BRISSENDEN: So you're saying that these
10 two are saved from Senate review?

11 COUNSEL LaFRANCHI: Yes.

12 COMMISSIONER McMILLIN: That won't be a problem.

13 COMMISSIONER WILLARD: Easy for you to say.

14 CHAIR BRISSENDEN: Well, it does point out that
15 we all are somewhat neutered by this process. All
16 legislation has its interesting sausage aspects, and I
17 don't think anybody likes this one. And I will open it
18 up for public comment.

19 Tom Tammone. Bruce Brazil, followed by Don
20 Klusman.

21 BRUCE BRAZIL: Bruce Brazil, California Enduro
22 Riders Association. Just one kind of quick one, within
23 SB 742, they're calling out for another grants program
24 to be put together by, I guess, a stakeholders group.
25 I'm just wondering, especially for the agencies here,

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1 would they be expected to see this new program ready
2 for next year's.

3 COUNSEL LaFRANCHI: Chairman, would you like us
4 to answer?

5 CHAIR BRISSENDEN: Certainly, I'll ask you to
6 answer that.

7 COUNSEL LaFRANCHI: Certainly, there are a
8 number of aspects by the bill that if signed by the
9 Governor that will require revisions to the regulations
10 and implementation changes, and that process would
11 begin pretty quickly, I would assume, if the Governor
12 signs it. But I don't think we can say exactly how
13 quickly all of that will happen.

14 DON KLUSMAN: Don Klusman, California 4-Wheel
15 Drive association. You're correct, Chairman, watching
16 a piece of legislation, if you don't like looking at
17 sausage, you sure don't want to look at legislation.
18 I've work on a lot of pieces of legislation, but this
19 one was a real challenge.

20 Senator Steinberg and Assemblyperson Wolk after
21 this was introduced put together a group to work with
22 them. There were two people from the OHV community. I
23 was one of them; Don Amador was the other. There were
24 two people from the environmental community, two people
25 from the law enforcement community, one person

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1 representing counties, and then they brought in some
2 other people off and on.

3 But we met for every week at least once a week
4 for I think it was ten weeks. And then we pounded out
5 a lot of this stuff, but then there was a lot of things
6 that were still up in the air, and basically the people
7 that know more about legislation than we do worked on
8 them to finalize it.

9 I have to give a lot of credit to not only the

10 OHV community, but the environmental community, as well
11 as the other stakeholders that were involved in this of
12 taking the time, going through this thing line item by
13 line item and coming to agreements. You heard earlier
14 today from the Wilderness Coalition that they weren't
15 happy with everything. We weren't happy with
16 everything. But we sat down and we worked together to
17 come up with this bill.

18 To say this bill is final, even when the
19 Governor signs it, we know that there's probably going
20 to be amendments to this bill later on. Some of these
21 things are new ideas, some of these things you're going
22 to see how they're going to work. There may be
23 glitches in how this is going to work, and there has to
24 be new legislation. But if we had done nothing, the
25 Commission and the Division would have went away. I

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1 mean it would not have happened after January 1st. So
2 I was proud to be a part of the process, and I was
3 proud of the other people that were on that process.
4 Thank you.

5 CHAIR BRISSENDEN: Thank you. Ed Waldheim,
6 followed by Amy Granat. Don Amador. I guess you had
7 ten weeks of comments anyway, right? John Stewart.
8 Anyone else? I have no other green cards.

9 Commissioners, do you want to weigh in?

10 COMMISSIONER McMILLIN: I'm going to weigh in
11 and congratulate everybody, like Don said. Maybe we
12 don't look excited, but I'm led to believe that it's a
13 great deal for off-roaders and the environmentalists.
14 It's a combined effort, and let's keep our fingers
15 crossed, as well as staff who have worked very hard on
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16 it.

17 CHAIR BRISSENDEN: Any other comments?

18 Mr. Tammone, you just issued me a card on blue
19 that's on an item that's on the agenda, which, anyway,
20 I think it must be a colorblind issue. But that was --
21 Item B was under discussion just a moment ago as it was
22 folded into the discussion under SB 742, so if you'd
23 like to comment.

24 COMMISSIONER ANDERSON: Which is now.

25 CHAIR BRISSENDEN: You're right. So having said
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1 that, we have a presentation on the carbon footprint of
2 the OHV programs and how it fits with the
3 administration goals.

4 CHIEF JENKINS: Thank you. I'll be addressing
5 the carbon footprint issue. You can see in your
6 binders we provided some materials there about where
7 the department as a whole is going, and then I'll speak
8 a little bit specifically about where the Division is
9 going within the larger whole of the department. In
10 your paperwork, there's a quote from Ruth Coleman you
11 can read on your own about just the concerns that we
12 share with many members of the public about global
13 warming and the effects that we're having through our
14 various human activities on climate and climate change.

15 State Parks is initiating this Cool Parks
16 Initiative, which is an attempt to look at in a broad
17 scale about the way we operate the parks, the processes
18 that we engage in, and how we can bring those into some
19 sort of alignment with best practices for environmental
20 protection. It starts there, and you can read through

21 on your own about getting our house in order, various
22 things, adaptation, and then education, and
23 interpretation. Let me give you a couple of specifics,
24 other than what's in the little handouts there in your
25 binder. One of the specific issues is that the

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1 Governor has mandated that any new construction follow
2 the LEED standards, meet at least the LEED silver
3 standard. LEED stands for Leadership in Energy and
4 Environmental Design. This LEED group, it's an attempt
5 to take green building and find a way to standardize
6 it.

7 So in the past perhaps certain companies would
8 say we do green building, but how do you measure that.
9 Is the wood that they're using from restorable sources,
10 you know, sustainably grown, is there recycled
11 products. There were all these claims out there, so
12 the LEED standard is an attempt to standardize that.
13 And the Governor has taken the step of saying we're
14 going to move forward in assuring that our new
15 construction projects follow those guidelines.

16 Just want to note, however, I think as was
17 mentioned at the last meeting when we were discussing
18 this topic, that the Commission has a policy that we
19 have been working with for a number of years about
20 making sure that we try to incorporate solar energy and
21 various earth-friendly technologies in our
22 constructions. So we have been attempting to move
23 towards this goal for quite some time. Now it is more
24 of an official goal that the government will be working
25 towards.

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1 Another specific action that's mentioned in this
2 outline is the department has joined the California
3 Climate Action Registry. So this is a registry where
4 Administrative Services is working to build a tracking
5 mechanism, and we want to measure, as a department,
6 fuel consumption and electricity consumption, and then
7 translate that into the emissions.

8 Once we kind of know what our collective
9 emissions are as we operate our units, then we can
10 begin to track those, see if we can bring those down
11 through various processes. The Action Registry
12 provides that. It's a nonprofit, pretty much volunteer
13 situation right now. The hope is that government can
14 meet these new standards that are voluntarily complied
15 with. If we don't do it voluntarily, then some day
16 somebody will pass some legislation and enforce that as
17 something you have to do. So we're trying to get ahead
18 of that curve in government and be responsible and use
19 standardized practices wherever we can.

20 To get down to the more specifics, specifically
21 what we're doing within the Division, aside from those
22 larger department guidelines, I spoke briefly about it
23 I think at the last meeting, but to be a little bit
24 more specific, diesel emissions from heavy equipment
25 that we drive around, the department is required by the
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1 California Air Resources Board to bring all of its
2 heavy vehicles, 14,000 gross vehicle weight trucks or
3 greater, into some new standards for diesel emissions

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4 for particulate matter on those emissions by the year
5 2011. So we have to have 100 percent of our vehicles
6 that were produced before 2006 to meet this new
7 standard by 2011. This requires modifications of these
8 engines, and this averages about \$5,000 to \$10,000 per
9 application. It can go as high as \$20,000 per vehicle
10 and sometimes even higher.

11 The department as a whole has a program where
12 they're trying to -- or they will be meeting that
13 guideline of 2011. In the department, we have 14
14 vehicles to fit that category, and we're going to be
15 meeting that by the end of this year. So we're well
16 ahead of the curve in the department. We have a much
17 smaller fleet than the department as a whole, so we
18 have that ability to come 100 percent within compliance
19 on those large vehicles this year.

20 And then aside from that, there's also standards
21 for those particulate matter measurements from
22 stationary engines. This would be our generating
23 plants, electrical generators, gas or diesel, that
24 might be located in the various parks. So also as part
25 of this program, we're now monitoring all of those and

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1 making sure that they're registered through the same
2 diesel retrofit program to make the CARB pass stats on
3 all of that information and know what our emissions
4 are. We monitor it, we track it and try to make sure
5 that those engines are retrofitted as needed so that
6 we're into compliance there.

7 Another thing, I just touched on it briefly when
8 I mentioned the three big points of the Cool Parks

9 Initiative was the need for education and
10 interpretation. Within the Division, we're looking at
11 trying to develop an energy fair type approach for
12 sometime next year, and we're trying to schedule around
13 all of the various events that go on in the various
14 communities because you don't want to do it at the same
15 time as a large fair or large events that's going to
16 draw people in other places in the state. But our hope
17 is to have an event at one of the parks, most likely
18 Prairie City where we have the new environmental
19 training center that we're bringing on-line soon, where
20 we would feature low energy or alternative energy
21 vehicles that would be available for outdoor
22 recreation.

23 There are a number of companies now that are
24 producing electric quads, electric motorcycles, some
25 hydrogen-powered motorcycles. There is a lot of

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1 various new technologies out there. So we're going to
2 try to be educating people on alternative energy source
3 vehicles, as well as we'll fold into that the whole
4 quieter that you can get vehicles, the better and do an
5 overall event where we really get the community to come
6 together and look at how we can take the recreation
7 that we do and bring it down to be as minimal impact as
8 we can on the environment. We have great hopes that
9 that will be actually -- we've had a lot of interest
10 already from some of the manufacturers to bring the
11 vehicles and have displays at an event such as this.
12 So we're really hopeful that it will be a successful
13 program.

14 That's an overview of where we are as a

15 department and as a division. Open for questions.

16 CHAIR BRISSENDEN: Thank you.

17 Commissioners, and I'll open it up for public.

18 If nothing at that end, Commissioner Anderson.

19 COMMISSIONER ANDERSON: All right. I'm

20 disappointed, I'm sorry to say, by what's here. Maybe

21 there will be more later, but let me start with a

22 question about the California Climate Action Registry.

23 If this Division -- let me start, Mark's got a

24 business -- I'll use his business as an example since I

25 have no idea whether it applies or not.

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1 But let us suppose that Mark's business decided
2 that they wanted to be carbon neutral in their office,
3 in their office operations. They would go out and
4 figure out, looking at their electrical bills and so
5 forth, how much energy they consumed within their
6 office, and then attempt to basically self penalize
7 themselves and pay someone else to do carbon reductions
8 that they would not already have done, and thus the
9 operations of his office would become carbon neutral
10 because someone else would have completed the offsets
11 instead.

12 Who is eligible to do those new offsets are
13 usually the people who appear on the registries. So
14 when I see the California -- the OHV Division is going
15 to join the California Climate Action Registry, it
16 tells me that Mark could be paying the State of
17 California to do something that you wouldn't already be
18 doing to offset his reductions.

19 CHIEF JENKINS: I don't quite track with you. I

20 don't believe that's the way we are looking at this
21 working. The California Climate Action Registry would
22 actually be an opportunity for us, and in some of the
23 notes --

24 COMMISSIONER ANDERSON: Maybe the California
25 Action Registry is different from the other registries
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1 that I've seen, where if someone voluntarily chose to
2 purchase offsets, rather than do the direct reductions
3 themselves, that there's a registry where you certify
4 that whoever it is you're paying the money to, you're
5 paying the money to the registry, and somebody does
6 some different offsets, something that would not
7 ordinarily be done. So is this -- does this registry
8 work differently?

9 CHIEF JENKINS: Yes. This registry was
10 established by statute. It's a voluntary thing that
11 you would join into. Many states have joined into
12 this. For instance, if we were to go into an area,
13 let's take park X -- I'm not going to pick on any
14 particular park that we have out there -- and say we
15 wouldn't normally be putting trees up in this area, but
16 we have the opportunity to put trees there, and if we
17 put trees there, then those trees will be absorbing
18 carbon emissions, so we will do that specifically to
19 help our carbon balance. Then through the Registry
20 Action, we would have the balance sheet to show how
21 much carbon emissions that we are responsible for
22 operating as a total entity, and we will do things like
23 planting more trees where we wouldn't normally plant
24 them. We wouldn't take credit for trees that we were
25 going to plant anyway. That wouldn't be the way the

1 process works. We're doing this specifically to
2 balance our carbon emissions. We're going to put extra
3 trees or foliage.

4 COMMISSIONER ANDERSON: And where does the money
5 come from for putting in those extra trees?

6 CHIEF JENKINS: That would come right out of our
7 budget. So this won't be where you could have a
8 developer somewhere pay us because we have trees and
9 they're going to be developing perhaps and taking down
10 getting any green vegetation. So this is not the way
11 that, at least our understanding of the California
12 Action Registry, will be working within the department.

13 COMMISSIONER ANDERSON: Okay. This requires
14 some clarification, and I hope you can get it in the
15 future to find out exactly what the implications are.
16 Because I would be disappointed if you didn't expect to
17 not just put your own house in order and measure your
18 carbon footprint, but actually take some measures to
19 see that you do, in fact, do some reductions.

20 DEPUTY DIRECTOR GREENE: Commissioner Anderson,
21 if I may, it's a number of a tiered system, as Phil
22 indicated; not only are we looking internally at our
23 own Division and then State Parks, but the Resources
24 Agency, as you look at it, through statute has
25 established that the agencies such as CARB, DWR,

1 obviously with hydro as you look at it across the
2 board. So in this particular registry, it's all of

3 these particular agencies coming together, and then
4 looking in mass at what are we doing, and then where do
5 we start working. Cal Fire is another one. So it's on
6 a multi-step examination and then determination, and
7 that's why for right now it is simply being able to
8 collect the data and then starting to offset.

9 COMMISSIONER ANDERSON: Okay. I have some other
10 areas. In addition to looking at emissions from
11 Division vehicles, I think the operation of the
12 Commission and its subcommittees, and even to some
13 extent certainly within the Division, I think you need
14 to look at airplane versus conference calls or airplane
15 travel versus using video conferencing technology.
16 Airplanes certainly consume a whole lot more energy
17 than a conference call would, more than setting up a
18 video conference.

19 I'm pleased by the LEED standards that you're
20 going to use for new construction. I think you might
21 also think about scheduling and building into your
22 system scheduling opportunities that will reduce the
23 number of flights, drive, vehicle travel. And since we
24 know that we need to be sending people out to do audits
25 on grants and so forth, I think that even within the

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1 Division, we need to be looking again at scheduling how
2 can you efficiently do that scheduling that will also
3 reduce your own vehicle emissions.

4 I think we would be wearing binders if we didn't
5 ask some questions about is there something that we can
6 do about the design of our programs, the designs of the
7 trail networks, the designs of the SVRAs that would

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8 reduce emissions and carbon footprints, which consist
9 of not just carbon dioxide in the atmosphere but can
10 also do things with dust and other CARB concerns.

11 So I see that there are a lot more
12 opportunities, and I certainly look forward to a whole
13 lot more in terms of Division implementation in the
14 future. And if you'd like more ideas, I would be happy
15 to go on ad nauseam.

16 CHIEF JENKINS: Thank you, Commissioner
17 Anderson. The video conference is something we
18 actually did identify last year as a way we could
19 reduce a lot of our unnecessary trips. So just in the
20 last few months we have finalized installation of video
21 conferencing units in each of the State Vehicle
22 Recreation Areas to connect them with Division
23 headquarters, which we've had a number of meetings just
24 in the last several months since that's been installed.
25 Where in the past we have brought staff from Ocotillo

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1 Wells on an airplane and from Oceana Dunes in a
2 vehicle, et cetera, instead we're having those meetings
3 now by video conference. So we have absolutely done
4 that.

5 And I know on at least the most recent tour that
6 a couple of the grants administrators did down south,
7 they were very careful to design kind of a loop so that
8 two of them could go together, and they didn't have to
9 go in and out, in and out, in and out. And they did a
10 loop and hit a number of cases on one big loop.

11 So I think we're thinking along the same lines.
12 Those are absolutely the types of things we're
13 considering to try to bring down our numbers. So

14 that's where, like I say, the registry will allow us to
15 set a baseline about what we're doing now, and that way
16 we can measure it year by year how we're --

17 COMMISSIONER ANDERSON: Well, within
18 Ms. Coleman's remarks it discusses such things as
19 emission reductions via land stewardship and
20 acquisition strategies. I think that's already an
21 identified strategy within the Division, I'm looking at
22 acquisitions which are closer to urban areas so that
23 you reduce the travel time of all of our users in
24 getting to the area where they want to engage in
25 recreation.

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1 I think that we need to think creatively about
2 some strategies for our users that we know are going to
3 continue using areas like the Imperial Sand Dunes,
4 which are remote from everything, and take a lot of gas
5 getting to and from. And it's not just the gas that's
6 used in running around in the area, but it's hauling
7 those heavy vehicles. There must be some other
8 creative ways of dealing with that. So I think we
9 really need to think creatively, not just in obviously
10 the SVRAs, but we need to think creatively about what
11 kinds of demands or invitations can we make to grant
12 applicants in the future that would increase the
13 opportunity, the long-term sustainability, which I
14 think is the long-term sustainability of this program
15 is certainly going to be brought to question if we
16 can't show that we're making some progress on reducing
17 emissions.

18 CHIEF JENKINS: Absolutely. Thank you for your

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19 suggestions.

20 CHAIR BRISSENDEN: Thank you.

21 COMMISSIONER ANDERSON: I preached. That was my
22 lecture for today. I'm done.

23 CHAIR BRISSENDEN: No, you're not done. You
24 just got started, I could tell. We'll go to public
25 comments, and then we will wrap up with any other

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1 Commission remarks.

2 We will start with Rick Krause, I believe. Bob
3 Schneider.

4 BOB SCHNEIDER: Good afternoon, Commissioners,
5 my name is Bob Schneider. I work with a local group in
6 the Yolo, Lake, Solano County area, generally speaking
7 called Tuleyone. It's a Lake Miwok word that means
8 deep home place. Our mission is to protect our wild
9 heritage and agricultural heritages in the Putah and
10 Cache Creek region for existing and future generations.

11 I'm here because we have an issue with off-road
12 vehicle use. There's trespass and illegal use on Putah
13 Creek and Cache Creek, and then Oxville off-road
14 vehicle area, there is just lawless use. That's not
15 their fault at all of the ORV people that are
16 responsible users, but because of the remoteness, we're
17 getting a lot of people that are just renegades up
18 there. They're firing off automatic weapons. There's
19 a big problem.

20 So it's in our region, and we're involved. And
21 part of that, because of that, we did participate in
22 the SB 742 issue. We were opposed to that bill because
23 we didn't think it had enough enforcement dollars in
24 it. There wasn't any ID plates, there wasn't adequate

25 fines, and without those tools we can't effectively 154

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1 deal with the trespass problems that we have like on
2 Putah and Cache Creeks. So we will be continuing to
3 work on that.

4 We're not opposed to off-road vehicles at all,
5 and, in fact, our organization supported a Yolo County
6 grant to study more local areas in Yolo County to see
7 if those were appropriate or not. And that kind of
8 comes back to the carbon footprint issue. And I think
9 we're really missing the point here. I mean we have an
10 activity that centers around the generation of carbon,
11 and it creates, you know -- I mean it's centered
12 around -- it's exacerbating the problem of climate
13 change and energy use. So how do we deal with that.
14 I'm not a purist at all. I drive to the east side of
15 the Sierra Nevada and go hiking and certainly have my
16 share of carbon output that I personally have to deal
17 with in some form. But this whole activity centers
18 around this.

19 That was the other issue we were concerned about
20 SB 742 because we don't think enough dollars went to
21 restoration. If we're going to generate all of this
22 carbon contributing to energy use and climate change,
23 then we need to deal with mitigating that as an entire
24 program. And that involves maybe, you know, Forestry
25 planting trees and other uses and activities that we 155

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1 can take, and the funding that comes from either the
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2 fuel tax or Green Sticker fee, we feel a bigger
3 percentage needs to go to those to mitigate for this
4 activity.

5 Commissioner Anderson mentioned the heavy
6 vehicles and the towing and those uses, and having
7 better Cap A standards, I don't think anybody here in
8 this room wants to pay the dollars they're paying for
9 energy and that's going to go up. So more efficient
10 vehicles is in everybody's interest, and I think we
11 need to look in that direction. And I appreciate what
12 the Division is doing in talking about improving their
13 vehicles. We need that education program to help the
14 people in this activity also move in that direction so
15 that they can get better use of their discretionary
16 income.

17 I do think for those uses, the concept of having
18 extra dollars to mitigate the entire program as an
19 activity is important, and also I think that we will
20 continue to work on real action in the enforcement
21 arena in these areas that weren't happening. We are
22 participating and continuing to participate with Yolo
23 County in looking at getting a grant to study potential
24 off-road vehicles in the county; the more local types
25 of issues -- or places we have, if we have places to

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1 point people, you're not supposed to be here, we're
2 going to give you a ticket, it's going to get more
3 expensive, we have this other area for you, I think
4 offers an alternative that people can support. And
5 also I think it will help in the problems we're having
6 in our national forests of tearing up the landscape

7 that people have somewhere more local that they can
8 participate in this activity in a legitimate manner.
9 So thank you for listening.

10 CHAIR BRISSENDEN: Thanks for being here. There
11 will be many more amendments to the SB 742, I was
12 assured just a moment ago.

13 So Tom Tammone, followed by Ed Waldheim.

14 TOM TAMMONE: Tom Tammone. The carbon footprint
15 issue, I think a lot of that is addressed to CARB and
16 our requirements that we're forced to meet. But I have
17 some concern about retrofitting diesel engines, being a
18 mechanic, these retreat systems, or as we say in
19 aviation, reheat or after-burner situations, basically
20 what they do is they inject fuel into the catalytic
21 converter, after-the-fact combustion. It's wasted
22 energy in exchange for cleaner air. Also consumes more
23 oxygen to do the process, and the gases that come out
24 can be as high as 2000 degrees, which is about four to
25 five times higher than that that's allowed on a

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1 certified spark arrester exhaust system on a
2 motorcycle. So if you're going to be operating in
3 grass areas, it's something to take into consideration.

4 Maybe we ought to consider more money into
5 things like hydrogen or fuel cells, as opposed to
6 retrofitting diesel engines. I know a lot of
7 manufacturers have continuously addressed these issues
8 by constantly having to reflash the controllers on
9 them. As a mechanic, if I have an indoor shop with
10 rubber exhaust hoses to exhaust, I have to disable the
11 system to keep from burning up my rubber hoses. So
12 that is something you want to look at.

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18 alternative fuels than retrofitting. Thank you.

19 CHAIR BRISSENDEN: Thank you.

20 Ed Waldheim, followed by Amy Granat.

21 ED WALDHEIM: Ed Waldheim. I find it very
22 ironic that we're spending -- when you think about this
23 whole meeting, we're spending more time on everything
24 else except what is the most importance to us and
25 that's trail maintenance. It's phenomenal. I don't

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1 get it. I really don't get it. We're dealing with
2 things that we're all supposed to be doing anyway. We
3 have absolutely no say on the emissions, and we're all
4 supposed to be working on the Internet, we're supposed
5 to be working on conference calls, and all that is
6 something. What does that have to do with the trail
7 work and protecting our resources out in the field? It
8 just totally baffles me. I've been recycling for the
9 last 40 years before it ever became fashionable. I
10 didn't need a government to tell me to do that. I did
11 that in Glendale. Before the trash cans ever came out,
12 I was doing that and taking it to the place on San
13 Fernando Road.

14 And it just baffles me how have we lost our way
15 so clearly. Now we're talking about carbon footprints.
16 What's going to be next. In the meantime, the
17 resources are going down the tubes because we're not
18 addressing them. So let's get real again. Let's get
19 back to why we're here and what is our mission. Our
20 mission is to provide the recreational opportunities to
21 the citizens of California, to do it in a sound and a
22 good manner where they feel comfortable, in a comfort
23 zone to do their job and enjoy it. That's what our

24 mission is.

25 CHAIR BRISSENDEN: Thank you, Ed.

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1 Amy, followed by Don Amador.

2 AMY GRANAT: I actually wanted to address a
3 couple of the statements that Mr. Schneider made. I'm
4 also a resident of Yolo County, and he brought up two
5 interesting points.

6 With due respect, Mr. Schneider made it feel
7 that we in off-road recreation go out to waste gas, and
8 that is certainly not the truth. I think the last time
9 we took our Jeep out, we went six miles, and we
10 averaged five miles per hour. And I would hesitate to
11 say that sitting in Los Angeles traffic, which I had
12 the pleasure to do not that long ago for two hours
13 going from Huntington Beach to San Fernando Valley,
14 wasted a little more gas than I did going six miles at
15 five miles per hour. I could be wrong.

16 But the important part of all of this is that
17 there are options out there, there are electric
18 motorcycles that are beginning to be built, and I'm
19 proud to say that CORVA just this week, we are
20 investigating bringing in an electric motorcycle,
21 getting one to raffle off, and bringing it to various
22 events to show people that these options are beginning
23 to be made. The technology is working on it.

24 I'm also proud to say that my husband is working
25 on a hybrid four-wheeler. It's something that we

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1 wanted to have for a really long time to have a hybrid
2 rock crawler that would both reduce the carbon
3 emission, reduce the noise, and hopefully a lot of the
4 objections that are out there against off-road
5 recreation, it's a wonderful sport, and with the
6 technology, there are a lot of people out there to make
7 it cleaner.

8 The other item that Mr. Schneider talked about
9 was the irresponsible off-road use. I'm a trainer for
10 Tread Lightly. I'm developing a program for high
11 school students to go out because I live in an
12 agricultural community. I live in the Delta. We grew
13 winter wheat last year. The kids in there, including
14 my son, I hesitate to say, were 17 and in their new
15 pickup trucks with their new licenses drive like
16 idiots. And it has made it my goal to go to the school
17 and tell them not to drive like idiots. It's really
18 pretty simple.

19 You can fine people all you want, and you can
20 threaten them with fines, but you're 18-years old with
21 a new pickup truck, I hate to say it, I don't know if
22 any of you all have children, but you tell them not to
23 do something, they will do it in spite of that. And I
24 know I'm not saying anything new. Education is the
25 key, and I would love to go to your area, and I would,

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1 as a trainer, to come to the high school and give a
2 program to the high school kids because I'm sure
3 they're part of it. If they're not part of the
4 problem, they could be part of the solution, and they
5 could bring it to the other people. And I think you

6 need to encourage before we start with fines, let's
7 tell the people what they can and can't do. Thank you.

8 CHAIR BRISSENDEN: Thank you.

9 Don. John Stewart, followed by Karen Schambach.

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

13 The discussions about carbon credits or carbon
14 footprint, leads to carbon credits, leads to
15 mitigation, that begs the question, what are you
16 mitigating? I see one of Ruth Coleman's first points
17 is to measure the carbons, the parks' carbon footprint
18 and take action. I would encourage the fact that they
19 do actually take a honest measurement of the carbon
20 footprint, actually set up a monitoring program before
21 they make any kind of rash decisions or any kind of
22 knee-jerk reactions.

23 There are several environmental protection
24 agencies studies out looking at some of the follies of
25 the past where the assumption has been that we plant

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1 trees, we reduce the carbon in the atmosphere. They
2 started planting trees, and all of a sudden the carbon
3 in the atmosphere has been increasing. That's not a
4 given action that planting a tree is a good carbon
5 credit. Let's make sure if anything is done, that it
6 makes scientific sense and is sound science, something
7 that's based on fact and it does work. A lot of money
8 is wasted. We don't need to step into something that's
9 going to waste more money. Thank you.

10 CHAIR BRISSENDEN: Thank you. Karen Schambach,
11 followed by Don Klusman.

12 KAREN SCHAMBACH: Karen Schambach, Center for
13 Sierra Nevada Conservation, and I'm actually going to
14 agree with Mr. Stewart. When I read Ms. Coleman's
15 program for the carbon footprint, my first reaction was
16 let's please be real. I see no indication that the
17 Division is looking at the greenhouse gases from the
18 activities for which the SVRAs actually exist. In
19 fact, we know that the program's goal is to expand OHV
20 recreation. Are other programs within the Resources
21 Agency supposed to mitigate for emissions from SVRAs?
22 That's sort of what I just heard from Ms. Greene. I'm
23 not even going to go into the pros and cons of off-road
24 recreation.

25 But if the Governor is serious about, you know,
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1 greenhouse or carbon neutral footprint, then we have to
2 be real about what the carbon footprint is. And it's
3 not -- the impact on the SVRAs isn't from, you know,
4 the lights in the office, it's the emissions from the
5 vehicles that are used in the parks. So I'm not going
6 to pass judgment on whether that's good or not, but
7 let's actually measure that footprint and then talk
8 about mitigating it. We know that staff vehicles are a
9 minor part of the total greenhouse emissions, one of
10 the parts.

11 Well, that's all I need to say. Let's do an
12 actual -- you know, find out what the footprint is and
13 then be realistic about what it takes to mitigate it
14 and not expect other State Parks or other agencies
15 within the Resource Agencies to do the mitigation for
16 this program. Thank you.

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CHAIR BRISSENDEN: Thank you.

17

18 Don Klusman, Bruce Brazil. "Anything that may
19 come up," your words, and you're not coming up.

20 So any further comments from the Commission
21 before I'm going to give a break to the Scribe. And
22 Chief Jenkins would like to chime in.

23 CHIEF JENKINS: Just correct one
24 misunderstanding from Ms. Schambach, when we were
25 saying that the other agencies in the Resources -- or
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1 the other divisions, departments in the Resources
2 Agency are also mitigating or measuring their footprint
3 and doing what they can to reduce the emissions, that
4 doesn't have anything to do with trying to make up for
5 any emissions that are created. As recreationists
6 enjoy the SVRAs, the department has taken the position,
7 well, it's the way the bill is set up for all of the
8 agencies. We don't measure the carbon footprint of the
9 people coming into State Parks, for instance. So like
10 at Humboldt Redwood State Park, they don't, as they go
11 through this carbon registry exercise, try to figure
12 out how many motor homes came from Southern California
13 to Northern California to go to the redwoods and how
14 much carbon emissions did they generate as part of that
15 trip, just as once somebody comes from the local area
16 into an SVRA, we don't measure how much they're burning
17 in there.

18 So this whole effort is focused on what we
19 generate as an agency operating our own vehicles. I
20 recognize the point that was made that there are a lot
21 of visitor-created emissions both in regular state
22 parks, non-SVRA state parks, as well as the SVRAs. I

23 think part of that goes back to partially what Judith
24 was saying about, you know, an effort to situate parks
25 closer to urban centers. The department has had that

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1 Urban Parks Initiative for some time trying to look for
2 ways to try to provide opportunities closer. It was
3 focused on providing opportunity for urban youth, but
4 it has that byproduct of creating less trip time back
5 and forth. But my point was the emissions of the
6 visitors, that is not part of the overall program for
7 the SVRAs or State Parks or Resources Agency, it's just
8 not the way the program is set up.

9 CHAIR BRISSENDEN: I understand that, but I
10 think the reason that I put this on the agenda at the
11 request of two Commissioners was you need to look at
12 the whole picture, it's not just the Division and its
13 vehicles, but how and what the cost is of recreating in
14 this format and how to get there. The administration
15 has to look at that, as we all do.

16 I know I have two other requests for comments.
17 I didn't want to overlook Commissioner Willard, and
18 then Don Amador.

19 COMMISSIONER WILLARD: I just wanted to point
20 out there was another speaker.

21 CHAIR BRISSENDEN: Thank you. Don.

22 DON AMADOR: Don Amador, Blue Ribbon. It's not
23 often I agree with Al Gore, but I think he had a good
24 idea a few years ago that might solve our carbon
25 footprint issue. I mean at one time he suggested

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1 instead of going to the parks, we just view a CD.
2 Maybe that's the answer where we could all stay home.
3 And even Mr. Sorenson, he has this nice brochure. He
4 can just send people a CD of his resort and the things
5 they all experience there. Maybe we should just stay
6 home. Thank you.

7 CHAIR BRISSENDEN: Thanks for bringing that up,
8 Don. I'll just send you a nightly rate; ship me a
9 check, then I don't have to change your sheets.

10 Anyway, any other further comments on this
11 subject? I would like to thank everybody's
12 participation. I realize from what Ed was saying, it's
13 not real specific to this, but in overall consideration
14 of the planet, I think we all need to think about our
15 impacts.

16 Which leads me to involving Mark, since that's
17 the sort of book end of this, you have a project given
18 that Daphne and Mardi and Vicki all drive how far to
19 work? I think we could put a nice green apartment on
20 top of the building downtown and have everybody stay
21 there. You drive in from Mill Valley; is that right?

22 DEPUTY DIRECTOR GREENE: When I made the choice
23 to accept the appointment and try and help with this
24 program, yes, my family does live in Marin, and I'm
25 committed to my family and my job.

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1 CHAIR BRISSENDEN: I understand. I'm just going
2 wow. Fortunately, I get to walk to work most of the
3 time.

4 COMMISSIONER McMILLIN: Did you ride a horse

5 down the hill?

6 CHAIR BRISSENDEN: No, not this time, no. This
7 isn't exactly work. Some days it seems that way.

8 So I would like to take a break. Our next item
9 is the Rubicon Trail impacts, and Aaron said he needed
10 a little time to set that program up. So if we could
11 be back at 2:30, that would be great.

12 (Break taken in proceedings.)

13 CHAIR BRISSENDEN: Welcome back. The next to
14 last item for the day is the Rubicon Trail impacts and
15 the Commission letter supporting seasonal closures and
16 street-legal vehicles only. I did have a copy, a draft
17 letter that was presented for the rest of the
18 Commissioners and that staff has, so you can reference
19 that. But in the meantime, we have about 15 comment
20 cards, and 10 letters, and a staff presentation. John
21 Pelonio, please go forward with an overview. Thank you
22 for doing that, and then we will go to Karen Schambach;
23 and then the Friends of the Rubicon, Randy, you have a
24 little five-minute presentation, right; and then we
25 will go to general comments. Thank you.

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1 JOHN PELONIO: Good afternoon, John Pelonio, OHV
2 Division staff. I've been asked to do a brief
3 introduction to the Rubicon Trail, just to give
4 everybody an idea of what we're going to be talking
5 about. I have a map and an aerial photograph. The
6 Rubicon Trail goes from the Loon Lake area up to Lake
7 Tahoe area. It's about 22 miles long. The elevations
8 on the Rubicon Trail range from 5400 feet to over 7,000
9 feet. The access points are through Loon Lake,
10 Wentworth Springs or on the Lake Tahoe side. The trail

11 passes through El Dorado County, Placer County, the
12 Eldorado National Forest, the Tahoe National Forest,
13 the Lake Tahoe Basin Management Unit of the Forest
14 Service, and private property. It's also under the
15 jurisdiction of the Lahontan Regional Water Quality
16 Control Board and the Central Valley Water District.

17 History of the Rubicon Trail, prior to 1840 it
18 was used for trade and migration by the Maidu-Nisenan
19 tribe and the Washoe tribe. In 1850, Rubicon Springs
20 were discovered. In 1859, the first log bridge was
21 built over the Rubicon River. In 1860, it was a cattle
22 route for transporting cattle and the sheep over the
23 Sierra. In 1886, the Rubicon Springs Resorts was
24 established as a tourist attraction to soak in the
25 natural springs. In August of 1887, the El Dorado

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1 County supervisors declared the trail a public highway.
2 The first car drove to Rubicon Springs in 1908, so
3 almost a hundred years ago. In the 1930s and '40s, the
4 county improved the route rebuilding some bridges. In
5 August of 1853, the first Jeepers Jamboree took place
6 with 55 jeeps and 165 participants -- I'm sorry, in
7 1953. It was right on my notes, but I misread it.
8 Thank you.

9 In 1989, El Dorado County reaffirmed the Rubicon
10 Trail as a nonmaintained public road in the County of
11 El Dorado. And that's where it stands now.

12 COMMISSIONER McMILLIN: How long is it?

13 JOHN PELONIO: Twenty-two miles.

14 CHAIR BRISSENDEN: How much is in the Tahoe
15 Basin?

16 JOHN PELONIO: I don't know where the boundaries
17 are.

18 MEMBER OF THE PUBLIC: Probably seven miles.

19 CHAIR BRISSENDEN: Seven miles. Any questions
20 of staff?

21 COMMISSIONER WILLARD: Who has jurisdiction over
22 it?

23 JOHN PELONIO: A variety of agencies, El Dorado
24 County, Placer County, and three units of the National
25 Forest system.

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1 COMMISSIONER WILLARD: Specifically law
2 enforcement, all three?

3 JOHN PELONIO: That's correct; they would have
4 concurrent jurisdiction.

5 COMMISSIONER WILLARD: What's the major law
6 enforcement presence out there? Who's really charged
7 with patrolling and making sure that there's no
8 violations?

9 JOHN PELONIO: Generally it's going to be a
10 multi-agency effort, so the Forest Service working with
11 local counties. I know we have in the past given
12 funding to El Dorado County. They did not come in for
13 a grant this year.

14 CHAIR BRISSENDEN: Any other questions of staff?
15 We'll move on to public comment from Karen Schambach,
16 who brought this to my attention, and then we will go
17 to Randy from Rubicon Trail Foundation, and then we
18 have -- we are honored to have the Honorable Jack
19 Sweeney of El Dorado County Board of Supervisors here.
20 So you could be third. Is that all right, Jack?
21 Perfect. Thank you.

22 KAREN SCHAMBACH: Commissioners, my name is
23 Karen Schambach with the Center for Sierra Nevada
24 Conservation. I also happen to live in Georgetown
25 where the trail originates, and I have a history with

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1 my friends and neighbors using the trail. My
2 mother-in-law, who died at age 99 a couple of years
3 ago, is one of those who actually took a passenger car
4 to Rubicon Springs on the trail. So I have a personal
5 interest in the trail, as well as an environmental
6 interest.

7 As you know, or maybe you don't all know, there
8 was supposed to be a PowerPoint presentation today to
9 illustrate some of the issues on the trail. And the
10 reason why we're asking for your support for a letter
11 from this Commission to the county requesting closure
12 in winter and restrictions to street legal vehicles
13 only on the trail. Our fear is that if things go as
14 they have, that the trail will be closed permanently to
15 everybody, and none of us want to see that. We want to
16 see the trail remain as it historically has been, you
17 know, a recreational asset to our community.

18 Unfortunately, the PowerPoint that you were
19 going to see has been postponed because Del Albright
20 threatened to sue the fellow that put it together if
21 they went forward with it. There is one slide from his
22 website that was in the presentation which simply says,
23 "Run the trail when you make dust," which they used to
24 make their point -- and, Mr. Albright, if you want to
25 sue me, bring them on -- make their point that even

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1 responsible off-roaders recognize the damage being done
2 to the trail through winter use. So unfortunately
3 you're not going to be able to see this, and I think
4 really what they don't want you to see was not that one
5 slide, but the slides that show the horrible damage
6 that's been done, especially over the last ten years
7 since the Rock Crawlers kind of took over and displaced
8 the traditional users.

9 What our community wants and what I want,
10 personally and as a conservationist, is to see the
11 county adopt a general plan that protects the trail.
12 And the only way I see that happening is to impose
13 winter closures. That's done on other trails. Bear
14 Creek Trail has had winter closures on it for ten
15 years. And for those that fear a winter closure will
16 mean a permanent closure, I think those fears are
17 unfounded.

18 Anyway, that's all I have to say. I have to
19 admit, I'm a bit angry. I think that the efforts to
20 stifle a person's political right to free speech has
21 been breached here, and I think the fact that they went
22 to such extremes to make it impossible for you to see
23 the slides, speaks to the powerful message that the
24 slides would have given. Thank you.

25 CHAIR BRISSENDEN: Thank you. I think, Randy, I
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1 know you gave me your last name before, with Rubicon
2 Trail Foundation, you have a brief PowerPoint; is that
3 my understanding?

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RANDY BURLESON: Yes, I do. I'm Randy Burleson.

I'm with Friends of the Rubicon and also the Rubicon Trail Foundation. Next slide, please.

I wanted to show a few slides about winter wheeling. It's one of the least impactful forms of recreation. It's beautiful up there. You're recreating ten feet above the trail. And the payoff is you get out into the resource when very few other people are out there, and it's just beautiful, and it's one of the best times of the year to recreate with the least impact.

Now, let's jump back to summer when we can actually work on the trail, because that's what Friends of the Rubicon is all about. This picture shows a segment at the bottom of Walker Hill where FOTR has worked in 2003, 2006, and 2007. They are tens of thousands of pounds of rocks and logs there that have been placed by volunteers. This is the sort of effort that has made the trail better. It is significantly improved over the last seven years that FOTR has been working on it. I can't really speak to the slides that weren't shown, but I hope to be able to respond to them

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when they are shown.

Just from a broad perspective though, this is the Rubicon Trail. You may have to squint a little bit to see the vehicles on it. You may have to squint a little bit to see the trail that's there because it's a narrow dirt road through 20 miles, and the vast majority of the trail is in great shape like that, and it's tough to see where it is once you're 200 yards off of it, minimum visual impact.

10 Like I said, most of the trail is in great
11 shape, and FOTR continues to work with the county
12 partners to sign and mark the trail. The trail
13 actually comes down from about the middle of the
14 picture on the right, and you can see a vehicle in the
15 middle of it there. Again, I draw my conclusion from
16 that that the trail is very light on the land through
17 that section. Twenty-two miles long, it's going across
18 there. We have an abbreviated slide show today.

19 But it's worth noting that there are some issues
20 on the trail, and there's some legitimate issues, but
21 the best way to address those problems is through the
22 established Rubicon Oversight Committee. That's a
23 round table meeting that's multi-agency,
24 multi-recreation and has slowed down a little bit, but
25 we're still at the table, and I welcome representatives

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1 of the Center for Sierra Nevada Conservation back to
2 the table. We haven't seen much of them in the last
3 couple of years, and the same goes for the Nordic Ski
4 Patrol, and reps from the Eldorado National Forest who
5 pretty much stopped attending last year.

6 FOTR has extended invitations to individuals of
7 these groups, and we do so again here. We need to work
8 together for the betterment of the Rubicon Trail in the
9 Rubicon Oversight Committee. It's the right place to
10 address these issues, and I don't think mailing out CDs
11 is a good way, constructive way to work through the
12 process. We need to work the process that's there.
13 And with continued support from the OHV Commission, we
14 hope to continue going forward doing exactly that.

15 Thank you.

16 CHAIR BRISSENDEN: Thank you. Lights up.

17 Honorable Jack Sweeney, El Dorado County
18 Supervisor.

19 SUPERVISOR SWEENEY: Good afternoon, Mr.
20 Chairman, members of the Commission, I'm Jack Sweeney.
21 I'm supervisor of El Dorado County District Three. I
22 got involved on the Rubicon -- my family has been
23 involved in the Rubicon for well over a hundred years
24 but driven cattle over there, and one of my uncles
25 drove a tour car into the Rubicon Springs Hotel over

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1 the years. And I got involved, first time I think was
2 1957, '58 driving a Jeep in there. And I have two sons
3 that have Jeeps, and a grandson that's got a Jeep, and
4 we all get in and do our jeeping thing. And Karen
5 talked about her family, and I have to tell you, that
6 one of my goals is to make this a family event again.
7 And people talk about the off-road vehicle and people
8 talk about the oversized vehicle, and I'll tell you,
9 it's no different in OHV than it is on the highway.
10 It's not the vehicle, it's the nut behind the wheel.
11 So don't ever lose sight of the nut behind the wheel
12 because that's the one that does the damage.

13 I'm a little disappointed to be here today.
14 I've had to change my whole afternoon schedule, and you
15 know, Commissioner Brissenden, that as a supervisor,
16 things come up and happen and you have to do that. But
17 we're in the process, as all these parties know, I have
18 in my hand the Draft Trail Master Plan, administrative
19 draft of the CEQA document. I can't give you those
20 because you know about administrative drafts, it would

21 breach the process, and we would have to start over
22 again, and that's part of the problem.

23 Before I went back on the board of supervisors
24 in '03, I had been working on the Rubicon Trail for
25 some time, helped put together the ROC, the Rubicon

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1 Oversight Committee. And we're trying to get people to
2 come together to get rid of their differences of
3 opinion and work out, in fact, a resolution for the
4 project. The minute you say project, when you're in
5 local government, that means some CEQA document. And
6 it's taken us a while because in this area you can only
7 get in to do the research that you need to do for
8 environmental impact report in three or four months'
9 time. So it's taken us a while to get there. And
10 thank you very much for your contribution because
11 you've contributed considerable funds to help get this
12 done.

13 So we're going to put this on the street in a
14 couple of weeks, and all these problems that these
15 people are talking about, they can make their comments
16 on the CEQA document, and they can give us all this
17 information. And as a county, we'll bundle it up and
18 try to see how we can resolve the issues. And the
19 biggest issue is, it's not technically a trail. It's
20 technically a county road -- or technically it's a
21 public road. And you need to research public road
22 because that's a different thing than a state highway
23 or county road, and that's some old adage, I think the
24 Forest Service refers to it as RS 2677 or some such
25 number.

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1 CHAIR BRISSENDEN: 2477.

2 SUPERVISOR SWEENEY: 2477.

3 But the main fork from Wentworth Springs through
4 Rubicon Springs to Tahoe has been historically a public
5 road. About two years ago, we finally got the fork
6 from Loon Lake over to Ellis Creek, we finally got an
7 easement from the Forest Service, so that we have under
8 an easement to the county. So it's kind of a
9 responsibility. It's basically a public road. When
10 you talk about closure on a public road, you talk about
11 something different than you talk about closure on a
12 trail that's simply under the Forest Service
13 jurisdiction or under the State Commission's
14 jurisdiction. You have some other issues to look at,
15 and our attorneys tell me they're significantly
16 different than just saying we're sorry it's closed
17 today.

18 So we have those kinds of issues, and we're
19 going to examine that in this process. And I think
20 that's the appropriate place for this examination, as
21 opposed to taking up your Commission's time and other
22 people's time. I think we're trying to do that job and
23 do it in the way that California law proscribes that we
24 do that. So I think we're following the right path. I
25 think nobody needs to panic because I know we're going

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1 to have some protracted public hearings on this issue,
2 and our board is going to be in the same position that

3 you're in. We're going to have to make a decision
4 about how we are going to handle these issues. I want
5 to tell you, though -- and I'm sorry, I know I'm
6 probably exceeding my timeline.

7 CHAIR BRISSENDEN: You still have a green light,
8 John.

9 SUPERVISOR SWEENEY: You give a politician, you
10 know, and so on; five minutes to say hello.

11 In the meantime, as an example, just this year,
12 my Department of Transportation staff went out on the
13 old road at Wentworth Springs and moved about 8,000
14 yards of soil material in to fill up some of the holes
15 and get streams back where they belong. I know for a
16 fact that the Rubicon Trail Foundation and the Friends
17 of the Rubicon and many other volunteers who are not
18 necessarily members of those organizations have been
19 out making modifications to get drainage so it works.

20 We're not the only users of the trails, the
21 people in OHV. There are people in these little
22 buggies and motorcycles and a lot of things. And so we
23 have a lot of work to do to restore that trail, and I
24 think most of it's going to be restoration. Some of
25 it's going to be very difficult.

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1 So I would ask you to -- I'll use the words,
2 tread lightly, if you would today, because I'd like the
3 opportunity to make my decision on what we have to do
4 in our county. And I appreciate the support that you
5 folks have given in the past, and I will tell you that
6 one of my goals is to put the ROC back in some kind of
7 official capacity, and so I hope that all of these
8 parties can get together, and Daphne was one of the

9 people that helped us get it going. Maybe she and I
10 need to talk a little bit and bang some heads together
11 and get people working together for the good of the
12 trail, as opposed to arguing about what should or
13 shouldn't be done.

14 So we're looking forward to your continued
15 support. I can almost guarantee you that next year you
16 will see a grant from us, a grant request from us. So
17 as soon as we get this on the road, we'll see that your
18 department gets some copies of this. Thank you for
19 your time.

20 CHAIR BRISSENDEN: Anybody have any questions of
21 Supervisor Sweeney? Normally we wouldn't ask questions
22 of you, but given your position.

23 COMMISSIONER ANDERSON: I would just ask, what
24 you're implying with your potential grant request is
25 that you might move to converting this to a maintained
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1 county road?

2 SUPERVISOR SWEENEY: No, ma'am, that I think
3 would be a disaster. If we call it a maintained county
4 road, then it's open to --

5 COMMISSIONER ANDERSON: Then it has to meet
6 other kinds of standards.

7 SUPERVISOR SWEENEY: Yes. So nonmaintained
8 means it's not in the state maintained mileage system.
9 So we don't have to make it work for state standards.

10 COMMISSIONER ANDERSON: So the county then can
11 establish whatever standards it wants for this
12 unmaintained county road?

13 SUPERVISOR SWEENEY: Well, within certain

14 insurance liabilities and legal liability, yes. So
15 understand that it's someplace in between. And there's
16 a state law, as you know, that when you go out and
17 recreate on something that you know is dangerous,
18 there's some protection to the county in that regard.

19 But our goal, our goal as a county government is
20 to make this a place -- and I took my mother and father
21 through there in '58. I mean it wasn't -- and my goal
22 is I'd like to take younger folks and have a nice place
23 to go and use this as a trail again, and I think we
24 will get there. But it's going to take first some
25 regulations. We've talked about a permitting process,

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1 much as your Green Sticker is. We've talked about how
2 we can control the users, what we can make them do and
3 can't make them do. And we've done a great deal of
4 education. We have a kiosk set up at Loon Lake that is
5 staffed pretty much by the Friends of the Rubicon, and
6 at that kiosk we give out Port-a-Potties, we give out
7 oil kits, and we give out information pamphlets about
8 how to use the trail appropriately.

9 So I think we're trying to put together a
10 community facility. I've heard someone use the word
11 linear park, and I think that's kind of what we have.
12 Maybe one of the mistakes we made was having our parks
13 department instead of our road department, so we're
14 looking at that. But I think I can stand here two
15 years from now and say here's the improvements we've
16 made in the last two years and thank you for your help.
17 And I'm confident that we'll get there.

18 CHAIR BRISSENDEN: Since you've been going over
19 this for many, many years, and certainly Karen has and
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20 many, many other people here have, I have not, I saw
21 pictures of fairly severe or extreme vehicles going up
22 over rocks and creating incredible disturbances in the
23 waters there. Have you seen those?

24 SUPERVISOR SWEENEY: Karen and Rich Platt and
25 Hendricks showed me. They spent about 120 minutes with
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1 me in my office one day and showed me the slides. And
2 I lost my wife a little over a year ago, so last year I
3 didn't go on too many trips, but I've already been in
4 there twice this year, and I'm familiar with those
5 places. And there are some severe spots that are
6 pretty well torn up.

7 There's a general impact throughout the trail
8 from compaction where erosions starts, and what we've
9 been working on is getting turnouts, just like the
10 Forest Service did. One of the biggest impacts on this
11 trail this year has been the closure of about 800 miles
12 of Forest Service roads. So where do people go then?
13 They go where they're driven to. They have no other
14 place to go. They still want to spend that weekend
15 with their family out in the woods. And when you take
16 away half of the available roads, the same number of
17 people are recreating.

18 I mean I think that's the purpose of this
19 Commission is to help get off-highway vehicle use and
20 help make that functional, give them a place to
21 recreate. And yet the Forest Service closes down, and
22 it's not the Forest Service's fault in my opinion, but
23 they've had to close down these roads in our county,
24 and the other roads are taking a beating because of it.

25 So it's a very complicated picture, and for me as a 185

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1 Local supervisor, it's even more complicated, so.

2 CHAIR BRISSENDEN: We're going to hear more
3 about the complication from other speakers. I did want
4 to note for staff that Jack did ask for a record of
5 this proceeding, and I have his card. So at the time
6 that Cheryl is so dutiful in providing the transcripts,
7 we will get all of that to you.

8 SUPERVISOR SWEENEY: I appreciate it.

9 COMMISSIONER McMILLIN: I have one more
10 question. What you have in your hand is a general plan
11 update or an EIR?

12 SUPERVISOR SWEENEY: No, it is not a general
13 plan update. God knows, we don't want to do that in
14 our county. It took us 18 years to get the general
15 plan on our county. We have a Rubicon Trail Master
16 Plan, the work plan, if you would, about how we're
17 going to fix the chuckholes.

18 COMMISSIONER McMILLIN: And that's been bought
19 into by a lot of different parties?

20 SUPERVISOR SWEENEY: We think when we're done,
21 it will be bought into by almost every -- bought into.
22 Unfortunately when we adopt this plan, we have to adopt
23 the CEQA document first.

24 COMMISSIONER McMILLIN: What's your timeline?

25 SUPERVISOR SWEENEY: So the CEQA document will 186

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1 take probably about 60 days. During that 60 days,

2 we'll have a workshop where everybody can come and talk
3 about the CEQA document and the plan. And then after
4 that's done, we have to respond to comments. And once
5 the response to comments period is over, that's
6 probably about four months out before we get to an
7 adoption.

8 COMMISSIONER McMILLIN: So what initiated you to
9 start a CEQA?

10 SUPERVISOR SWEENEY: Well, as I said earlier, I
11 had sat on the ROC, on that work committee, and we were
12 talking about let's go out and fix the road. Well,
13 it's a county road. When you fix the road on a county
14 road, it's a project. A project under state law in
15 California requires a CEQA document.

16 COMMISSIONER McMILLIN: Good.

17 SUPERVISOR SWEENEY: And that's where we are,
18 so.

19 COMMISSIONER McMILLIN: Sounds like you've been
20 very proactive.

21 SUPERVISOR SWEENEY: I have spent a lot of -- I
22 will tell you about one incident, if I may. I know I'm
23 taking up a lot of time. About -- I think it was two
24 summers ago -- some folks, the loose nuts behind the
25 wheel had an event in a place near what we call Little

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1 Sluice and decimated the area. I mean when they were
2 done, there was more white toilet paper showing than
3 there was granite rock.

4 And I hadn't had the opportunity to be in there,
5 but I was shown some pictures. And based on the
6 pictures that I had verified, I asked for my board on
7 an emergency basis to shut down that area. Now, for a

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8 county agency to shut down an area -- and it was for
9 health purposes because people had just been going
10 behind tree and every draw and everything. And we shut
11 it down.

12 Before I did that, I called an early meeting
13 with the Forest Service law enforcement people, my law
14 enforcement people, State Highway Patrol. They met in
15 my office, and about two hours later I had an agenda
16 item on my board's agenda, and we shut that area down.
17 Two days later the Forest supervisor shut it down under
18 Forest authority. So we had both agencies working
19 together to tell the public, you're not going to come
20 up here and mess around or we'll shut it down. So
21 we're serious about protecting this trail and doing it
22 right. Unfortunately, we have to go through this
23 process, it takes a little time.

24 COMMISSIONER ANDERSON: I'm sure Daphne can
25 provide you with our names and addresses, and I would
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1 appreciate a copy of the documents.

2 SUPERVISOR SWEENEY: We will get enough copies
3 to Daphne to get them out to you folks.

4 COMMISSIONER ANDERSON: Thank you.

5 COMMISSIONER WILLARD: Mr. Chair. So you've
6 seen the photographs of the areas in question, the
7 areas that are damaged?

8 SUPERVISOR SWEENEY: I've seen the photographs,
9 and I've been on the ground. The photographs don't
10 lie, but there are -- I mean Randy just showed you some
11 nice photographs. Karen would show you some bad
12 photographs. Unfortunately, as decision makers, we

13 have to decide if they're bad versus good or what the
14 combination is. And I am tell you that there's some
15 real issues. I'm a land surveyor by trade. I've done
16 a lot of engineering work, and there are some erosion
17 problems that should never have occurred. Somebody
18 should have done this 25 or 30 years ago and been ahead
19 of the curve, but they didn't.

20 COMMISSIONER WILLARD: So I have two questions.
21 Do the planning documents that you have specifically
22 address the mitigation or repair to the areas that
23 you've seen that are damaged?

24 SUPERVISOR SWEENEY: Yes.

25 COMMISSIONER WILLARD: And more importantly, do
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1 you also provide for additional law enforcement in the
2 future to ensure that these type of activities don't
3 occur?

4 SUPERVISOR SWEENEY: I have been working very
5 diligently. You know who Dennis Cullen is. He's the
6 chief law enforcement officer on the Eldorado National
7 Forest, and I have been working with my sheriff. We
8 just spent almost \$40,000 and bought a new Jeep
9 Wrangler to put officers in because the other vehicle
10 they had wasn't working the way they thought it should,
11 and so we bought a new vehicle. I'm not getting the
12 law enforcement on the trail that I want, and I'm
13 beating up on my sheriff and my undersheriff and
14 telling them that I either get it, and it was better
15 this year, it's going to be better next year, or maybe
16 their budget won't be as well funded as they think it
17 ought to be, so we intend to see more law enforcement
18 out there.

19 And I talked to Daphne a while back, and she
20 suggested that made I sit down with my sheriff and her
21 chief law enforcement officer and maybe we can get some
22 guidance and some help. And you're right, if you don't
23 have law enforcement out there, people do as they wish
24 anyway. I had the opportunity about five weeks ago to
25 go in with the law enforcement vehicle, the new one,

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1 and it really spun people's head around. We had a
2 gigantic sign on the side of the Jeep, and people kind
3 of come to attention when they say, cops coming.

4 Thank you very much for your time.

5 CHAIR BRISSENDEN: Will you be sticking around
6 for the other comments?

7 SUPERVISOR SWEENEY: I'll hear the rest.

8 CHAIR BRISSENDEN: Okay. Thanks for being here.
9 Don Klusman, followed by Bruce Brazil.

10 DON KLUSMAN: Don Klusman, California 4-Wheel
11 Drive Association. I'm glad Mr. Sweeney brought to
12 your attention these documents. None of us like the
13 idea of how long these documents have taken. But on
14 the same vein, we didn't like the idea of how long the
15 El Dorado DEIS took. And in my opinion, what a mess it
16 is that they even let it out when they did.

17 The county, as I understand, had the document
18 ready, sent out. There was some confusion and some
19 corrections that needed to be made. They were supposed
20 to come out at roughly the same time as the DEIS for
21 the El Dorado. It has been delayed. Okay. None of us
22 are happy about that. But to ask for a letter ahead of
23 time, I think we're putting the cart in front of the

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24 horse here. I mean we well know how long a CEQA
25 document takes, all we got to do is look at Hollister 191

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1 Hills SVRA -- sorry, Daphne, but, you know, how many
2 years we have been dealing with an environmental
3 document for that area.

4 This takes time to get it right. The county is
5 working on it. There is a collaborative of people.
6 It's yet to be seen what is going to come out of this
7 document and what rules and regulations is going to
8 happen on the Rubicon. I don't see us getting ahead of
9 ourselves here. Let's let the document out. Let's get
10 the comments. Let's see where the county wants to go
11 and where the Forest Service wants to go with it, and I
12 think we will all be better off. Thank you.

13 CHAIR BRISSENDEN: Thank you.

14 Bruce, followed by John Stewart.

15 BRUCE BRAZIL: Bruce Brazil, California Enduro
16 Riders Association. And as just a member of the
17 general public, I've got a small complaint on this, and
18 that's notification to the public about the letter.
19 The only thing that I've seen so far is that it's an
20 agenda item. There was nothing on the website having
21 the letter on there. I look over here on the table,
22 there is no letter, no information on this. So we come
23 in here kind of blind-sided. So whatever information
24 that I've got is only from what I picked up from the
25 last few minutes here.

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1 And, first, seems to me there's a little problem
2 with -- from what I understand, they want to close it
3 down for winter travel, and yet in the El Dorado Draft
4 Environmental Impact Statement, they are advocating
5 over-the-snow motorized wheeled travel when there is at
6 least 24 inches of snow out there. So apparently they
7 think it's appropriate to utilize that, and someone
8 seems to think that's not going to be appropriate on
9 the Rubicon.

10 Second, I've actually rode part of the Rubicon
11 on my dirt bike a few years back. It's the only time
12 I've been on there. And even on a dirt bike, I didn't
13 get anywhere past one of the first major obstacles,
14 and that's the Little Sluice that has been referred to.
15 I really wouldn't want to be mom and pop in the family
16 SUV trying to go out there and maybe head out to Loon
17 Lake or something. It just ain't going to happen with
18 your daily driver.

19 Third, last year, our Commission allocated funds
20 to El Dorado County for two bridges -- or I should say
21 for the planning of two bridges in this area. So
22 apparently the Commission is in support of having the
23 Rubicon open and running. Thank you.

24 CHAIR BRISSENDEN: Thank you, John.

25 JOHN STEWART: Good afternoon, Commissioners.

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1 John Stewart, California Association of 4-Wheel Drive
2 Clubs.

3 On January 1st, 1970, then President Nixon
4 signed into law the National Environmental Policy Act.
5 That document required the federal agencies undertaking
6 any kind of a project to disclose the actions of their

7 projects. And that the projects and the actions taken
8 be submitted to a public review.

9 California is one of the few states that took
10 that action, and California created their own, called
11 the CEQA, the California Environmental Quality Act.
12 Again, it has certain prescribed steps, is that the
13 agency undertaking a project is supposed to disclose
14 the impacts of their actions, and at prescribed stages
15 that these actions are open to public comment and
16 review.

17 This Rubicon Master Plan and the Rubicon General
18 Plan have been in the works, as the previous speakers
19 noted, for several years. They are in the public
20 process. They are soon to be released for public
21 comment, public review. At the point in time that
22 they're released for public review, that is the
23 appropriate time for all agencies and all individuals
24 to review the documents and submit their comments then
25 when the time is appropriate.

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1 Any letters submitted now outside that cycle is
2 completely inappropriate. So I recommend that the
3 proposed letter be set aside and that it be included
4 within the official public comment, public disclosure
5 process as mandated by law. Thank you.

6 CHAIR BRISSENDEN: Thank you.

7 Don Amador, followed by Amy Granat.

8 DON AMADOR: Don Amador, Blue Ribbon Coalition.

9 As one who has ridden the Rubicon Trail on a Honda
10 SR600 Green Sticker vehicle and in a Jeep, I would just
11 like to ask the Commission, as some of the other

12 speakers have stated, to set the letter aside because
13 we do have several planning processes going on, the
14 county, the Forest Service. And I think it's
15 inappropriate for the Commission to step in and short
16 circuit those plan processes that are going on. Many
17 of us spent a lot of hours and time on those; and just
18 ask you to consider that in your decision today. Thank
19 you.

20 CHAIR BRISSENDEN: Thank you.

21 Amy. Thank you. Ed Waldheim, followed by Bob
22 Schneider.

23 ED WALDHEIM: Ed Waldheim, let me introduce
24 myself, I am one of the politically-motivated rich
25 people who are changing policy on off-highway vehicles
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1 in the State of California, so this letter states. And
2 I'm dismayed at having this power and having this
3 responsibility put on us folks out here that somehow
4 the Commission is putting on the agenda something from
5 our adversary, so to say, and doing the same thing that
6 they're accusing us of: Trying to do undue influence
7 on the public process.

8 And I find it ironic that letters are being
9 circulated all over Sacramento and to the Legislature
10 complaining about our rich off-road folks influencing
11 the political process. One, I appreciate the
12 compliment. I didn't realize I was rich. I didn't
13 realize I was that influential, but I want the
14 Commission to realize that, as everybody said before,
15 you should not vote on this. It hasn't been
16 agendized -- I mean it's agendized, but it hasn't been
17 circulated.

18 Closing is the last resort. As the supervisor
19 stated, 800 miles of trails have been closed. Guess
20 what, I got news for you, those folks are not staying
21 home. They are coming out. Now, you got to make a
22 decision are you going to manage it or you can hide
23 your head in the sand, and they're going to do whatever
24 they want to anyway. I would like to manage it, and
25 that's why I've been hammering you guys so hard. Give

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1 us the tools to do our jobs. As volunteers, as
2 agencies, they need the tools.

3 If you think you're doing right by closing,
4 eliminating, cutting down, closing for the winter, you
5 have it all wrong. So I respectfully ask you to please
6 set that aside, let the process take its place, and
7 everybody should have equal opportunity at the table to
8 express their opinion. That's why we are in America.
9 Thank you.

10 CHAIR BRISSENDEN: Thank you.

11 Bob Schneider, followed by Rick Krause, followed
12 by Brent Schoradt.

13 BOB SCHNEIDER: My name is Bob Schneider. I
14 guess I'm disappointed in not seeing -- especially now.
15 I want to see the video. What's on that thing? And I
16 didn't quite get the story. Is it that there's one or
17 two photographs that were taken off a public web page
18 and put into this, and then the person that has that
19 web page is suing if they show this? Is that what I
20 heard?

21 COMMISSIONER McMILLIN: I don't think we have
22 the whole story. I don't.

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23 BOB SCHNEIDER: Let's not go there. We're not
24 going to get to see it, and I think that's unfortunate.
25 In Yolo County on Cache Creek, there's a couple
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1 of roads -- there's the road that goes over the low
2 water bridge and up towards First Peak and over to the
3 MacLachlan line that's closed every winter. It's gated
4 because it causes potential erosion problems. There's
5 the Sand Hill Road that goes from Rumsey over to
6 Arbuckle that's closed because in the winter it has
7 potential problems when people are on it and they can
8 hurt the road.

9 You know, actually I was quite impressed by the
10 supervisor's from Yolo County presentation. I thought
11 that was balanced. He's looking at a lot of the
12 issues, and I appreciate that. But I think in this
13 case, it's pretty clear to me, as I hear this -- you
14 know, I had another hat. I was the chair of the
15 Central Valley Water Board for six years. And if this
16 is brought to us, we're going to be saying what's on
17 there, let's watch it, there's been problems clearly,
18 let's get something up there.

19 And I think to avoid this kind of problem, it
20 sounds like this other document will be done in a year,
21 let's have a moratorium through the winter on driving
22 on this in the winter, not exacerbate these problems.
23 They're getting studied in the EIR, we'll find out
24 what's going on. But continuing the potential for
25 erosion, for water quality pollution through this

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1 winter seems to me to be shortsighted. We should do a
2 moratorium, and then through the document study it and
3 see where you want to be.

4 So I would recommend that kind of action.
5 That's the kind of action I think I'll pen in a letter
6 to the Central Valley Water Board. Thank you very
7 much.

8 CHAIR BRISSENDEN: Thank you.

9 Brent, followed by Marcus Libkind.

10 BRENT SCHORADT: I'm Brent Schoradt with the
11 California Wilderness Coalition.

12 And just on the issue of Rubicon Trail impacts,
13 I think our main concern in terms of the management of
14 the trail is just the fact that the trail goes through
15 a lot of open country. It goes up and over the Sierra
16 crest, and it passes -- it crosses the Pacific Crest
17 Trail, and it also passes alongside at least two
18 wildernesses, the Granite Chief Wilderness and
19 Desolation Wilderness.

20 And so I think in any recommendation that the
21 Commission makes in terms of management, I would just
22 hope that they would recommend a solid look at ways to
23 mitigate for trespassing out on the trail and for ways
24 to manage the trail so that the surrounding wilderness
25 and surrounding open lands could be protected. Thank
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1 you.

2 CHAIR BRISSENDEN: Thank you.

3 Marcus Libkind, followed by Steve Aitkens.

4 MARCUS LIBKIND: Marcus Libkind from Snowlands
5 Network. We're mainly concerned about the wet season
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6 in particular when there is snow on the ground. The
7 use of ORVs during the wet season enhances erosion, and
8 there is no doubt about it. We saw a few pretty
9 pictures of good conditions four-wheel drive on top of
10 the snow. You could have seen some horrendous pictures
11 today, but you didn't.

12 These same four-by-four vehicles also displace
13 traditional winter uses that includes skiers and
14 snow-shoers, but it also includes snowmobiles. When
15 these four-by-fours tear up the snow on the roads, the
16 snowmobiles can't negotiate it either. The use of
17 four-by-fours on the Rubicon Trail in the wet season
18 should be prohibited for many reasons. The Commission,
19 the Division should do whatever is within their power
20 to see that this change happens.

21 With respect to summer, I'd like to refer to
22 something that Ed Waldheim said this morning, what we
23 need is more maintenance on the trails. The Rubicon
24 Trail is an excellent example. What has to be done is
25 boulders that have been put on the trail by rogue

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1 four-by-fours needs to be removed. A million cubic
2 yards of dirt has to be brought up, put in place and
3 stabilized. All of this has to be done to bring it
4 back to a standard where if my next vehicle is a Jeep
5 Wrangler, I'll be able to negotiate it just like people
6 could in the '50s. So I hope that both the Commission
7 and the Division will support restoration of the trail
8 to its historic conditions. Part of this means that
9 there has to be a change in not only street legal
10 vehicles used on the trail.

11 Also, I want to point out that so far in all of
12 the comments, no one has talked about closing the trail
13 to four-by-four use, except the people that want to do
14 the extreme four-by-four use where they enjoy going
15 over the giant boulders. We're talking about
16 restoration and restrictions that will make it a better
17 trail for everybody into the future. Thank you.

18 CHAIR BRISSENDEN: Thank you.

19 Steve Aitkens followed by Jim Rommel.

20 STEVEN AITKENS: I'm Steve Aitkens, and I've
21 lived in Georgetown all of my life, and I four-wheel on
22 the trail in the same Jeep that my dad had and was
23 originally bought from Mark Smith in 1952 from Collins
24 over in Placerville. And I'm still going over the
25 trail with the same Jeep that's been a little bit

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1 modified to match, you know, what's been happening over
2 the years. But I'm even getting into the Little Sluice
3 spots. I've got documented pictures of what it was
4 like in 1985, and Del Albright's agenda obviously was
5 try to restore this trail. Allowing extreme
6 four-wheelers to come in there, we cannot get our
7 original Jeeps through there anymore.

8 So the point is -- and there's gear oil floating
9 down the trail, and obviously his plans aren't working.
10 And I think this money should be going into restoring
11 the Little Sluice spots. That was the main impact with
12 Spider Lake, too. Because they were all camping there,
13 and I've been camping there all of my life, and I can't
14 bring my grandkids up there anymore because of the foul
15 language. And this group that's going up there, needs
16 to be another trail built or something for these

17 extreme four-wheelers so everybody else can enjoy it.
18 So anyway, I have documented proof. That's why the
19 slide show didn't get shown today because it shows what
20 the Little Sluice spot really looks like. So where is
21 the hidden agenda that they're hiding? I have
22 documented proof right here of what it used to look
23 like, and it's gotten destroyed. Thank you.

24 CHAIR BRISSENDEN: Sir, if you wish to submit
25 those pictures for the record you may.

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1 STEVEN AITKENS: Okay. Where do I submit it at?

2 CHAIR BRISSENDEN: To the staff.

3 Jim Rommel, followed by Del Albright.

4 JIM ROMMEL: I'm Jim Rommel, I've been
5 four-wheeling for a few years. I live in Georgetown
6 also. And what the trail used to be is no longer what
7 it is today. I mean it is terrible. I've had to
8 rebuild my Jeep, the modification of it, to be able to
9 go across this trail now. And the last time I was in
10 there, I broke two axles, two rear axles. I had to go
11 out and get new ones -- or bring new ones in, and
12 actually go home and get another one to get my vehicle
13 back out again. And this was due to the monstrous
14 vehicles that have been pulling the rocks in from the
15 side so a normal Jeep cannot go across them. And these
16 extreme machines have closed the Spider Lake area down,
17 the Little Sluice is unmanageable for a stock Jeep to
18 go through anymore. And I just don't understand why
19 this agenda with the Friends of the Rubicon, that was
20 supposed to be part of the deal to close that down.

21 But if these extreme machines keep going in

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22 there, they're unlicensed, which is causing 90 percent
23 of the problem in hand right now, because in 1986 I was
24 starting to see rocks being pulled in from the side to
25 make it more difficult to go through the trail.

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1 In 1997, it started more and more rocks brought
2 in, and especially in places where you cannot get by
3 them. That's why I broke one of my axles, too, because
4 of that. It just seems that if these other vehicles
5 are being taken out of there or not being allowed into
6 that, our trail would be saved to the point of being a
7 decent family trail again. So thank you very much.

8 CHAIR BRISSENDEN: Thank you.

9 Del Albright, followed by Tom Tammone.

10 DEL ALBRIGHT: This is more fun than I thought.

11 Del Albright, trail boss, Friends of the Rubicon.

12 I need to start off by agreeing with Karen, what
13 she said about wanting to keep the trail open and alive
14 and well. I agree with her 100 percent on that. I
15 agree with Jack Sweeney, and I'm speaking for the
16 Friends of the Rubicon, when he said this Rubicon Trail
17 Master Plan is key to what we're doing, and we've been
18 working on it for two years -- we've been working on it
19 for a couple of years. Very hard to get this master
20 plan out so you can see it, so the folks in the
21 audience can see it. And we stand by that plan and the
22 work that's gone into it.

23 I'm saddened by the fact that some of our
24 partners, who have spoken today or were going to speak,
25 left the process and stepped away from the Rubicon

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1 Oversight Committee because we formed that to guide the
2 whole management of this trail. And I wish they would
3 come back to the table.

4 Friends of the Rubicon accepts the problems on
5 that trail. We accept that there's mud holes, that
6 there's big boulders, and there's problem areas. And
7 we stand by the fact that we've fixed them all -- or
8 we're in the process of fixing them with the county and
9 the Forest Service. That's what we do. And when there
10 is a problem, we reach out. We have engineered
11 blueprints that we use to fix water bars. Placer
12 County gave us 31 blueprints to fix three-and-a-half
13 miles of road, engineered blueprints for a water bar,
14 and we did it. El Dorado County has provided
15 engineering staff to do different projects. We use
16 them; we accept them. We do not step away from the
17 problem. We encourage people to show us where there is
18 a problem.

19 We've run off -- I'll just do a guess, but let's
20 just say 80 or 85 percent of the outlaw behavior is
21 gone. The ones that are left, we're still after them.
22 We stand by our record, and we do appreciate what this
23 Commission has done for us over the years. We put your
24 money to good use, and we stand with Jack Sweeney and
25 El Dorado County that we will make this trail better to
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1 what you expect. We just need to keep doing what we're
2 doing. Thank you.

3 CHAIR BRISSENDEN: Thank you.

4 Tom Tammone, followed by Stan Van Velsor.
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5 TOM TAMMONE: Okay. I'm having a little trouble
6 understanding, like Bruce Brazil pointed out, why are
7 we pursuing a support letter to close a trail. I think
8 it's sort of counterproductive of our agenda. We've
9 spent a lot of time on this. The two main issues that
10 I wanted to talk about were the Fuel Tax Study and the
11 discussion of the grants funding for 2007/2008, and
12 that basically got blown off.

13 I still think we should put that to a vote.
14 That didn't get put to a vote. And the one thing that
15 we're talking about now, I don't think it should be put
16 to a vote. But all I can say is, this is an old issue.
17 I hear this everywhere I go. We got the guys on the
18 extreme machines, they want challenges, and we got the
19 guys and the drivers that want to be able to negotiate
20 and take their vehicle home with them at the end of the
21 day. It's a big challenge. Unfortunately, to do it on
22 one trail, it's like out at Corral Canyon, they have
23 one area which is hard, but the extreme bypasses where
24 all the big rock buggies go and everything, but that's
25 a difficult issue and something that needs to be looked

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1 at.

2 But I'm not going to say who is right or wrong
3 on it, but we have to have a main area where at least
4 some reasonably well-equipped vehicle can get through,
5 and we need to have little side bypasses with the
6 extreme challenges. And it's really the only way to
7 manage a system within one trail where it's going to at
8 least meet a happy medium and satisfy everyone.

9 Unfortunately, I think that issue is getting

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10 overlooked in the route designation process, and I
11 think the Forest Service has been misusing some of the
12 land plan language to say, oh, we can't do that. Most
13 of the land plans do allow for future land management
14 actions, and they should consider adding some
15 challenges to those trails where the guys in the rock
16 buggies can go off and have their fun. You know, at
17 the same time, other people, you know, with a
18 reasonably well-equipped vehicle, 33-inch tires, at
19 least one rocker can expect to at least bring it home
20 at the end of the day. It's a challenge, but I think
21 we can do it. Thanks.

22 CHAIR BRISSENDEN: Thank you.

23 Stan Van Velsor, followed by David Underwood.

24 STAN VAN VELSOR: Hi, my name is Stan Van
25 Velsor. I'm with the Wilderness Society. I appreciate
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1 the opportunity to speak today.

2 The Wilderness Society supports the sustainable
3 and appropriate use of off-highway vehicles for
4 recreation. There seems to be a problem here, though.
5 It's unfortunate that you folks weren't able to see a
6 more balanced photo presentation of some of the more
7 serious consequences because I think that would have
8 been helpful for you in making your decision.

9 I don't necessarily think it is appropriate for
10 you to go outside of the planning process that the
11 county is going through, but it seems that there may be
12 a problem here that needs more immediate attention than
13 what the actual planning process is going to be able to
14 handle. So I think it is appropriate that you might
15 use your influence to maybe step in at a point. And if

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16 you determine that there is significant damage taking
17 place, if there is significant erosion, water quality
18 degradation, it might be appropriate for you to make a
19 recommendation in an advisory capacity to the county to
20 take some action prior to completion of their planning
21 documents. Thank you.

22 CHAIR BRISSENDEN: Thank you.

23 David Underwood.

24 DAVID UNDERWOOD: My name is Davis Underwood. I
25 came here today specifically to see the presentation of
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1 the Jeep people on the erosion problem and the
2 destruction problem, and I've sat here and listened
3 time after time to the ORV people, the off-road vehicle
4 people, CORVA people telling me what a wonderful job
5 they've done and how well they're taking care of the
6 trail, but they apparently were not willing to let the
7 other side show their presentation. So I think that
8 you should exclude their testimony as being valid until
9 we can see that other presentation. Without seeing
10 that presentation, we can't make a decision on whether
11 they are actually being accurate. I question their
12 veracity in this matter at this point.

13 Also, from what I've been hearing around here is
14 that the extreme vehicles have so degraded the road
15 that the average user can no longer use it, that the
16 family person, the person who wants to take their
17 family up there and go camping, basically can't use the
18 whole road, cannot use the area, and it's been degraded
19 to that point.

20 At this time I think the Commission should close

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21 the road in the winter, and it should require that
22 vehicles on that road have valid California plates, be
23 vehicle that are street legal in California. Thank
24 you.

25 CHAIR BRISSENDEN: Thank you.

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1 Any other individuals who wish to comment,
2 please come forward. I have no comment cards, so.

3 HEATH WAKELEE: Hello, Heath Wakelee, Sierra
4 Foothill Audubon Society. And I would also like to
5 support what the last gentleman just said, but with a
6 little slight twist, and that is that you might
7 consider a temporary closure for one or two seasons
8 while this can be evaluated and in time for the CEQA
9 document to come out and be studied.

10 Secondly, I do very much support the idea that
11 this road only be allowed to support street legal
12 vehicles. Thank you.

13 CHAIR BRISSENDEN: Thank you. One more
14 individual, come forward.

15 JACQUELINE TYSON: My name is Jacqueline Tyson.
16 And some of the comments I've been hearing about how
17 the Rubicon Trail has degraded beyond being able to
18 have a stock vehicle go through or just a regular
19 street legal vehicle go through, I have to disagree
20 with. I've been through it three times in my stock
21 vehicle. I've taken my family through. We go camping.
22 It's not as bad as they say. I think it's all up to
23 interpretation. But I've had no problems, gone all the
24 way through all 22 miles and driven it back home to
25 Rocklin, so it's not that bad.

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1 My family has had a great time out there. We've
2 had fabulous experiences on both sides, both the Loon
3 side, Wentworth, Tahoe. We've had an incredible time,
4 and I have an SUV, a standard off-the-shelf,
5 drive-it-off-the-showroom-floor SUV. It's fine, went
6 right through.

7 COMMISSIONER McMILLIN: When is last time you
8 did that?

9 JACQUELINE TYSON: I'm actually going to do it
10 again on October 3rd. The last time I did it was
11 probably six months ago -- not six months ago. It was
12 last -- in June.

13 COMMISSIONER McMILLIN: That's good enough.

14 CHAIR BRISSENDEN: Thank you.

15 Any further comments?

16 LOIS SILVERNAIL: I'm sorry, I can't stand this.

17 CHAIR BRISSENDEN: We haven't heard from you all
18 day.

19 LOIS SILVERNAIL: I got a bad cold. Lois
20 Silvernail, I'm the Northern Director for CORVA, and
21 I'm a proud member of the Friends of the Rubicon group.
22 I'm your official medic for our projects.

23 I have to say, personally there's some of it I
24 agree with Karen Schambach in that I've got a stock
25 Jeep, and I understand. I don't like to see the big
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1 huge Rock Crawlers. But where are they going to play?
2 Those people have the right to be out there and play
3 just as much as we do. Del and our group work very

4 hard on that trail to maintain it and keep it in good
5 shape. You close it, you chase them out, where do you
6 think they are going to go? At least up there on the
7 Rubicon Trail, we're maintaining it, and we're taking
8 care of the problem. And the really bad boys, like you
9 said, with the patrols and other things that are coming
10 up, are stopping through education, working the kiosk,
11 the patrol units, we're working on educating them, too.

12 And, yes, I've rolled my Jeep on the Rubicon, so
13 I can attest both ways, my driver did. And that maybe
14 it's not exactly the stock trail it was ten years ago
15 when we went in there with the buggies. But I have
16 concerns, too, when you talk about street legal. The
17 buggies enjoy that group, the quads enjoy that. Are we
18 going to stop them because they are not a registered
19 licensed street vehicle? You have lots and lots of
20 dune buggy groups out there that make that trail, too,
21 maybe not the whole thing, but they're in there
22 playing.

23 So you've got to look at other groups, too,
24 besides just the Rock Crawlers. And my concern again
25 goes back to where are those people going to play. At
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1 least let's leave them where we're maintaining the
2 trail, we're taking care of it, we're educating them.
3 You close it down and chase them off, then we're going
4 to deal with them on Barrett, we're going to deal with
5 them in all these other illegal activities that we
6 don't want both from the users' point of view and from
7 the pure environmentalists who just want to hike the
8 trail. Take a look at that, too.

9 I have to agree with Don right now. I've been
10 with Don and the group and working on this program
11 since day one, and I've got to say give us some time
12 with the county's process. This is not the time to
13 write the letter. Wait until the reports come out and
14 all that, and then come back. And if you still feel
15 that way, then maybe that's the time to write the
16 letter from the Commission. But this is just not the
17 time in the whole process of going through this, that
18 it's appropriate to have a letter come from you. All
19 right.

20 CHAIR BRISSENDEN: Thank you. I'll bring it
21 back to the Commission. Commissioners? Mark.

22 COMMISSIONER McMILLIN: I'll go first.
23 Something worth coming up here for today, though, very
24 interesting.

25 It's too bad we didn't see the slides, but I 213

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1 understand they were taken out of context is what I was
2 told, but that can happen with anything. It is too bad
3 we didn't see them anyway. We don't have the right to
4 close any roads. All we can go is write letters.

5 And I have a question to John about the letter
6 that showed up here after lunch. And I don't believe
7 it was in our packets, and I just -- you didn't have
8 "draft" on it or "proposed letter" or anything, and
9 it's says, "The ORV Commission strongly recommends,"
10 and I just would caution you to be careful about having
11 this stuff printed up without the other commissioners
12 buy in on this without stamping "draft" on it and
13 getting it out correctly.

14 CHAIR BRISSENDEN: I apologize. It should have
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15 said "draft".

16 COMMISSIONER McMILLIN: Okay. So I'm not at all
17 in favor of letting this be closed down temporarily
18 during the winter to licensed vehicles. I find it
19 appalling that people think the only people with the
20 foul language and the drinking too much are coming from
21 the unlicensed vehicles. That's not at all the case at
22 the Glamis. It's not all the case up at the Rubicon.
23 That's a bad way of handling this.

24 I think the best way to handle this is to let
25 the supervisor go through the process that I guess we
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1 have helped fund. They're working on their CEQA,
2 they're working on their master plan. I think we ought
3 to let them finish that process, and I think all
4 parties that have been involved need to get back to the
5 table and let that go through the process. Let the
6 Friends of the Rubicon, as well as the Rubicon
7 Oversight Committee go through this and handle it in
8 that fashion. That's my two cents today.

9 CHAIR BRISSENDEN: Commissioner Willard.

10 COMMISSIONER WILLARD: Well, I certainly agree.
11 The Rubicon is a very important resource for
12 off-highway vehicle recreation, and I think we all
13 agree to that, and it needs to be taken care of. So
14 hopefully both sides in this room have heard the other
15 side and will do what's necessary to take care of it.

16 But a letter right now I think is totally
17 inappropriate. The county is in the middle of a
18 planning process that's obviously put a lot of time and
19 effort into that, and we just don't have enough

20 information to make a decision whether certain parts of
21 the plan should be changed. That's what the CEQA
22 consultants have been retained to do. And I'm sure
23 they're abiding by California law, and they're going to
24 do their job.

25 Now, certainly the Commission can have the

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1 opportunity to review those documents during the
2 appropriate time and then we can comment at that point,
3 and that's what we probably should do. But to write a
4 letter right now just seems totally inappropriate.

5 I do want to make some specific comments on some
6 of the recommendations of Green Sticker and then winter
7 closure. On the Green Sticker, it seems to me that we
8 would be punishing a lot of users that use the trail
9 appropriately, don't do any damage, but yet we're going
10 to arbitrarily tell them you don't have a Green
11 Sticker, you can't go here. And they may not be the
12 ones that are causing the damage. So it's not really
13 the vehicle or the type of vehicle that's doing the
14 damage. I think, as it was said, it's the nut behind
15 the wheel.

16 So really what it gets back to is education and
17 enforcement and curtailing this inappropriate behavior.
18 It doesn't have anything to do with the vehicles. I
19 can certainly empathize with a guy that's got, you
20 know, 30-year old original Jeep and now can't get
21 through the trail. That shouldn't happen. They should
22 be able to get through the trail. And hopefully the
23 planning documents will address this. And if not, then
24 you need to make comments to the county and make your
25 voices heard so that they could rectify those type of

1 situations. If you do prevent Green Sticker users from
2 using the trail, those users aren't going to go away.
3 The people that have 50, \$70,000 invested in those
4 machines, they're not going to just park them in the
5 garage and forget about it, they're going to go
6 somewhere else and use it. So the problem is only
7 going to go somewhere else.

8 So we need to deal with the problem and hit it
9 head on, and hopefully the county realizes that and
10 will not only mitigate the damage that's done, but
11 again law enforcement and education. So I'm hoping
12 that those documents, CEQA documents and the master
13 plan, are going to address those areas because it
14 sounds like they really do need to address things that
15 are going on that shouldn't be going on.

16 As far as the winter use, certainly when
17 vehicles are on 24 inches of snow, the impact
18 underneath is negligible or nonexistent. But if they
19 don't have 24 inches of snow or there is a transition
20 area where you're going from, you know, dry to mud to
21 snow, then, yes, it could cause problems. And, again,
22 I'm hopeful that the CEQA documents and the master plan
23 are addressing that as they should.

24 But, again, Commissioner Brissenden, I think a
25 letter right now would be totally inappropriate for us.

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1 Thank you.

2 CHAIR BRISSENDEN: Thank you. Commissioner
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3 Anderson.

4 COMMISSIONER ANDERSON: Yes, I've got a bunch of
5 stuff here. First of all, I hate to say I told you so,
6 but I told you so. Several years ago when I first saw
7 pictures of these crawlers running around, I said we
8 need to figure out where these folks are going to go
9 because pretty soon they are going to start causing
10 problems on our regular trails because what they want
11 to do is quite different from what a whole lot of our
12 traditional users want to do. And we haven't solved
13 that problem yet, as has been pointed out by several
14 members of the public speaking today.

15 In terms of the appropriateness of this letter
16 and where the county is in this document,
17 unfortunately -- I'm sure the county went through
18 scoping, and we missed it, okay? And the county
19 probably had all kinds of other opportunities for
20 input, and we missed some of those. I don't think the
21 county would dismiss our comments if we sent them in
22 now, nor do I think that if we send a letter now that
23 they're going to sit down and totally rewrite this
24 administrative draft because I don't think we have that
25 much influence. So the letter itself is only an

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1 indicator at this point of the issues that we will be
2 concerned about. The language that we strongly
3 recommend that the planning include the following,
4 almost all plans require a range of alternatives, and
5 I'm sure that there are ranges of alternatives within
6 these draft documents or they would hardly comply with
7 CEQA.

8 These are issues -- maybe rather than we
9 recommend that the plan include the following, would be
10 that we recommend the plan include analysis of the
11 following and solutions for those where we see there
12 are problems.

13 I do have a question because I'm ignorant of the
14 area, unlike many of the rest of you, I have not been
15 down this. Can you tell me why it's one-way traffic
16 only; is that because it's too narrow?

17 MEMBER OF THE PUBLIC: It's not one way.

18 COMMISSIONER ANDERSON: I understand that in the
19 draft I'm looking at, it is. So if there is two-way
20 traffic, and it's a very narrow route, there must be
21 places to wiggle around each other as you encounter
22 others.

23 I heard from the supervisor how you handle the
24 removal of human waste, and the Commission has tried to
25 assist with protecting water resources by providing

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1 some planning for bridges. I'm not totally married to
2 all of the language in here, but perhaps we might -- I
3 understand that the Chair would like to move forward
4 with this so that the Commission is on record as
5 expressing a sense of concern and a direction that it
6 hopes the plan will go in. Is that...

7 CHAIR BRISSENDEN: I put this on the agenda as a
8 courtesy to members of the public. I think that the
9 process today, as the Honorable Jack Sweeney has
10 indicated, all of the proceedings will be sent to him
11 and I hope included in their processes. So that
12 basically the concerns that not only expressed by the
13 public today and the number of letters we've received

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14 will go into their record, but comments from the
15 Commission, as well. And I do have some comments to
16 share after you're done.

17 And I can count, so I know that this isn't going
18 anywhere.

19 COMMISSIONER ANDERSON: I am very concerned --
20 and I do want to read this document and provide some
21 analysis and some feedback -- how do you want my
22 personal comments to be sent, whether you want me to be
23 able to sign at the bottom that I am an OHV
24 commissioner or whether you want those comments to be
25 personal would be good feedback for me to get from my²²⁰

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1 fellow Commissioners and what your desire is. And I
2 think it would be appropriate for us to decide if we
3 want to send formal comments on this draft plan and
4 what will the staff role be in commenting on this draft
5 plan, as well. I'm interested in what the staff -- if
6 the staff is prepared to comment on this draft.

7 CHAIR BRISSENDEN: Were you noticed on this?

8 DEPUTY DIRECTOR GREENE: We have been, since the
9 Commission and the Division have been active members
10 and participants in the process. But again, I will
11 say, in the last couple of years we have stepped away,
12 and I think that we've seen actually what happens when
13 people step away from a process.

14 And so I think the commitment is to reengage
15 with the county, with the members of the community on
16 both sides because I think that the partnership that we
17 had with the Forest Service and the county for law
18 enforcement, working with CHP and the recreation

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19 community, we have made a lot of changes. But then I
20 think in recent times, if we're not vigilant about
21 making sure that all of that is addressed, then we do
22 start to see some changes.

23 So we will be looking at that document very
24 carefully, and we'd certainly welcome whatever comments
25 you have, and, Chairman, however you want those to be

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1 submitted.

2 CHAIR BRISSENDEN: Well, I think that the lack
3 of consensus here, I think individual members of the
4 Commission certainly could make their own comments to
5 the document if they wish, certainly not on behalf of
6 the Commission, though.

7 Judith, did you have other questions?

8 COMMISSIONER ANDERSON: Okay. I'm sorry, I work
9 in other venues where even the identification of a
10 person sort of implies an endorsement by that body, and
11 I don't mean to imply any such endorsement. If I said
12 personal comments but identify myself as a
13 commissioner, you know...

14 CHAIR BRISSENDEN: I have seen letters submitted
15 where you say for identification purposes only.

16 COMMISSIONER ANDERSON: Okay. I can do that.

17 COUNSEL LaFRANCHI: I would just echo that, that
18 you should indicate that I am a commissioner, however,
19 I am submitting these comments in my individual
20 capacity.

21 I think that's one of the concerns I've had when
22 I saw this originally on the agenda. I didn't have a
23 chance to review the letter prior to today. I would
24 want personally, professionally to have an opportunity

25 to fine tune the process a little bit because it does
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1 begin to bring into question the official status of the
2 Commission in writing such a letter. Since you're not
3 going to pursue it, I won't go into those, but it would
4 be important to be sure that you indicate that these
5 are your personal comments, certainly sharing the
6 results of this.

7 I think it is appropriate for the Commission in
8 its role of being aware of all aspects of the program
9 and things that are going on in OHV around the state,
10 it's important to have these kinds of workshops and get
11 this kind of input. The question is what's the
12 appropriate way for the Commission to address the
13 input, whether it's a letter or some other kind of
14 recommendation, whether it goes into the status report,
15 to the Legislature and the Governor in terms of the
16 kinds of issues that you hear being brought up
17 regularly and the kinds of things that you'd suggest to
18 the Legislature or others, the Governor, should be
19 taking to address this.

20 So what I'm hearing, I'm encouraged with the
21 approach where individuals would make their comments
22 known at the appropriate time, rather than the
23 Commission attempting to take official action when
24 there's some question about the official status of the
25 Commission to go that far and make a recommendation to
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1 the county at this point.
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2 COMMISSIONER ANDERSON: Just, for example, John,
3 one of your comments within this draft is that the
4 coordination among the five land managing jurisdictions
5 is essential, and you don't list that as an element you
6 hope the plan includes, which I would certainly think
7 would be an important element that should be included
8 within the -- some recognition of that complexity and
9 how they propose to deal with it.

10 CHAIR BRISSENDEN: I think the representative
11 from El Dorado County mentioned that they were
12 intending to do that, so.

13 COMMISSIONER ANDERSON: Yes, I really
14 appreciated the supervisor taking his time coming, and
15 it was very helpful to me. It indicated to me that
16 some of these issues are being addressed in the draft,
17 and I would like to see the range of alternatives that
18 are offered for the plan.

19 CHAIR BRISSENDEN: So I would recommend to
20 staff, once this document has been reviewed by you, if
21 you could bring it back for -- I don't think the
22 December meeting, but this seems to be an ongoing issue
23 since the impacts have grown over the last hundred
24 years.

25 COMMISSIONER ANDERSON: And I think, just to

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1 conclude, Chairman Brissenden, that the concerns about
2 erosion in the coming season are going to really need
3 to be addressed by Eldorado National Forest, Tahoe,
4 Lake Tahoe Basin, and you're going to need to keep a
5 close eye on this and work with the county, if
6 necessary, to take steps to be sure that the erosion

7 does not become a problem. And if that involves a
8 closure this year, it's no more an indicator of the
9 direction of the plan than what the supervisor
10 indicated they did because of a health concern in the
11 past, that if there is a problem, you deal with it
12 immediately if it requires emergency action. And then
13 you continue to move forward with the plan trying to
14 solve the problem in the long-term.

15 CHAIR BRISSENDEN: Thank you. I did see the
16 hand of Jack Sweeney go up, if you wanted to make a
17 couple of comments. I do want to bring this to a
18 close, and I have a couple of other comments to make,
19 as well.

20 SUPERVISOR SWEENEY: Thank you, Mr. Chairman.
21 And what I want to make as an offer. I recognize that
22 we're partners in this trail, very much we've been
23 using your money to do a lot of these things, and I
24 appreciate that.

25 In that regard -- and I hear the concern of

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1 Commissioner Anderson -- I will work with Daphne to
2 make sure that we make a timing so that this may appear
3 on your agenda, that you folks may discuss it within
4 the comments period so that if we have to lengthen the
5 comments period, we can do that. That's our
6 prerogative to do that. I will work with her on dates
7 to assure us that you can have a meeting to discuss
8 this so that you can feel more comfortable because we
9 certainly don't want to go on without our partners'
10 input. So I hope you understand that. Thank you.

11 CHAIR BRISSENDEN: Understood. Thank you very
12 much.

13 I'll bring this to a close with a couple of
14 comments. This has been one of the most involved
15 discussions I think I've had in five years, and it's
16 about the issues that we're supposed to be about, and
17 that to me is not distressing, it's rewarding. So
18 you're all to be congratulated for, one, being civil
19 about the whole thing and, two, having some
20 constructive comments and criticisms and thoughts about
21 this very important historical road that goes through
22 the High Sierra.

23 I do have a suggestion for Bob Schneider to
24 certainly take it to the Valley Board to make certain
25 that water quality issues are addressed, and they are

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1 involved in the whole process. And I will certainly
2 take it to my regional water quality board, Lahontan,
3 as we have been involved on the other side, on the
4 Tahoe Basin side.

5 I think with that, we've addressed this issue as
6 well as we can, given all of the timing involved, that
7 I wasn't fully aware that it was in a public process in
8 El Dorado County. So I definitely appreciate not only
9 everyone's but certainly the Honorable Jack Sweeney's
10 presence, so thank you.

11 Moving on, we have just one more, and that's
12 Commissioners' reports. And I invite any Commissioners
13 to chime in at this point, comments, suggestions?

14 I get two then, and I'm sad to see some of our
15 partners wandering away, particularly Ed Waldheim and
16 Dave Pickett and a few others and Don Amador because I
17 had a couple of compliments to give everyone. One is

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18 the Alpine Winter Recreation Project, which was worked
19 on by a number of parties, the South Tahoe and North
20 Lake Tahoe Snowmobile Association, the California
21 Nevada Snowmobile Association, the Alpine County
22 Sheriff, the Alpine County Public Works,
23 Humboldt-Toiyabe, Center for Collaborative Studies from
24 Sacramento State, and obviously the OHMVR Division,
25 Friends of Hope Valley contributed \$2,000, and I know

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1 the Division contributed money. And we came out with a
2 collaborative process that actually we think might work
3 in our wonderful Hope Valley. So thank you all, it was
4 certainly a surprise that we would get here. So we
5 will see with proper law enforcement from the
6 Humboldt-Toiyabe and the Alpine County Sheriff,
7 hopefully we will have a recreational opportunity for
8 multi-use in a less divisive way.

9 And, lastly, I had a chance to tour two
10 restoration sites on the El Dorado yesterday on my way
11 to this meeting with the company of the Amador Ranger
12 District personnel, and I have to say that the two
13 sites that we saw last September, which I didn't have a
14 lot of hope for, the dust bowl that we stood in,
15 actually looks a hell of a lot better. And they are
16 starting to work towards that ridge with paving and
17 rocking. So a commendation to the Eldorado and
18 particularly Amador. So those are my compliments, and
19 it's nice to see that we're one meeting away from my
20 tenure ending, that there is progress.

21 Any other comments or compliments?

22 COMMISSIONER ANDERSON: Move to adjourn.

23 COMMISSIONER McMILLIN: I have a couple. Your

24 tenure is ending?

25 CHAIR BRISSENDEN: I only have one more meeting.
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1 Bruce pointed out that I'm probably 482 days into
2 something I'm not supposed to be doing. But counsel
3 did advise that I was legitimately here, but.

4 COMMISSIONER McMILLIN: Under general comments,
5 I was just going to circle back on a few things.

6 I wanted to again congratulate everybody on 742
7 in giving this Commission a new life and keep our
8 fingers crossed that the Governor does approve that.

9 And then as I continue my term in my advisory
10 role here next year, law enforcement is, as Ed would
11 say, and education I think is the answer to not only
12 the Rubicon problem, it's the answer to a lot of
13 problems clear across the state. And so I don't want
14 everybody in the back row to think I'm the radical guy
15 that thinks these four-wheel drive monster vehicles can
16 do anything. I just am not one to shut down unlicensed
17 vehicles. Most of the money that we're spending here
18 isn't ours, it's theirs. And we need to spend that
19 wisely. But, again, we've got to get more of it to law
20 enforcement so we can get those few loose nuts behind
21 the wheel out of there.

22 So I think that's all I have.

23 CHAIR BRISSENDEN: Thank you all. We will see
24 you in December. We are adjourning without a motion.

25 COMMISSIONER ANDERSON: I made the motion.
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1 DEPUTY DIRECTOR GREENE: John, there is a motion
2 on the table.

3 CHAIR BRISSENDEN: There is. Yes, you're right.

4 COMMISSIONER ANDERSON: I made the motion.

5 DEPUTY DIRECTOR GREENE: She did make the
6 motion. Was it seconded?

7 COMMISSIONER McMILLIN: Second.

8 CHAIR BRISSENDEN: Motion and seconded. All
9 those in favor to adjourn?

10 (Commissioners simultaneously voted.)

11 CHAIR BRISSENDEN: Opposed? Motion carries.

12 (Meeting concluded at 4:04 p.m.)

13 Respectfully submitted by Cheryl Kyle

14 --oOo--

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