

2007-26-01

STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

REGULAR MEETING

Friday, January 26th, 2007

9:09 a.m. to 3:38 p.m.

held at

Red Lion Hotel  
1401 Arden Way  
Sacramento, California

Commissioners Present: Anderson, Brissenden, McMillin,  
Priznich, Spittler and Thomas  
Commissioner Absent: Willard

Reported by CHERYL L. KYLE, CSR No. 7014

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3 CHAIR BRISSENDEN: This is a continuation of the  
4 Off-Highway Vehicle Commission meeting of the 25th,  
5 this being the 26th. We will dispense with the various  
6 things we do to start the meeting, as this was all done  
7 yesterday.

8 I'd like to welcome all of the staff. Phil is  
9 not here to introduce everyone, but I think that most  
10 everybody is the same in the audience, so if you  
11 haven't met our staff, come and introduce yourself.  
12 Also since Mardi was very good about selling tickets  
13 yesterday, I'm not certain what happened today, you may  
14 move forward so that you can really participate in this  
15 if you'd like. But if you're shy, you can stay at the  
16 back of the room.

17 We did have an executive session this morning,  
18 and we gave direction to counsel.

19 And now we'll go forward with the first grant of  
20 the day, unless there is public or comments from  
21 commissioners about anything in particular.

22 I have one announcement. I would rather be with  
23 my wife today. It's her 59th birthday. So if you want  
24 to send her good thoughts, that would be good.

25 COMMISSIONER THOMAS: If we finish early, you

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1 can get home.

2 CHAIR BRISSENDEN: Finish early, like tomorrow,  
3 that is a possibility.

4 DEPUTY DIR. GREENE: Yesterday as we were here

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5 and wrapping up, the cleaning crew came in and looked  
6 around and said we have never seen a group that has  
7 cleaned up so well after themselves. They were very  
8 complimentary about everybody. We asked them if they  
9 can bring in a recycling container. They loved that  
10 even more. Just a thanks to everybody for that.

11 CHAIR BRISSENDEN: Clean group, also reminds me  
12 to mention to you that next door they lost two laptops  
13 due to thefts. Don't leave anything out that you  
14 value. I left all of my binders, and they didn't take  
15 those. So without further ado, Kenny, are you still  
16 up? A new --

17 OHMVR STAFF ABARRA: Fresh face. Good morning,  
18 everyone. My name is Martha Abarra, grant  
19 administrator.

20 We are on line 55, which is OR-1-SW-42,  
21 California State Office. They requested \$56,560. They  
22 received a score of 48, at 40 percent for an amount of  
23 \$22,624. They did submit supplemental information;  
24 however, the statements made were general and did not  
25 contain any new facts.

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1 COMMISSIONER THOMAS: Do we have any material  
2 that was handed out?

3 JIM WEIGAND: I have some right here.

4 Good morning, Commissioners, good morning  
5 Commission staff, members of the public. My name is  
6 Jim Weigand. I'm the ecologist at the BLM California  
7 State Office, and I'm here to make a very brief

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8 presentation about this grant and why we wrote it.

9 Jim Keeler and I realized perhaps a sense of  
10 discontent perhaps amongst the Commission in their  
11 funding levels for the California State Office. And so  
12 in our grant applications for 2007, we wanted to focus  
13 our coordination efforts on emerging issues that will  
14 help both the Commission, Division, and BLM meet joint  
15 goals for motorized recreation on BLM lands in  
16 California for the 21st century.

17 This grant is in response to the emerging needs  
18 for technology development and building capacity for  
19 BLM staff in desert ecosystems and dune ecosystems in  
20 the State of California. And so this comes from the  
21 really great process that was initiated by Deputy  
22 Director Daphne Greene for updating the soil loss  
23 standard and monitoring requirements for soils on BLM  
24 lands in California. And this has been a process that  
25 covered at least two years where both forest service,

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1 OHMRV staff, the California Department of Conservation,  
2 and BLM worked together to forge a really, I think,  
3 super draft of these new guidelines for soil  
4 conservation.

5 One of the things that emerges from all of this  
6 is that the need for improving and maintaining and  
7 monitoring the quality and the increasing demand for  
8 high-quality OHV trails in desert and dune ecosystems  
9 will only increase in the future. One of the gaps, the  
10 technology gaps that we at BLM are confronting, is that

11 we simply don't have the instructional materials, the  
12 engineering background, and the labor force to really  
13 meet the challenges. And so this is our attempt to  
14 really come to meet these concerns and to be there for  
15 the people of California to improve our own  
16 institutional capacity. And I would be glad to answer  
17 any questions.

18 CHAIR BRISSENDEN: Thank you. Are there any  
19 comments from the public on this particular grant?  
20 Commissioners?

21 VICE-CHAIR ANDERSON: You identified this as a  
22 curriculum in the sense of it's a training module?

23 JIM WEIGAND: Yes, it is. That's one part of  
24 this. This is the educational part of it, and it's not  
25 just oriented to BLM. It has application -- I mean the

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1 target audience could definitely be our volunteers in  
2 the OHV community, and I must say we have gotten some  
3 excellent support already from OHV groups. And the one  
4 organization that comes to mind right away is Blue  
5 Ribbon Coalition. They have been terrific in helping  
6 us build our capacity at the Hollister Field Office to  
7 improve our ability to manage and maintain trails in  
8 landscape challenged areas. And we need to be building  
9 these alliances and partnerships for the future. And  
10 the idea is that we do it in an innovative way.

11 COMMISSIONER THOMAS: What is a landscape  
12 challenged area. I thought a landscape is a landscape.

13 JIM WEIGAND: Well, that was my turn of phrase

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14 here. And, again, areas that have a lot of challenges,  
15 landscapes with either steep slopes.

16 COMMISSIONER THOMAS: You mean like rocks and  
17 trees and things, like mountains. They're really  
18 challenged, right?

19 JIM WEIGAND: Right.

20 CHAIR BRISSENDEN: Let him finish the  
21 definition.

22 VICE-CHAIR ANDERSON: I want to support this.  
23 I'm going to look for some members of the audience and  
24 a few members of the staff will realize for the last  
25 several days, I've kind of had a hobbyhorse that I've

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1 been working, which is to try to find out what was the  
2 status, even nationwide, of training for people who  
3 manage off-highway motor vehicle areas. And Mr. Keeler  
4 and Mr. Weigand and several other -- some members of  
5 the Forest Service had talked to me about the  
6 availability and lack thereof of a concerted or  
7 organized educational facility where people who are  
8 managing off-highway motor vehicles might increase  
9 their skills.

10 And this addresses that need I see with perhaps  
11 only one module in dealing with soils, but that's  
12 certainly a prevailing need. And so I think that this  
13 is incredibly important. In terms of the  
14 sustainability of this program in the long-term is to  
15 have people who are managing these areas, both the  
16 SVRAs and the federal areas and even the counties. I

17 didn't choose to nail down the Santa Clara County  
18 applicant yesterday, but it was certainly in the back  
19 of my mind to find out what kind of formal training  
20 that people had who were managing their area or if they  
21 had people with formal training that they might  
22 actually call upon. Recreation training I found is way  
23 too generic for the specific problems and situations  
24 that are encountered in OHV areas.

25 JIM WEIGAND: Commissioner Anderson, BLM has

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1 benefitted, for example, from the great work and  
2 training from Cam Lockwood. But as Kathy Mick pointed  
3 out yesterday, he's in great demand, and there is one  
4 Cam, and he gets spread really thin. And this is an  
5 attempt, I think, on our part to let's duplicate Cam,  
6 let's make sure that we build our expertise internally,  
7 and then the other link that we have is, especially  
8 with the OHMRV Division and working with our colleagues  
9 at Ocotillo Wells and Heber Dunes as well, I mean these  
10 desert ecosystems that we both share.

11 VICE-CHAIR ANDERSON: So how many students would  
12 you expect this would address ultimately?

13 JIM WEIGAND: The immediate goal would be to  
14 address the seven BLM field offices that are in the  
15 Mojave and Sonoran deserts.

16 VICE-CHAIR ANDERSON: And you mentioned also  
17 volunteers.

18 JIM WEIGAND: And we would definitely want to be  
19 building our links with the OHV community groups. And

20 what I found is that there is a huge expertise among  
21 riders. And they have, in many cases, been very  
22 willing to volunteer and to help us in these matters,  
23 and we need to have something for them as well for  
24 instruction.

25 VICE-CHAIR ANDERSON: I see the educational

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1 efforts that are being done, like Camp Duwekus training  
2 and certainly a lot of volunteers who are working with  
3 noise, spark arresters, and various modules, certainly  
4 the Gold Rock School for using education are pretty  
5 valuable. Thank you. I'll stop.

6 CHAIR BRISSENDEN: Any other comments?  
7 Commissioner Prizmich.

8 COMMISSIONER PRIZMICH: Dr. Weigand, I'm not  
9 really clear. Are you asking for more money? Because  
10 we have a score here, and I haven't heard thus far you  
11 address that score as inappropriate or suggesting  
12 anything different.

13 JIM WEIGAND: We had a request to raise that  
14 score to 64 points, and one of the things in terms of  
15 new information that I can present today is the list of  
16 partnerships that we would be, you know, encouraging  
17 and promoting. And this is something that's a wide  
18 network that we need to start working on.

19 And then again this was in response to policy  
20 being established at the OHMRV Division, and this is a  
21 response by the Bureau of Land Management to meet these  
22 goals of the Division.

23 COMMISSIONER PRIZMICH: So you're asking for an  
24 increase in your score to 64?

25 JIM WEIGAND: Well, yes, I am.

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1 COMMISSIONER PRIZMICH: You're suggesting that,  
2 and in what areas can you identify that the increase  
3 would come. Can you, please --

4 JIM WEIGAND: I'll have to get the document.  
5 You have a copy of that in your pile, as well.

6 In addition, for revision of the score dated  
7 November 2nd, in section one we outlined the additions  
8 of benefits. And so for section one, we ask for 30 out  
9 of 35 points. And we actually go into explaining how  
10 we plan to solve one or more operational problems and  
11 conditions. And I think I've gone into that with you  
12 in some detail now, and I'd be glad to answer more  
13 questions about this.

14 But again dealing with our need to meet the  
15 engineering and operational demands, we don't have that  
16 built into our staff capacity now. And we need to be  
17 moving towards that. So that for me is just a huge  
18 issue right there for us, and I think that that's an  
19 important, you know, issue for increase.

20 In section three, the project is designed for  
21 efficient use of OHV Trust funds, I think this is an  
22 efficient use because we are responding to both a  
23 public need and for policy from the Division to make  
24 sure that we are providing the kind of OHV experience,  
25 and that's supported by trail maintenance, that the

10

1 people of California and the OHV Division expect.

2 CHAIR BRISSENDEN: Commissioner McMillin, did  
3 you have a comment you want to make?

4 COMMISSIONER McMILLIN: Well, I was just going  
5 to suggest a motion to support staff's recommendation.  
6 I think this is -- although, it's very, very important  
7 stuff that I'm hearing, I think the request is very  
8 vague. So that would be my motion to accept staff's  
9 recommendation, unless somebody else wants to go and  
10 get this pace picked up.

11 CHAIR BRISSENDEN: Okay. There is a motion.

12 COMMISSIONER PRIZMICH: I'll second that.

13 CHAIR BRISSENDEN: Motion and second. All those  
14 in favor?

15 (Commissioners simultaneously voted.)

16 CHAIR BRISSENDEN: Opposed?

17 VICE-CHAIR ANDERSON: Opposed.

18 CHAIR BRISSENDEN: Motion passes.

19 JIM WEIGAND: Thank you. I think there is clear  
20 direction for next year to bring it back and strengthen  
21 that because I think there is a real need.

22 COMMISSIONER THOMAS: Can we reconsider that?  
23 The Chair moved a little fast. It's a little early.  
24 Commissioner Anderson was in the process of making an  
25 amendment, and I was distracted, and I voted too

11

1 quickly, and I'd like to.

2 CHAIR BRISSENDEN: Well, I need to defer to  
3 counsel as to how do we reconsider once a vote is  
4 taken.

5 VICE-CHAIR ANDERSON: As one of those who voted  
6 in favor of the motion, you're entitled to vote.

7 COMMISSIONER THOMAS: And I would move for  
8 reconsideration, given my confusion of the moment.

9 COMMISSIONER SPITLER: Second.

10 CHAIR BRISSENDEN: It's been moved and seconded  
11 for reconsideration. Under discussion, any particular  
12 reason?

13 COMMISSIONER PRIZMICH: The fog of the morning.

14 COMMISSIONER THOMAS: The fog of the morning.

15 CHAIR BRISSENDEN: Well, I hope the fog lifts  
16 shortly.

17 COMMISSIONER THOMAS: We reconsidered the motion  
18 in light of the exigency of the information that was  
19 provided by the applicant.

20 CHAIR BRISSENDEN: So those in favor of  
21 reconsideration please say aye.

22 (Commissioners simultaneously voted.)

23 CHAIR BRISSENDEN: Those opposed?

24 COMMISSIONER McMILLIN: No.

25 VICE-CHAIR ANDERSON: I'm proposing to add five  
12

1 points to category one on the basis of promoting safe  
2 and responsible use and in solving the operational  
3 problems associated with maintaining long-term use.

4 In category two, I'm proposing to add 10 points  
5 in light of the educational outreach, which would be a  
6 part of this package, increasing the skills of the  
7 volunteers, and including volunteer trail patrol.

8 In category three, I would propose to add five  
9 points to A, and two points to C, making a total of 14  
10 points for three on the basis of the additional  
11 information on the partnerships that they've  
12 established and the outreach to students, general  
13 public and even staff. So that would be a total of  
14 whatever.

15 OHMVR STAFF FREITAS: Seventy.

16 VICE-CHAIR ANDERSON: Seventy, that's my motion.

17 COMMISSIONER SPITLER: Second.

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

19 Those in favor?

20 (Commissioners simultaneously voted.)

21 CHAIR BRISSENDEN: Those opposed?

22 COMMISSIONER McMILLIN: No.

23 CHAIR BRISSENDEN: Motion carries.

24 Okay. The fog is lifting.

25 COMMISSIONER THOMAS: Thank you, Mr. Chairman,

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1 for your kind patience and tolerant attitude.

2 CHAIR BRISSENDEN: There is a philosophy out  
3 there in meetings that no matter the length of time and  
4 the length of issues, it always fills the space  
5 available. So I would rather with the next 15 just  
6 move right along, if we may, per your suggestion that I

7 might see my wife sometime today.

8 COMMISSIONER THOMAS: Thank you. I won't  
9 indulge my fog any longer.

10 CHAIR BRISSENDEN: So on to 56, please.

11 OHMVR STAFF ABARRA: Line 56, OR-1-CD-366,  
12 California Desert District. They requested \$92,549.  
13 They received a score of 55 at 50 percent for a funding  
14 determination of \$46,275.

15 The applicant did submit supplemental  
16 information and did include new facts. And had those  
17 facts been included in the original application, it may  
18 have scored a higher score.

19 JIM KEELER: Good morning, Commissioners, staff,  
20 I'm Jim Keeler, California BLM State Office. I will be  
21 representing this grant for the Desert District and for  
22 the desert managers group that actually sponsored the  
23 entire project.

24 We are asking for an increase. We did submit  
25 additional materials which are in the safety and

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1 education section of your binder, and is tab number two  
2 there. So I don't know if you want me to go through it  
3 or you wanted to look at that or you had specific  
4 questions. John Stewart, if we needed to, could talk  
5 more about the operational details. He's part of the  
6 advisory group if you had questions for him.

7 CHAIR BRISSENDEN: You're part of the advisory  
8 group, John? If you wanted to make brief remarks, that  
9 would be great.

10 JOHN STEWART: Yes, John Stewart, California  
11 Association 4-Wheel Drive and United 4-Wheel Drive  
12 Association. Yes, the desert tortoise education and  
13 advisory council -- not council, but group is working  
14 with the -- was established by the Desert Manager's  
15 Group in order to develop and promote an education  
16 program dealing with the desert tortoise in the Desert  
17 District area. Representatives from the Defenders of  
18 Wildlife, and myself, and Fish and Wildlife Service,  
19 the California Department of Fish and Game, plus the  
20 Bureau of Land Management, and National Park Service,  
21 we have developed a pamphlet, an informational pamphlet  
22 that has been distributed, and I think it's now on the  
23 third reprinting, just to raise awareness to the public  
24 as to what the issues are with the desert tortoise.

25 There is a secondary phase to this program

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1 starting that we're trying to get going, which will  
2 include public service spots to air throughout the  
3 radio and TV stations in the desert communities. And  
4 they're also looking to put together educational trunks  
5 that will be used within the schools in order to teach  
6 the elementary children about the life and the issues  
7 with the desert tortoise and how to protect them. So  
8 from that perspective this grant is going along with a  
9 grant from the Fish and Wildlife Service and a couple  
10 of other agencies in order to support the full funding  
11 to get this project on line.

12 CHAIR BRISSENDEN: Thank you. Commissioners, do  
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13 you have any questions of the applicant? Do we have a  
14 motion?

15 COMMISSIONER SPITLER: I'll make a motion. I am  
16 looking at the information provided by the BLM here on  
17 tab two of one of our many massive binders, and I find  
18 that information compelling, and I will recommend the  
19 following scores.

20 Under the first item, I'll accept BLM's  
21 recommendation of a score of 30 out of 35; 20 on the  
22 second item; 15 on the third item; and 12 on the fourth  
23 item; for a total score of 77 out of 100.

24 I also personally know this program. I think  
25 it's been a very good program. We funded it last year,  
16

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1 and I can't remember if that was the first year. We  
2 did it one year before that, but it's been two years.  
3 It's been a very successful program, and I think the  
4 riders and the environmental community have been quite  
5 supportive, and I think we should continue.

6 CHAIR BRISSENDEN: Do I have a second?

7 COMMISSIONER McMILLIN: Second.

8 CHAIR BRISSENDEN: It's been moved and seconded  
9 to adjust the score to 77. All those in favor?

10 (Commissioners simultaneously voted.)

11 CHAIR BRISSENDEN: Opposed? Motion carries.

12 JIM KEELER: Thank you, Commissioners.

13 CHAIR BRISSENDEN: Item 57, please.

14 OHMVR STAFF ABARRA: Line 57, Colorado River  
15 District. They requested \$90,000. They received a

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16 score of 59, at 50 percent for a funding determination  
17 of \$45,000. They did submit additional information;  
18 however, the information submitted were general  
19 statements. It did not contain any new facts.

20 JIM WEIGAND: Good morning, Commissioners,  
21 Division staff, members of the public. My name is Jim  
22 Weigand. I'm the ecologist at the BLM California State  
23 Office in Sacramento, and I'm here representing  
24 Christine Bates who's the sustainable natural resource  
25 manager for the BLM Colorado River District in Lake

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1 Havasu, Arizona. She manages BLM lands in California,  
2 San Bernardino, Riverside, and Imperial Counties along  
3 the Colorado River.

4 This project is designed to draw attention to  
5 the need for outreach and information education to the  
6 OHV recreating public in the Sonoran and Mojave Desert  
7 Regions of southeast California covering five BLM field  
8 offices. And the effort here is to do a multimedia  
9 outreach to people using a variety of methods,  
10 including kiosks, public displays, film, and playing  
11 cards as tools to give information to the recreating  
12 public about natural resources of the Sonoran Mojave  
13 ecosystems in southeastern California. A lot of the --

14 Some of the tools have been used previously  
15 elsewhere in Arizona and even in Iraq. And if you  
16 remember earlier in our meeting in November, Christine  
17 passed around sets of cards to show the kinds of  
18 environmental information that could be distributed to

19 the recreating public. These are very basic projects.  
20 There are no frills, and they're designed to reach  
21 people effectively and designed to protect especially  
22 the world class archeological resources, in particular  
23 the Blyth intaglios and other sites with archeological  
24 import in the Lower Colorado River Valley and in the  
25 Sonoran Desert in California. And I would be glad to

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1 answer any questions that you have about this grant.  
2 CHAIR BRISSENDEN: Are there any comments from  
3 the public on this?  
4 JOHN STEWART: Good morning, Commissioners.  
5 John Stewart, California Association of 4-Wheel Drive,  
6 United 4-Wheel Drive Association. This is a project  
7 that when you look at category two deserves a lot  
8 higher score. In this particular case for  
9 partnerships, this is one effort that is actually  
10 crossing state lines and state BLM boundaries because  
11 it is working with the California BLM and the Arizona  
12 State BLM. In addition, there are numerous 4-Wheel  
13 Drive Clubs, some in California and some in Arizona,  
14 that are interested in working on partnerships within  
15 this program in order to assign and identify this.  
16 This is also part of a larger scale effort within the  
17 Needles Field Office in order to bring an education  
18 aspect out to the desert to provide to the winter  
19 visitors. Most of them are retired people and that  
20 gives them something to see and something to do of  
21 interest in the area. So the project's curriculum is

22 set up to provide the educational and informational  
23 information. So I would say that the category number  
24 one score should be closer to a 33, and the number two  
25 should be up to about a 30, thank you.

19

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1 CHAIR BRISSENDEN: Thank you. Commissioners?

2 COMMISSIONER THOMAS: Move staff

3 recommendations.

4 COMMISSIONER PRIZMICH: Second.

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

6 All those in favor?

7 (Commissioners simultaneously voted.)

8 CHAIR BRISSENDEN: Opposed? Motion carries.

9 We're on to Item 60.

10 OHMVR STAFF ABARRA: Line 60, Los Padres  
11 National Forest. They requested \$74,970. They  
12 received a score of 55 at 50 percent for an amount of  
13 \$37,485. They did submit supplemental information  
14 which did contain new additional facts.

15 KAREN MCKINLEY: Good morning, Commissioners.  
16 I'm Karen McKinley, Los Padres National Forest, and I'm  
17 not really feeling very well this morning at all. So  
18 I'll just kind focus on new material that you just  
19 passed out.

20 A couple of things that actually are newer than  
21 what we even submitted is that we just recently added  
22 one more partner to this opportunity, which would be  
23 the Hungary Valley State Vehicle Recreation Area. We  
24 had a meeting with them earlier this week, and we're

25 Looking at trying to combine our forces in several

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1 areas, but the education area is one that we can  
2 actually enter into immediately. So we have one more  
3 partner that can actually give us a point or two in  
4 section three.

5 We also have on section one, this grant is of  
6 even more importance now that we've now entered into  
7 our second year of no law enforcement funding. Right  
8 behavior begins with being able to make a contact and  
9 education, and we are severely hampered now without  
10 funding for our law enforcement folks. This grant will  
11 help us start to initiate a program in the OHV  
12 community where they haven't had one before and  
13 leverage things that have been already been built.  
14 Instead of starting from scratch and trying to develop  
15 our own program, we're using programs like Right Rider  
16 on the Trail. I can't think of all of them right at  
17 the moment, but ones that the San Bernardino National  
18 Forest Association started developing a few years ago,  
19 and Cal Pals, and working with the National Off-Highway  
20 Vehicle Council. So we're looking for an additional  
21 five points under number one.

22 We're looking for an additional 12 -- this is  
23 something that Commissioner Anderson brought up last  
24 year -- last month, oh, it was last year -- that  
25 perhaps -- I know I took the directions literally. We

21

1 never had an education grant before, so it didn't even  
2 occur to me to go outside the box and put all the other  
3 stuff in there. But what I do have is a lot of  
4 experience in closing out grants, that kind of thing in  
5 a pretty timely matter, not on this forest but on the  
6 previous forest I came from, most of you know that. So  
7 the other point is that within this category two, it  
8 appears there's this checklist of items, and it just  
9 appears -- I could be incorrect and perhaps staff could  
10 correct me -- but that each of them had to be addressed  
11 in order to get full points, and our grant request  
12 doesn't apply to those things. Our grant request  
13 focuses strictly on education of the kids primarily in  
14 a classroom environment, but then it's some  
15 opportunities at the Girls and Boys Club, on local  
16 fiesta days, those kinds of things. Any questions?

17 CHAIR BRISSENDEN: Any public comments?

18 JOHN STEWART: Good morning, Commissioners, John  
19 Stewart, California Association of 4-Wheel Drive Clubs,  
20 United 4-Wheel Drive Associations. This is one grant  
21 that is part and parcel to what is the heart of the OHV  
22 program. It is education. It is something that  
23 directly affects the people on the ground. To that  
24 extent when you're looking at the number one category,  
25 do the services lead to enhancement or protection of

22

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1 existing opportunity, definitely this does. This

2 actually boosts the protection of the resources. It  
3 provides educational content philosophies, and it is an  
4 extremely efficient use of OHV funds. The partnerships  
5 they've been able to leverage are terrific, and they're  
6 leveraging some partners, leveraging with the San  
7 Bernardino National Forest Association, which is  
8 recognized as one of the top volunteers setups in the  
9 country, getting that over into another forest is a  
10 tremendous plus for the protection of resources. We  
11 would encourage the Commission to actually go up to  
12 closer to a 30 score on the first category because this  
13 grant is really worthwhile. Thank you.

14 CHAIR BRISSENDEN: Thank you.

15 OHMVR STAFF ABARRA: Mr. Chairman, if I may, I  
16 just wanted to address her question on criteria two.  
17 Actually the question was for them to address one or  
18 more of the following. So the applicants were not  
19 penalized if they did not address each criterion.

20 CHAIR BRISSENDEN: Thank you for the  
21 clarification. Commissioners, questions, comments,  
22 motions?

23 COMMISSIONER SPITLER: Move the staff  
24 recommendation.

25 COMMISSIONER THOMAS: I'll second it.

23

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

2 All those in favor?

3 (Commissioners simultaneously voted.)

4 CHAIR BRISSENDEN: Opposed? Motion carries.

5 Line Item 62.

6 OHMVR STAFF ABARRA: Line Item 62, OR-2-SB-93,  
7 San Bernardino National Forest. They requested  
8 \$51,150. They received a score of 61, at 60 percent  
9 for an amount of \$30,690. The applicant did submit  
10 supplemental information, and overall if the applicant  
11 would have submitted the original application in the  
12 format of the supplemental information, it may have  
13 been scored differently.

14 CHRIS EVANS: Good morning, Chris Evans,  
15 San Bernardino National Forest. I've learned a lot I  
16 think through these proceedings about how to structure  
17 my grant application next year and make it a little bit  
18 easier on the staff to sort through all of it. We try  
19 to pack a lot of information into a small space, and I  
20 think maybe we can do a little bit better job on that  
21 next year and make it a little bit easier for  
22 everybody.

23 Specifically regarding this application, we  
24 would like to request that the score be reconsidered.  
25 We've gone through and provided some information,

24

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1 clarification mostly, on items and materials that were  
2 included in the application. We feel like the original  
3 score of 61 could be adjusted to a score of 80. I'm  
4 going to kind of hit some high spots. There are some  
5 other folks who want to speak on this one.

6 Specifically under category one, move the score  
7 to 19 out of 35. We feel that there is information in

8 the application that would justify a score of 28. The  
9 application does describe within it how this program  
10 will reduce conflict amongst users groups, how it will  
11 protect habitat, and how it will prevent off route  
12 travel.

13 Moving on to category three, efficient use of  
14 OHV Trust funds, was scored a nine out of 15. We felt  
15 it may have been worthy a 14 out of 15. As far as cost  
16 effectiveness, it does describe in the application on  
17 page 26, the original page 26 -- again, I apologize,  
18 because my numbers won't match the page numbers in your  
19 binders, but it does describe how we'll use  
20 informational kiosks that are hosted by volunteers, and  
21 those may be visited by up to 2,000 users on any given  
22 day, and that's at an incredibly low cost. As I said,  
23 they are staffed by volunteers. The majority of the  
24 materials are donated, so the cost to the Forest or the  
25 cost to this Commission is very minimal for quite a few  
25

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1 public contacts. We felt that deserved a score  
2 increase based on that.

3 Under category four, history of successful  
4 implementations, we scored a six out of 15. We felt  
5 like we could have probably leveraged some more points  
6 in that category. Completion of prior projects within  
7 time frame provided, the application does describe on  
8 page 26 past agreements and specifically OR-2-SB-80 and  
9 OR--2-SB-82, their percentages are complete and the  
10 time frames which they are completed in. History of

11 fiscal accountability, much like category A under the  
12 same discussion as provided on page 26 of the original  
13 application describing that prior agreements were  
14 completed and that we didn't have any negative outcomes  
15 with any of those.

16 CHAIR BRISSENDEN: Thank you. Public comment?

17 BENJAMIN von DIELINGEN: Good morning, Benjamin  
18 von Dielingen, Senior OHV Coordinator for the San  
19 Bernardino National Forest Association. I'd like to  
20 first of all just second basically what Chris said. I  
21 do want to add a couple of extra bits of information,  
22 though, just go to a little more detail.

23 Underneath section two, underneath D and E,  
24 volunteer education outreach, just to give you a heads  
25 up, I don't know if you see that in your notes or not,

26

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1 but there is distribution of OHV messages through print  
2 media, electronic media, radio adverts occasionally as  
3 well, that reaches approximately two million people per  
4 month with OHV messages. And these are messages that  
5 are, consider staying on the trail, riding  
6 responsibility, keeping noise down, obtaining  
7 permission to go on private land, et cetera. And then  
8 also underneath E, other corrective measures, what they  
9 just took from me is a program we're working on to  
10 reach the hard to reach demographics of ages 12 to 17,  
11 hard-to-reach recreationists in that age, usually with  
12 positive stay on the trail, be responsible messages.  
13 So we developed something that's kind of a little bit

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14 edgy, a little bit different. It has a pirate theme  
15 since pirates are quite hot right now, focuses on ages  
16 12 through 17. It's kind of a geo-caching, treasure  
17 hunt deal that's more or less going to con and force  
18 children to get to the outdoors and learn about the  
19 forest, learn about the rules and regulations with a  
20 chance to win a dirt bike and have a little party. And  
21 we have Hollywood support on this. We have OHV  
22 dealership support on this. We have support from the  
23 National Off-Highway Vehicle Conservation Council,  
24 Tread Lightly, the list goes on and on and on, and it's  
25 going to be kind of a unique deal. You're also seeing

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1 an "On the Right Trail" brochure right there which is  
2 our school-based curriculum for younger grades who the  
3 themes of pirates and adventure and treasure seeking  
4 might be a little bit above their age range, a little  
5 built beyond their grasp. So that's number E.

6 And then going to section three, I want to talk  
7 about cost effectiveness real quick. Just FYI, I don't  
8 think you caught it or not, but we do reach about two  
9 million people per month, and that's just through press  
10 releases, that sort of thing, be it Internet, be it  
11 print media, whatever. But two million people per  
12 month just with that forum equals out to be 24 million  
13 people a year. We are asking for \$51,150. That means  
14 you reach 469.2 people for every dollar you spend.  
15 Another way to look at that is one person costs the  
16 state two/tenths of a penny to reach with OHV

17 recreation messages about staying on the trail and  
18 keeping the lands pristine. That's very cost  
19 effective. I don't know of any economics professor or  
20 study who would say that's not cost effective.

21 And, finally, if you look at the very back  
22 underneath C, it does list our partnerships. Like I  
23 said, we have the National Off-Highway Vehicle  
24 Conservation Council, the Sierra Club, and other OHV  
25 dealerships and industry leaders. Thank you.

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1 CHAIR BRISSENDEN: Thank you.

2 LACI KELLY: Hi, my name Laci Kelly. I also  
3 work with San Bernardino National Forest Association.  
4 I'm the deputy director, and I work directly with Ben  
5 here on the education program and our patrol program.  
6 And I wanted to just let you know a few of the other  
7 things that he's doing through that program to impact  
8 education with kids and on the ground.

9 Ben is part of hosting a regular TV program in  
10 Big Bear that reaches 600 to 1,000 people eight times a  
11 month, and it's Off-Road Adventures. And they follow  
12 him around the forest learning about trail ethics. Ben  
13 mentioned the bridges that he builds through his  
14 advisory council. In addition to the Sierra Club and  
15 the National Off-Highway Vehicle Conservation Council,  
16 he also has chamber representation from Lake Arrowhead  
17 and Desert Cities Honda in bringing these people  
18 together, Digital Horizons who is a production company,  
19 the Forest Service, public information officer and OHV

20 trail manager in bringing all of these people together  
21 to build bridges to protect the lands. He also has a  
22 dealer bag program that's a "Stay on the Trail" dealer  
23 bag that has maps, it has a forest guide in it, it has  
24 rules and regulations where to ride. "Stay on the  
25 Trail" messages, Tread Lightly information, and, of

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1 course, "On the Right Trail", how to access that  
2 curriculum, and noise information. And just to give  
3 you a quick sampling, Ben shared with you the many  
4 different venues that he uses to reach people with  
5 articles and press releases. And some of the articles  
6 that have been published in this last year are "Winter  
7 Recreation, How the Environment is Still Fragile Under  
8 the Snow and Ice", "Appropriate Sizing for ATVs and  
9 Motorcycles", "Riding Within Your Abilities", "Keeping  
10 the Noise Down", and "Staying on the Trail", just to  
11 name a few. I would support a rescoring of this entire  
12 grant to 80 points. Thanks for listening.

13 CHAIR BRISSENDEN: Thank you.

14 TOM TAMMONE: Tom Tammone, Sound Level  
15 Monitoring Coordinator, San Bernardino National Forest  
16 Association. I'd like to concur. I do agree with the  
17 scoring change rationale submitted. I'm pleased to  
18 hear that Division seems to have indicated that they  
19 found some significance in this, and perhaps it ought  
20 to be bookmarked as an example of something we all  
21 agree on is what we should be submitting next year. It  
22 looks like we all learned a lot about the scoring

23 rationale, and hopefully next year it will all be  
24 submitted with the grants, and we won't have to be  
25 redoing it all at these meetings, take a lot less time.

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1 I do support this, and there is definitely a lot  
2 of public interest. I support all of the rationale  
3 that was presented by Chris Evans on the criteria. And  
4 I believe it's worth at least probably even five or six  
5 points more myself. There's a lot of public interest  
6 in this program. It's a model program. Just off of  
7 one obscure link, from the Forest Service website, I  
8 got almost 5,000 hits on my Quiet Bike website from  
9 people inquiring about just that one single issue  
10 alone. So there is definitely a lot of interest in  
11 this program. It's been moving down our forest and a  
12 lot of people here at the meeting approached me about  
13 getting programs and assisting them getting their own  
14 volunteer organizations together. So this is one very  
15 important program. The entire forest is starting to  
16 use it as a national model and definitely needs to be  
17 funded. I would like to see it raised to 90 points.  
18 Thank you.

19 CHAIR BRISSENDEN: Thank you.

20 JOHN STEWART: Good morning, Commissioners, John  
21 Stewart, California Association of 4-Wheel Drive Clubs,  
22 United 4-Wheel Drive Association, Tierra del Sol  
23 4-Wheel Drive Club. We support the San Bernardino's  
24 request for a rescoring and would like to point out on  
25 this that San Bernardino Forest with their volunteer

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1 association is recognized as a national leader in  
2 safety and education and in volunteer outreach. Part  
3 of that recognition comes from the innovative ways that  
4 they look to get the message out to the public.

5 Traditional messages have been focused at a  
6 higher -- well, for an older demographic -- trying to  
7 force the younger demographics to accept a message that  
8 is tailored for an older demographic; this is one that  
9 is now starting to change the way the message is being  
10 put out to the public and put out to the target  
11 audience in a way that the target audience can now  
12 begin to relate. We agree that this is a fantastic  
13 opportunity. This is something that is well  
14 worthwhile, and if you're looking for an efficient use  
15 of funding, this is probably one of the more efficient  
16 uses of funding that will ever come up. It uses the  
17 internet media, uses the new age technology in getting  
18 the word out, and it's blazing trails for efforts to  
19 follow in the future. This is something that we, like  
20 I said, support San Bernardino's efforts and really  
21 believe that this should be funded as they request.  
22 Thank you.

23 CHAIR BRISSENDEN: Thank you. Commissioner  
24 Anderson, you had a question for the applicant?

25 VICE-CHAIR ANDERSON: Yes, please. Chris, I'm  
32

1 somewhat confused about the way this is integrated with  
2 the National Forest Association. Are the projects  
3 identified within this, are they National Forest  
4 Service projects or are they projects that come out of  
5 the National Forest Association?

6 CHRIS EVANS: Well, much like your OHV volunteer  
7 patrol program, this is another program that we have in  
8 partnership with the National Forest Association  
9 through a challenge cost share agreement. We provide  
10 funding and staffing assistance.

11 VICE-CHAIR ANDERSON: Okay. So do you have any  
12 data at hand? And maybe I have to ask the association  
13 representative here, but what does their overall budget  
14 look like, and what component of that overall budget  
15 would this support from the Forest Service represent?

16 LACI KELLY: Do you mean the entire association?

17 VICE-CHAIR ANDERSON: Yes.

18 LACI KELLY: We have six divisions. OHV is only  
19 one of them, and our annual budget is around one  
20 million per year. This is the only funding we get for  
21 OHV.

22 VICE-CHAIR ANDERSON: This is the only funding  
23 for OHV?

24 LACI KELLY: And I think we get about \$10,000 of  
25 Adventure Pass money when it's available.

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1 CHRIS EVANS: We support this program  
2 specifically on the forest through appropriated money  
3 and also through fee collection through the Adventure

4 Pass program.

5 CHAIR BRISSENDEN: Other questions or comments?

6 COMMISSIONER McMILLIN: How do you pay for Ben's  
7 wages? He's OHV related.

8 CHRIS EVANS: That's a really big portion of  
9 what we're here asking for today. That's what the  
10 majority of this goes to pay for is actually Ben's  
11 salary; not to put any pressure on anyone or anything.

12 COMMISSIONER PRIZMICH: I would like to remind  
13 the Commission that Ben is a very large guy.

14 CHAIR BRISSENDEN: And you're closest to him.

15 COMMISSIONER McMILLIN: I propose a motion. I  
16 would propose we add five points to each of the four  
17 categories based on the testimony that we've heard  
18 bringing their score, I believe, to 81. I think there  
19 is a math there in the original scoring because I think  
20 the energy and the amount of enthusiasm that comes  
21 behind the initial presenter is very important, and I  
22 believe they're doing a good job.

23 COMMISSIONER PRIZMICH: I'll second that.

24 CHAIR BRISSENDEN: It's been moved and seconded  
25 to raise the score to...

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1 COMMISSIONER McMILLIN: Four fives, then you've  
2 got to check the math, raise it to 81.

3 CHAIR BRISSENDEN: It would make it 81 if the  
4 original score was 61. It's been moved and seconded to  
5 raise that to 81. Any discussion?

6 COMMISSIONER THOMAS: I'd like some discussion.  
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7 This process is difficult because now we are weighing  
8 safety and education against trail maintenance, and  
9 it's all in the same pot ultimately. If you increase  
10 scores here, against planning and against -- what was  
11 the other category of activities -- maintenance,  
12 operation and maintenance. So we're weighing all of  
13 these categories against each other, and each time  
14 someone comes before us and we say to ourselves, yes,  
15 safety and education is a really good thing, we need to  
16 do that, what we've done is we've ratcheted that score  
17 up and we've bounced everybody that was done earlier  
18 into a hole that's deeper. There is only so much  
19 money, and there's only -- and you can't really weigh  
20 apple, oranges, peaches, and figs all in one basket  
21 because they're all important activities. But one's  
22 winner is another's loser.

23 So the staff gives us these numbers as a would  
24 be objective rating, and we're bound in some respects  
25 by regulations to follow these numbers, or at least the

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1 analytical system that creates these numbers. We go  
2 ahead and modify it somewhat arbitrarily, based on our  
3 sentiment and feelings about both the quality of the  
4 application and our feelings about the subject matter.  
5 Ultimately at the end of day, it reminds me of a single  
6 door with 300 people trying to get through the door and  
7 you only know that 40 will get through. But the  
8 problem is we don't know what 40 are going to get  
9 through because we're handing out numbers, and we don't

10 remember what numbers we gave earlier in the queue.  
11 And so at the end of the day, it's going to be a random  
12 act, 40 of you are through and 260 are not, and while  
13 it felt good about everybody because you came before us  
14 and we liked you and we felt your proposal was  
15 honorable.

16 I indict the system. I think it's a lousy  
17 system. I've been saying that for years. I would like  
18 the Feds and the forests to get together and allocate  
19 the funding and carve up the \$3.5 million that's out  
20 there and not have everybody try to get through the  
21 door at the same time. I would like to see some budget  
22 for education. I don't want to be in the position of  
23 arbitrarily -- which we're going to do is arbitrarily  
24 reduce certain amount of education activities now.

25 So I'm going to oppose the motion because I

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1 can't in good conscience wipe out the trail maintenance  
2 budget by this collective -- the number of votes that  
3 we're taking now. Each step of the way the trail  
4 maintenance is disappearing, and you're the riders.  
5 I'm not a rider. You're a rider and you're wiping out  
6 your own budget. I know you're not intending to do  
7 that, and that's what's frustrating to me. But  
8 hopefully we can use the baselines of the trail  
9 maintenance budget and be aware that every time you  
10 bump above that, you're pushing your other projects  
11 under. I'm opposing the motion.

12 CHAIR BRISSSENDEN: Any other comments or  
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13 discussion? All those in favor of the motion?

14 (Commissioners simultaneously voted.)

15 CHAIR BRISSENDEN: Opposed?

16 COMMISSIONER THOMAS: No.

17 VICE-CHAIR ANDERSON: No.

18 CHAIR BRISSENDEN: Motion carries.

19 CHRIS EVANS: Thank you.

20 CHAIR BRISSENDEN: I think if there was a motion

21 on Mr. Thomas' comments, I think we would all vote in

22 favor, given our concerns and considerations.

23 So I think that ends the OHV safety and/or

24 education category. Who will be taking up the

25 planning? So we are at 10:06. Maybe we can get into

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1 about three of these or four of these, and we will take  
2 a break at about a quarter to 11:00. Will that satisfy  
3 the transcriber this morning?

4 OHMVR STAFF ABARRA: Okay. Line 65,  
5 OR--1-SW-44, California State Office, Desert Riparian.  
6 They requested \$197,200. They received a score of 51,  
7 at 50 percent for funding determination of \$98,600.  
8 The applicant did provide supplemental information;  
9 however, the statements made were conclusory and did  
10 not contain any new facts.

11 JIM WEIGAND: Good morning, Commissioners,  
12 Division staff, members of the public. My name is Jim  
13 Weigand. I'm the ecologist at the California State  
14 Office in Sacramento, and I would like to briefly  
15 discuss our grant proposal here and explain its origin

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16 briefly, as well as answer any of your questions with  
17 regard to this grant application.

18 This grant application was written in response  
19 and to be responsive to the concerns of the public and  
20 the OHV Commissioners about the sustainability of  
21 riparian resources in the BLM California desert lands  
22 and responds also to the concerns of OHV riders that  
23 we, BLM, create, develop, maintain and monitor an OHV  
24 transportation network that is sustainable, low impact,  
25 and meets the access needs of the American people in

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1 California. The goal here is to enrich really and  
2 develop the partnership between all of our stakeholders  
3 here so that we really develop solutions that everyone  
4 can buy into, that we have a transparent system for  
5 identifying problem areas, that we delineate the  
6 problem areas where they occur, and that we jointly  
7 find solutions in our common efforts to create  
8 sustainability and modern, well-engineered OHV  
9 transportation systems that account for protecting our  
10 precious desert water resources. And I would be very  
11 glad to answer any questions that the Commission might  
12 have at this time.

13 CHAIR BRISSENDEN: Thank you. Public comment,  
14 and then we will go to questions.

15 JOHN STEWART: Good morning, Commissioners.  
16 John Stewart, California Association of 4-Wheel Drive  
17 Clubs, United 4-Wheel Drive Associations. This is one  
18 we support the staff recommendations on. We find the

19 entire project at this point in time is too vague to  
20 really proceed forward. There is a lot of  
21 conclusory statements and assumptions made here that  
22 until they're fleshed out with something more  
23 conclusive, it's just not an OHV-related program.

24 The extent of monitoring and some of this  
25 research is something that is part and parcel to the

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1 agency's core mission and as such should be funded more  
2 by the agency, rather than through grants by the OHMRV  
3 fund. It really does not impact or solve any of the  
4 issues on the ground directly, and maybe at some later  
5 point in time when the studies or monitoring efforts or  
6 the actual on-the-ground work are better defined, it  
7 would be more appropriate to look at a grant then. But  
8 at this time, we believe staff recommendation should be  
9 the governing thing, and we support staff  
10 recommendations. Thank you.

11 CHAIR BRISSENDEN: Thank you.

12 DON AMADOR: Don Amador, Blue Ribbon Coalition.  
13 It's not often I agree with Commissioner Thomas. I do  
14 appreciate his comments a couple minutes ago about the  
15 implications of funding and increasing these planning  
16 grants at the expense of trail maintenance, toilet  
17 cleaning, and things like that. You've got some other  
18 big grants coming up today and I just want to make the  
19 Commission aware, as some of you are already, when you  
20 increase the planning grants -- not saying planning is  
21 not important -- you're essentially telling the GS-4, 5

22 and 7s to go out and clean toilets and put up  
23 carsonites, that their work isn't important. And  
24 you're going to defund a vast majority of these small  
25 project level activities if you keep increasing these 40

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1 planning grants. Thank you.  
2 CHAIR BRISSENDEN: Next.  
3 KAREN SCHAMBACH: Karen Schambach, Center for  
4 Sierra Nevada Conservation and PEER. I would  
5 absolutely support this grant, and I think that it's a  
6 timely grant. We just passed the riparian policy. I  
7 think we need to look at the big picture. I agree with  
8 Mr. Thomas about the need for maintenance certainly,  
9 but if we're looking at the big picture, and we're in  
10 the mist of doing a strategic plan, we have to do some  
11 planning. We're going to have a program that in the  
12 long-term and into the future provides opportunity  
13 that's well-managed and is not harming the environment.  
14 And I think that this is one of those projects that's  
15 really necessary. I mean it was important enough that  
16 this Commission passed a riparian policy. This is the  
17 next step in implementing it. One, it refines the  
18 definition, it actually will probably not only protect  
19 the environment by protecting riparian areas, but if  
20 you read the grant, it's actually -- the intent is to  
21 design and engineer trails to minimize the loss of  
22 opportunity while still protecting the riparian areas.  
23 So I would say that this is a very important project,  
24 important grant, and if we're going to look at this

25 program in terms of long-term, I think it's one that 41

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1 really needs to be funded. Thank you.

2 CHAIR BRISSENDEN: Thank you.

3 BRENT SCHORADT: Good morning, Brent Schoradt  
4 with the California Wilderness Coalition. I agree with  
5 the comments of the previous speaker, and I would like  
6 to point out under criteria one, which says the  
7 planning project addresses the enhancement or  
8 protection of existing OHV opportunity, or will lead to  
9 new opportunity, or -- and this is the part I  
10 underlined -- protection of resources. And I think  
11 protecting our desert riparian areas is probably one of  
12 the best things we can do to protect endangered species  
13 throughout the state, especially in Southern California  
14 where we have increasing growth and development out  
15 into open spaces across the Mojave Desert, and there  
16 are only so many desert riparian areas. It's clear we  
17 need to design off-highway vehicle recreation around  
18 the state to avoid impacts to riparian areas. I think  
19 it's critically important for the future of this sport  
20 and for the future of this activity because as an  
21 activist, it's very easy for me to point to a riparian  
22 area that's been degraded by off-highway vehicles and  
23 say, hey, is this something that the State of  
24 California supports. And I don't think you'll find  
25 anybody in the state who supports degrading

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1 California's riparian areas, especially in the desert  
2 with ATVs and other forms of off-highway vehicles.

3 So I think it's pretty clear that protection of  
4 resources is going to be perceived through this grant.  
5 So under category one, we give it a full scoring of 50  
6 out of 50. Under category two, the application  
7 demonstrates efficient use of OHV Trust funds, I think  
8 when we see trails, roads in riparian areas, the number  
9 one problem in terms of long-term maintenance is the  
10 fact that they flood, those riparian areas. So when  
11 our agencies have problems cleaning the toilets,  
12 staffing throughout our public lands, why would we  
13 spend money to build trails and continuously maintain  
14 trails that are going to flood. And I think for the  
15 long-term efficient use of OHV funds, designing trails  
16 to avoid riparian areas and to minimize impacts to  
17 riparian areas is crucial to efficiently using OHV  
18 Trust funds. We give it full scoring of 35 out of 35  
19 under category two. And that would bring the score up  
20 to a total of 87. Thank you.

21 CHAIR BRISSENDEN: Thank you. Next.

22 TOM TAMMONE: Tom Tammone, just want to say one  
23 thing as far as planning. I think plenty of technology  
24 already exists. I've taken trail planning classes  
25 through Trails Unlimited. We don't need to do any

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1 funding to support them trying to figure out how to

2 build trails out of riparian areas. I guarantee you  
3 they already know how to do that.

4 There is a concern on my part that we still need  
5 to have a little more -- discussed at the last meeting,  
6 we need to have a little more clarification as to what  
7 we're going to be considering a riparian area before we  
8 even considering using OHV funds. It is a government  
9 responsibility. They should be providing funding like  
10 that, just like we've heard Commissioner Thomas  
11 lecturing us that we need to provide other government  
12 funding for safety and education. I believe this falls  
13 under the same category for this grant, and I would  
14 have to agree with staff recommendations. Thank you.

15 CHAIR BRISSSENDEN: Thank you.

16 BRUCE BRAZIL: Bruce Brazil, California Enduro  
17 Riders Association. I understand the riparian area is  
18 kind of dear to at least a couple of our commissioners;  
19 however, this is still a competitive grants process.  
20 You have to weigh in just the information in the grants  
21 and the way it's contained. As a member of the  
22 audience, I heard no new facts being presented today to  
23 warrant an increase in the staff's scoring. Thank you.

24 CHAIR BRISSSENDEN: Thank you. Commissioners, do  
25 you have questions of the applicant, discussion, or

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1 motion?

2 COMMISSIONER SPITLER: There seems to be a  
3 little confusion amongst the public about what this  
4 grant actually does, and I'll just note, for those who

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5 haven't seen the information recently passed out by  
6 BLM, specifically what this grant will do. It is to  
7 define riparian areas for common understanding among  
8 all stakeholders, inventory ground truth, and delineate  
9 riparian areas, create maps, et cetera. So I think the  
10 purpose of this project is a good one. I think this  
11 will further implementation of the policy that this  
12 Commission passed over a year ago, and I think the  
13 information provided by the applicant warrants a higher  
14 score.

15 I'm going to make a motion. Under the first  
16 item, I think a score of 45 is warranted based on the  
17 information in the application and the public comments  
18 here about the importance of these riparian areas as a  
19 critical resource. Under the second item, I would move  
20 a score of 35 based on the applicant's information on  
21 the partnerships that they're already engaged in, the  
22 list of partnerships that they provided here in the  
23 public comments on the efficiency in this approach.  
24 And I'll leave score number three alone for a final  
25 score of 82, and I'll so move.

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1 CHAIR BRISSENDEN: There is a motion on the  
2 floor.

3 COMMISSIONER THOMAS: Second it.

4 CHAIR BRISSENDEN: And seconded. Any  
5 discussion?

6 COMMISSIONER THOMAS: It seems like there is an  
7 awful lot of work in here to delineate riparian areas

8 which are available on GIS systems all over the state  
9 and in the federal system. You can go online and look  
10 at GIS systems that delineate riparian areas;  
11 nevertheless, I understand the planning. I don't  
12 understand why so much of this grant -- perhaps I would  
13 have a better sense of the proportionality of this  
14 grant if we had some more information, but it looks to  
15 me like we're doing more than just delineating. And so  
16 perhaps you could break down the elements of this? I'd  
17 like to support this motion and to support delineation.  
18 If this bat survey, for instance, is part of it, I  
19 don't think I want to, but maybe I misunderstand here.

20 Tell me what's in this grant because it's  
21 difficult to work through some of your paperwork that  
22 deals with the details.

23 JIM WEIGAND: Sure, on the fifth page of the  
24 grant there is a table that lists actually six  
25 activities and six products that would come from the

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1 grant that's in the original grant application.

2 COMMISSIONER THOMAS: What page?

3 JIM WEIGAND: I probably have a different  
4 pagination than you do.

5 COMMISSIONER THOMAS: You're talking 44 out of  
6 333 in our binders, project six, Desert Riparian  
7 7/28/2007?

8 JIM WEIGAND: Yes. There is a table there. The  
9 first column has then a list of activities, and then  
10 the second column is the list of six products that

11 would come from the grant. So those are right there  
12 for you, and I summarized those in the single sheet  
13 that I just handed to you.

14 I would like to make a comment about delineation  
15 of riparian areas. For the California deserts, there  
16 is no uniform, accepted delineation of riparian areas.  
17 The one exception just happened on Monday when the U.S.  
18 Fish and Wildlife Service in Albuquerque, New Mexico  
19 published as part of their planning for the U.S. Fish  
20 and Wildlife refuges in the Lower Colorado River, they  
21 have done a delineation of riparian areas from Davis  
22 Dam to the Mexican border, and that includes a  
23 substantial amount of BLM lands in California, too.  
24 They took the entire Lower Colorado River watershed.  
25 There is a small part of the Mojave watershed around

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1 Afton Canyon that has been provisionally delineated by  
2 the U.S. Fish and Wildlife Service in Portland, Oregon.  
3 We do not have that information. It does not exist,  
4 and we need to be working with the water boards in the  
5 desert and the other regulatory agencies, as well as  
6 with the public, so that we all come to a common  
7 understanding that we know what we're addressing here.  
8 The idea is that BLM wants to meet its commitments both  
9 as an agency and as a partner with the Commission to  
10 address these, but we need to be doing it in a  
11 transparent open way that brings everybody along with  
12 us. It's important to find a solution to the many  
13 engineering problems.

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14 I will also let you know that the solutions, the  
15 engineering solutions are not in place at BLM. We  
16 don't have the staff at the moment that can address  
17 that. That was the point of the previous grant that I  
18 spoke to, that we need to be building our capacity to  
19 address suitable engineering solutions so that we do  
20 avoid any damaged riparian areas and at the same time  
21 do not compromise access to the riding public. And so  
22 the idea is this is an effort to find and to  
23 coordinate -- and that's what Jim and I are very  
24 concerned about here at the state level -- to  
25 coordinate efforts that might not otherwise happen, and  
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1 again working close with partners at the state and  
2 regional level so that we can make progress and solve  
3 some of the problems that Commissioner Thomas  
4 originally highlighted.

5 And I would also like to state that we really  
6 also will work very closely with the U.S. Forest  
7 Service in their desert watersheds because a lot of the  
8 time those watersheds cross national forests to BLM  
9 lands, particularly in the San Bernardino National  
10 Forest and the Inyo National Forest. So again this is  
11 an effort that is bigger than BLM. We need to be  
12 responding, and we need to be a partner with the folks  
13 here in this room. And, again, if that table isn't  
14 clear to you about what we wanted to accomplish, I  
15 would be glad to address that in greater detail for  
16 you. Thank you.

17 COMMISSIONER THOMAS: Thank you.

18 CHAIR BRISSENDEN: Any other comments,  
19 questions?

20 VICE-CHAIR ANDERSON: Comment. I recognize the  
21 need for this, but I'm wondering about whether we're  
22 ready to take that step right now and gather this  
23 information. I would be inclined to defer this grant,  
24 and I don't know how we do that under our regulations.

25 CHAIR BRISSENDEN: Rationale for deferring.

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1 COMMISSIONER THOMAS: Let me try something. If  
2 the delineation work is not to be produced for a year,  
3 how long is it going to take for a work product, just  
4 briefly?

5 JIM WEIGAND: We would want to be getting that  
6 done within a year, yes. We would have a proposal of  
7 delineation for you.

8 COMMISSIONER THOMAS: So assuming this is going  
9 to take a year to come up with standards or come up  
10 with a map, really is all we're talking about, it's  
11 timely because by the time we make up our minds, you'll  
12 finally get a map out there. There was always an  
13 assumption that there was a map out there. I'm amazed  
14 that the Bureau of Land Management has no map of where  
15 water is in the desert. The Department of Water  
16 Resources have had maps since 1908 where water is in  
17 California, and you have no maps where streams are?

18 JIM WEIGAND: We definitely have maps, but what  
19 we don't have maps of are the delineation of the

20 riparian areas. That's a width around a body of water,  
21 and that is a classification, and that's subjective.  
22 So we need to make sure that we're all on board with  
23 the same definition of what that classification is.

24 COMMISSIONER McMILLIN: Do we with a motion?

25 CHAIR BRISSENDEN: We have a motion and a

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1 second.

2 COMMISSIONER McMILLIN: My only comment would be  
3 I think, again, this is very vague, and I think with  
4 all of the riparian conversation that's going on, I  
5 would only support staff's recommendation. And I can't  
6 believe an agency the size of BLM can't come up with a  
7 couple hundred thousand dollars to take the maps -- I  
8 agree with Hal -- that they currently have and do  
9 whatever they're going to do with them because it's  
10 fuzzy.

11 CHAIR BRISSENDEN: Okay. Any other comments?

12 All those in favor?

13 (Commissioners simultaneously voted.)

14 CHAIR BRISSENDEN: Opposed?

15 COMMISSIONER PRIZMICH: No.

16 COMMISSIONER McMILLIN: No.

17 COMMISSIONER THOMAS: For the record, my vote is  
18 highly contingent on some biological understanding  
19 that's accepted in the professional communities. If  
20 you guys come back here and delineate according to some  
21 standard that you made up in the year, that would be a  
22 breach of faith. And you understand it and I

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23 understand, I'll leave it at that.

24 JIM WEIGAND: Thank you, Commissioner Thomas.

25 We are obliged to follow the delineations established

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1 by the U. S. Fish and Wildlife Service.

2 CHAIR BRISSENDEN: Thank you. Item number 66,

3 please.

4 OHMVR STAFF ABARRA: Line 66, OR--1-SW-343,

5 California State Office. They asked \$578,500. They

6 received a score of 46, at 40 percent for an amount of

7 \$231,400. The applicant did provide supplemental

8 information; however, the information submitted were

9 general statements and did not contain any new factual

10 information.

11 JIM KEELER: Good morning, Commissioners and

12 staff, Jim Keeler, California BLM. This grant is the

13 fourth, I believe, year of an effort that the

14 Commission has funded for a number of years that we

15 have utilized these funds to collect road and trail

16 inventory information throughout a good part of the BLM

17 lands in California. It's a much quieter program than

18 you've heard from the Forest Service, but we've

19 actually utilized this data to update land use plans in

20 about six of our field offices, and we're continuing

21 that effort right now into the Bakersfield area. We're

22 going to start on a plan there. So we'd like to

23 continue this program for another year.

24 That being said, tab number two under planning,

25 we did send in the sheet that the Division mentioned.

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1 And we're sorry, it is just difficult for us to  
2 understand what factual information that we didn't  
3 provide the first time, and we really had nothing  
4 additional to add in terms of actual stuff.

5 COMMISSIONER SPITLER: Mr. Keeler, if you could  
6 address your comments to the Commission.

7 JIM KEELER: I'm sorry. It was just difficult  
8 to figure out what was missing from our score the first  
9 time. And I guess that we didn't come any closer to  
10 doing that the second time.

11 COMMISSIONER SPITLER: Let me help you out.

12 JIM KEELER: Thank you.

13 COMMISSIONER SPITLER: Why don't you explain to  
14 the Commission why you believe you warrant a higher  
15 score, if you think you do.

16 JIM KEELER: The score for number one, we got a  
17 30 out of 50 for addressing the enhancement protection  
18 of existing resources. It was a difficult stretch to  
19 talk about how collecting GIS data adds to protection,  
20 but we're trying to articulate that an inventory is  
21 really the baseline that you start both for planning  
22 and for resource management. So we were looking at a  
23 40 out of 50 rather than the 30 that we got there.

24 Efficient use of trust funds in this case, we've  
25 honed a project down now from a five-person crew to a

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1 two-person crew, and we feel that we're collecting  
2 extremely good data now at a very good cost. We  
3 haven't utilized volunteers as much as we should,  
4 partly because it is difficult for people to trust the  
5 data so we have felt so far that if it's under our  
6 control, that both sides of any debate would feel that  
7 at least there was an objective collector, if not  
8 somebody they believed in. So we recommended a 21 out  
9 of 35 rather than the 16 we got there.

10 COMMISSIONER THOMAS: Let me interrupt you,  
11 we're looking for the original grant. It's actually  
12 entitled, "Project Three, Statewide Inventory"?

13 JIM KEELER: That is correct. SW-43, if that  
14 helps you.

15 COMMISSIONER THOMAS: That doesn't help. You've  
16 got to give us the page in the book so we can follow  
17 along with what you're proposing, but we found it.

18 JIM KEELER: I'll try to have that one for my  
19 next presentation. I don't need to read through the  
20 rest of this. The rationale sheet I think provides  
21 everything that I'm trying to say. I would be happy to  
22 take questions.

23 CHAIR BRISSENDEN: Any public comment on this  
24 particular grant application?

25 BRUCE BRAZIL: Bruce Brazil, California Enduro

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1 Riders Association. And as with what the previous  
2 speaker was saying, if this is going to parallel the  
3 U.S. Forestry Route Designation Program, this is

4 something, once again, they should be going to  
5 Washington, D.C., not Sacramento to get some funding.  
6 I don't know of any business or organization that does  
7 not know what their own inventory is. They shouldn't  
8 be coming to us to help find out what their own  
9 inventory is. They should have that just as fact. So  
10 I'd go with Division's recommendations on the scoring  
11 on this. Thank you.

12 CHAIR BRISSENDEN: Thank you.

13 TOM TAMMONE: Tom Tammone, I would like to add  
14 on to Bruce Brazil's remarks. It's just a basic error  
15 in responsibility to have mapping, as far as any agency  
16 doing anything, whether it's state, city, local,  
17 federal or other form of government. It's their  
18 responsibility to have maps. It's just like with the  
19 route inventory, it was a congressional mandate to have  
20 an inventory and come up with the managed system.  
21 Congress should have provided the funding.

22 And I have to feel the same way about this. I  
23 know it is an extremely important aspect. I've been  
24 involved with undergrounds where we've had shaky  
25 mapping, and I understand how much of a bother it is,

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1 but it's just this responsibility of whatever  
2 government agency is managing whatever land to provide  
3 the mapping for it. And I feel that way about this  
4 grant, and I feel this way about their route inventory  
5 for the Forest Service and the BLM or any level of  
6 government. Thank you. And I'd like to see the grant

7 left at staff recommendations.

8 CHAIR BRISSENDEN: Thank you.

9 BRENT SCHORADT: Brent Schoradt with the  
10 California Wilderness Coalition, and I'd like to just  
11 highlight the importance of GIS data in terms of  
12 resource protection because the reason why the BLM and  
13 the Forest Service don't have a clear picture of all of  
14 the routes that exist on their lands is because of the  
15 proliferation of unplanned routes and the proliferation  
16 of illegal user created routes that has really been  
17 inflicted upon the State of California by the  
18 incredible growth of off-road vehicle recreation. And  
19 I think before we can manage the land, we need to know  
20 where the problems are. We need to know where routes  
21 are occurring.

22 And in terms of efficient use of funds, once we  
23 have a clear picture of where people are allowed to  
24 ride -- first of all, before you can even say where you  
25 can and cannot ride, you have to know where people are

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1 riding right now. And so what this project does is  
2 gets a snapshot of what's out there on the ground,  
3 which facilitates future planning efforts to put in  
4 place a clear system of routes that says this is where  
5 riders can go, this is where riders can't go.

6 And under category one, in terms of enhancing  
7 OHV opportunity, I think when folks are out riding on  
8 trails, it would be nice to know what's allowed to be  
9 ridden on and what's not allowed to be ridden on. And

10 before the BLM can move forward with those  
11 designations, they need to know the information on the  
12 ground where that's occurring. And also before the BLM  
13 can move forward with restoration projects which  
14 protect the resources, which is also under category  
15 one, they need to know where illegal routes have  
16 inflicted damage on the resources. And before they can  
17 restore areas, they've got to be able to clearly map  
18 out where illegal routes are across the landscape. I  
19 think having this GIS data is really gold in terms of  
20 resource protection and in terms of OHV opportunity.  
21 We recommend a 50 out of 50 score on category one.

22 And also under category two, with efficient use  
23 of OHV funds -- I mentioned this just previously, once  
24 we have a clear picture of where things are, this will  
25 allow the restoration efforts to move forward as well

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1 because we'll know where restoration needs to take  
2 place, and where signing needs to take place, and where  
3 education needs to take place. So we recommend 35 out  
4 of 35 on category two, which would bring the new score  
5 up to 85. Thank you.

6 CHAIR BRISSENDEN: Thank you, next.  
7 JOHN STEWART: John Stewart California  
8 Association of 4-Wheel Drive Clubs, United 4-Wheel  
9 Drive Associations. I look at this and say de jevu all  
10 over again. We have been looking at these snapshots of  
11 route inventory for the last 15 to 20 years. We have  
12 been talking about GIS inventories for the last five to

13 ten years. So as technology is improving, yes, we'd  
14 like to see some technology being applied to make the  
15 job easier, quicker, but the entire job has been in  
16 progress and we just keep reiterating the same  
17 arguments over and over again. If only we had a  
18 snapshot of what's there. They get money for a  
19 snapshot, produce a snapshot, two years later they're  
20 back, oh, if only we had a snapshot. So it's like  
21 trying to hit a moving target.

22 Right now this grant, based on the merits of how  
23 it was scored, we support staff recommendations. It  
24 was not a well-written grant and kind of ill conceived  
25 as to making it into a well-written grant with no new

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1 factual information provided. Thank you.

2 CHAIR BRISSENDEN: Thank you.

3 KYRA: Kyra, Nevada County Woods Riders. I'm  
4 with John Stewart on this, that there's been a lot of  
5 trail GIS data. I myself have gone out to do that in  
6 Nevada County. As volunteers we do that, so I'm kind  
7 of doing this backwards, I'm nervous.

8 On part two, in Nevada County, we've used  
9 volunteers to do a majority of that work and meetings,  
10 and I think they can do the same thing down south. And  
11 the other thing we've seen in Nevada County is by  
12 getting more GIS data and then publicizing it on the  
13 web, those areas get a larger impact, areas that  
14 weren't ready for that impact. So by getting the data  
15 and publishing it too soon, I understand we want to

16 sign it, we want to protect it, but the impact comes on  
17 too heavy and too quick without even being -- as  
18 volunteers do it, we're on those trails, we're  
19 maintaining those trails. We've got a really good idea  
20 of -- we don't want to destroy the trails either. So  
21 volunteers can do a lot. I support staff  
22 recommendations.

23 CHAIR BRISSENDEN: Thank you. Comments?

24 VICE-CHAIR ANDERSON: Mr. Stewart, you didn't  
25 start early enough in your iteration of how long this

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1 has been around. This is a very infuriating topic to  
2 me because at least in the California Desert District  
3 in 1980, when the desert plan was adopted, the Bureau  
4 of Land Management had, I believe, four years to come  
5 up with the routes that they were going to have. And  
6 so I've been watching this route designation process in  
7 the California desert start, stop, start over, stop,  
8 start over, stop, start over, stop, start over, begin  
9 again, we need more information, we need a higher level  
10 of technology. And, of course, as he mentioned, it is  
11 a moving target. But I'm sorry, I've lost my patience  
12 with we need GIS data.

13 I think that their designation process, which  
14 is, again, not fully completed, but is working out at  
15 least within the desert areas under the new Northeast  
16 and West Mojave and Colorado Desert regional planning  
17 that the BLM was doing, I would be interested to hear  
18 how it is that the other districts in California have

19 avoided completing their route designations. They were  
20 not on the accelerated time frame of the Desert  
21 District, but I see this sort of -- and I'm sorry, I  
22 usually support a lot of what the environmental  
23 community is asking for, but I sort of see this as  
24 money down the rat hole, and it's not achieving  
25 anything that I can see that's concrete and on the

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1 ground and of use to riders or to the environmental  
2 community. It's just too many years, I'm sorry. No  
3 patience.

4 COMMISSIONER McMILLIN: That was very well  
5 stated. I agree very much with what you said there. I  
6 also want to applaud the young lady who came up. Thank  
7 you for giving your time, and I would make a motion  
8 that we accept staff's recommendation on this.

9 CHAIR BRISSENDEN: Do I have a second?

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

11 CHAIR BRISSENDEN: Under discussion.

12 COMMISSIONER SPITLER: I have some comments. I  
13 think we're really at risk here of painting with far  
14 too broad a brush. I understand the frustration with  
15 inventories, but let's take a look at where we've come  
16 from and where we are in terms of route designation on  
17 BLM lands in California.

18 With the assistance of the inventories that have  
19 been, in part, supported by this Commission, the BLM  
20 has for the first time ever completed route designation  
21 on the vast majority of its ten million acres of

22 holdings in the desert. A lot of us have waited a long  
23 time. I know others have waited a lot longer than I  
24 have for that process to be completed. And in the last  
25 two to three years, it has been completed. The

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1 Hollister Field Office has completed route designation  
2 for a significant portion of its lands based on the  
3 inventories that this Commission has provided. The  
4 Ukiah Field Office has completed route designation on a  
5 significant portion, if not all, of its lands based on  
6 the inventory that this Commission has supported. The  
7 Eagle Lake Alturas in Susanville Field Offices are in  
8 the process of completing route designation for close  
9 to 2.7 million acres of land based on inventories that  
10 this Commission has supported. This has all occurred  
11 in the past three to four years.

12 So to express a general frustration that we  
13 don't like inventories and we've inventoried to death,  
14 I think really short shrifts the good work that BLM has  
15 done in completing the route designation that we have  
16 encouraged them to do. And the importance of these  
17 inventories in making that process work properly in the  
18 desert route designation, one of the main impediments  
19 to completing route designation in the desert, to my  
20 understanding, is the lack of an adequate inventory.  
21 Once that information gap was completed, the BLM  
22 completed the route designation process. Bakersfield  
23 is one the few remaining offices in the state that  
24 doesn't have a route designation done, and they're

25 planning to do that next, and they need this inventory <sup>62</sup>

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1 to do it.

2 So I think that we need to take a step back here  
3 and look at a program that's actually working and  
4 support it. And I think this grant warrants an  
5 increased score. I'm going to make an amendment to the  
6 motion to increase the score under category one from 30  
7 to 45, based on the comments I just gave and the  
8 information in the application. And under the second  
9 category, increase the score from 16 to 25.

10 And in the final category, I guess it's hard for  
11 me to fathom giving the BLM a score of zero for  
12 successful implementation of prior projects, in  
13 particular based on their success in completing these  
14 inventories and completing the route designations. I  
15 think the State Office has done a fine job implementing  
16 the projects that we've given them. I guess I have a  
17 hard time understanding this Commission saying, the BLM  
18 has done an inadequate job implementing the grants that  
19 we provided them, and yet that seems to be what you're  
20 saying. I'll recommend scores of four on each of those  
21 for a score of 12. And I don't know what that adds up  
22 to, and that would be my proposed amendment. The final  
23 score of 82, and that's my amendment.

24 COMMISSIONER THOMAS: I'll second it for  
25 discussion.

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1 CHAIR BRISSENDEN: So we have an amendment to  
2 the motion. And under discussion?

3 COMMISSIONER THOMAS: Will the maker of the  
4 motion explain which offices are going to complete the  
5 work with the money that is in this grant. I have the  
6 map in front of me. I tracked through your statement  
7 as to who had finished and who had not, and what are we  
8 getting is my question? Are we getting the Bakersfield  
9 Office route designation complete, the Ridgecrest  
10 office? You can't tell from these shadings.

11 COMMISSIONER SPITLER: It's my understanding  
12 that the focus will be on the Bakersfield Office which  
13 is next to update its land management plan and complete  
14 route designation.

15 But perhaps, Mr. Keeler, you could address that  
16 in more detail.

17 JIM KEELER: That is correct. The next project  
18 is Bakersfield, and we are still doing some ongoing  
19 work in the California desert.

20 COMMISSIONER THOMAS: In the California desert.

21 JIM KEELER: We started the land use planning in  
22 the desert before we had any of this funding, so we  
23 still feel that there is some need for some updates in  
24 Palm Springs and some of the other offices for areas  
25 that were not as well inventoried as we'd like to do.

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1 COMMISSIONER SPITLER: I believe there's also

2 some plans upcoming in San Diego and the South Coast  
3 Office, as well.

4 JIM KEELER: Those are both done at this point.  
5 We've already done those with previous planning.

6 COMMISSIONER THOMAS: So will you be done with  
7 Bakersfield at the end of this grant?

8 JIM KEELER: Yes, probably.

9 COMMISSIONER THOMAS: Not probably, will you be?  
10 That's my question.

11 JIM KEELER: Yes.

12 COMMISSIONER THOMAS: And that's detailed in  
13 your --

14 JIM KEELER: I don't know what is in the grant  
15 at this point, but yes.

16 CHAIR BRISSENDEN: Who do you address the  
17 frustration of 26 years of Commissioner Anderson with  
18 regards to the southern section of this wonderful  
19 state?

20 JIM KEELER: The California Desert District  
21 encompasses 25 percent of California, and it's been  
22 difficult. Before GIS and GPS technology came out, it  
23 was much more difficult to do the work. The country  
24 tends to be wide open. There are a lot of trails  
25 through it that are expert trails that you don't have

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1 adequate staff to actually go collect that data. And  
2 the other piece of this is that in a lot of cases, our  
3 inventories previous to GIS and GPS were on hardcopy  
4 maps. Our data is now on GIS data layers. So we have

5 to go back and actually either digitize the materials  
6 we have, or digitize from maps, or recollect the data.  
7 And we've chosen in a lot of cases recollecting, seems  
8 to be a better. We're using now a 50 attribute data  
9 dictionary that not only gives us the line on the map,  
10 but also tells us the level of difficulty, the  
11 condition, and all of the intersections they've  
12 encountered. So it's just been a far more difficult  
13 job I think than anybody originally in Washington when  
14 they gave BLM six months or all of the federal agencies  
15 six months to do an inventory of all of the federal  
16 lands, nobody has achieved that yet. And it's just a  
17 far more daunting task that anybody can anticipate  
18 looking at it from the beginning.

19 COMMISSIONER THOMAS: Mr. Chairman, I'm looking  
20 through this application. I still don't see the output  
21 that identifies that the Bakersfield route designation  
22 will be completed as part of this project. I would be  
23 happy to see that -- if that's an amendment, I don't  
24 know how we can -- we can condition the grant, is that  
25 the vehicle? We've got a vote that's sitting next to

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1 me, and I agree with her, we want to see an output.  
2 And you say you have an anticipated timeline here, but  
3 that's not an output. That's not a promise. It's a  
4 hope.

5 COMMISSIONER SPITLER: This is not dissimilar  
6 from the grants that we've given to the Forest Service  
7 over the past three or four years. The process needs

8 time to play out. The first step in the process is an  
9 inventory. If you asked the Forest Service three years  
10 ago to condition the grants for inventory funding on  
11 the completion of route designation for all of its  
12 forests as a part of that grant, they'd say they're not  
13 able to do that. And I don't think it's fair to ask an  
14 applicant here to do that either. This is for an  
15 inventory. The inventory will lead to route  
16 designation. We've seen that work on 13 of the 15  
17 million acres of BLM land in the state. They finally  
18 are completing route designation. They have a model  
19 for doing it. It's a successful model. You'll see it  
20 soon in the northeast part of the state, and we hope we  
21 will see it soon in Bakersfield. I think the BLM has  
22 shown that their model works, and the first step is an  
23 inventory. And that's what they're here asking for  
24 support for, and I think their application warrants  
25 that support.

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1 COMMISSIONER THOMAS: Where does the application  
2 indicate the inventory output? I don't see it here  
3 either. I'm insistent on, at least for my vote, that  
4 we have a product. And if BLM and the maker of the  
5 motion can show me.

6 COMMISSIONER SPITLER: Mr. Keeler, can you  
7 describe the product that will result?

8 JIM KEELER: The product that we've been  
9 generating -- and I wish that I had an opportunity  
10 before this point to publicize this with you or discuss

11 this with you, Commissioner Thomas.

12 COMMISSIONER THOMAS: This is why we do the  
13 public process, sir. You're supposed to put it here  
14 and give it to us.

15 JIM KEELER: It's a very difficult thing to  
16 communicate within a page limit and try to answer the  
17 questions given.

18 COMMISSIONER McMILLIN: They're giving you some  
19 time to hopefully do that, so go.

20 JIM KEELER: What we have been generating is a  
21 metadata layer for our state GIS inventory. What that  
22 really means is that GIS, global inventory systems, are  
23 stacked maps. It's like the old quad maps with 17  
24 layers of mylar on top of it. And in this case what it  
25 is is a well-attributed layer that shows where the

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1 routes cross the landscape.

2 CHAIR BRISSENDEN: Commissioner Anderson.

3 VICE-CHAIR ANDERSON: All right. From the  
4 comments of Mr. Spittler of his knowledge of the status  
5 of inventories and other things I've heard here, I'm  
6 willing to support funding route designation for  
7 Bakersfield. I'm not convinced that there's the same  
8 level of need in the other areas. Perhaps there is,  
9 but I haven't been convinced of that. So if we had  
10 some way of indicating that the funds would go towards  
11 addressing the electronic layer, which is a product in  
12 my definition, for Bakersfield I would be willing to  
13 support that.

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14 COMMISSIONER SPITLER: I'm happy to include in  
15 the motion a provision that the priority be to the  
16 Bakersfield area.

17 COMMISSIONER THOMAS: Could you detail the  
18 product that's expected for the record so I could have  
19 some comfort? Because it's not in the print that I  
20 could find, unless you point out a page and a line.

21 JIM KEELER: What I would be capable of  
22 providing is the baseline data that we've collected and  
23 at least a progress report on the planning that's  
24 resulting from that layer. And if the Commission takes  
25 an interest in it, I would be happy to bring more

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1 materials. It's just often difficult to get time --

2 COMMISSIONER SPITLER: I think you've heard an  
3 interest in that.

4 JIM KEELER: Okay.

5 CHAIR BRISSENDEN: Any other comments or  
6 discussion under the amendment to the motion?

7 COMMISSIONER McMILLIN: I just want to be  
8 careful that we don't -- if we can't find exactly what  
9 people think they're voting on here, we've got to be  
10 careful, taking the advice of Hal earlier, that we  
11 don't somehow mess up either trail maintenance or other  
12 things that we've already looked at that are very  
13 definable, and the other on-the-ground stuff that we  
14 know of we can put our hands on. This is like smoke  
15 and mirrors.

16 CHAIR BRISSENDEN: Commissioner Spitzer.

17 COMMISSIONER SPITLER: I don't want to get into  
18 a back and forth. I just want to make a general  
19 comment that that approach is really not appropriate  
20 for the competitive process. We're reviewing an  
21 application that's before us. The impact that a score  
22 on that application may have on any other application  
23 is really not relevant, and it's not fair to the  
24 applicant that's before us. It's not fair to the  
25 competitive process. It violates the competitive

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1 process. You're free to have in the back of your head  
2 thoughts on how your vote here might affect other  
3 grants, but they should remain in your head because  
4 this is specifically a process that evaluates an  
5 application based on the criteria before it.

6 COMMISSIONER McMILLIN: I agree.

7 COMMISSIONER THOMAS: Mr. McMillin, you may not  
8 remember, but Mr. Spitler and I have disagreed about a  
9 speech that was given years ago, and we continue to  
10 disagree.

11 CHAIR BRISSENDEN: They still get along. I just  
12 have an overarching comment with regards to BLM's  
13 efforts over the past number of years putting aside the  
14 frustration in the southern portion of the state. They  
15 have pursued inventorying and to some degree route  
16 designation without a substantial amount of money from  
17 this commission, as opposed to the Forest Service which  
18 has gotten a significant amount to do the same project.  
19 So even though I'm a little concerned about the

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20 vagueness of this particular application, I will  
21 support the amendment to make certain that they go  
22 forward to complete both inventory and route  
23 designation hand in hand with the Forest Service, and  
24 that they are to be commended for producing some of  
25 their own resources to complete this.

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1 So without further ado, I call for you to vote  
2 on the amendment. And all those in favor?

3 (Commissioners simultaneously voted.)

4 CHAIR BRISSENDEN: Opposed?

5 COMMISSIONER McMILLIN: No.

6 COMMISSIONER PRIZMICH: No.

7 CHAIR BRISSENDEN: For the main motion, all  
8 those in favor?

9 (Commissioners simultaneously voted.)

10 CHAIR BRISSENDEN: Opposed?

11 COMMISSIONER PRIZMICH: No.

12 COMMISSIONER McMILLIN: No.

13 CHAIR BRISSENDEN: Motion carries with the  
14 amendment.

15 Our trusty scribe is wearing down. It is now  
16 eleven o'clock. If we could take about a 15-minute  
17 break, we'll come back to public forum. And for those  
18 of you who have not had a chance, public forum is for  
19 those items that are not on the agenda. So please fill  
20 out a blue card and submit it to Mardi at the first  
21 desk to my right. Thank you.

22 (Break taken in proceedings.)

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23 CHAIR BRISSENDEN: On the public forum we have  
24 two cards, so it should be brief. We'll start with  
25 Bruce Brazil, and then there is Narvell Conner. I'll

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1 call on you, John, not to worry. So since you're  
2 there, let's begin, Bruce.

3 BRUCE BRAZIL: Bruce Brazil, California Enduro  
4 Rider Association. Reading through a lot of the grants  
5 packages, I notice that something that comes up that  
6 the Division wouldn't have noticed being that they just  
7 look at one individual grant rather than the whole  
8 grants package. And one package in particular is from  
9 BLM Barstow that kind of brings out the point that I  
10 want to do.

11 And that's if you only look at one grant, you  
12 may not see something that is kind of duplicated in  
13 other grants from the same agency. On this one in  
14 particular, BLM Barstow, they've got requests -- and  
15 this point it's mostly for the markers, kiosks, and  
16 signing.

17 CHAIR BRISSENDEN: Bruce, I'm going to interrupt  
18 you. This has been agendaized already, so you don't  
19 need to speak.

20 BRUCE BRAZIL: This one -- because I could not  
21 bring it up on any of the individual grants, because  
22 BLM Barstow grants have not come up for comment, that's  
23 why I wanted to do it at this point.

24 CHAIR BRISSENDEN: Okay.

25 BRUCE BRAZIL: And it's going over several

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1 different grant requests, not a singular one.

2 CHAIR BRISSENDEN: We will be reviewing the  
3 grant process at the end of today's reviews. If you  
4 want to provide input as to how we do that, that would  
5 be great at that time.

6 BRUCE BRAZIL: I can wait then, okay. Thank  
7 you.

8 CHAIR BRISSENDEN: Thank you. Following Bruce,  
9 we have Norvell. Please come to the podium, and then  
10 Mr. Stewart.

11 NARVELL CONNER: Good morning, my name is  
12 Narvell Conner, and I'm here today as John Doe public.  
13 My objective to coming to December's meeting and to  
14 this meeting was to find out as best I could where the  
15 Green Sticker and where the gas tax money is going.

16 I'll give you a little background on myself, I  
17 purchased my first Trail 90 motorcycle in 1997. And  
18 over the years I have used OHV equipment to enjoy the  
19 outdoors and to keep my sanity. I also have climbed to  
20 the top of Mount Gotter and been on top of The Seven  
21 Gables in my younger days, but I can't do any of that  
22 anymore. And, by the way, I just realized some cell  
23 phone calls came through a minute ago, and I share your  
24 wife's birthday. Today's my birthday. I turn 65, and  
25 Social Security here I come.

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1 CHAIR BRISSENDEN: Happy birthday, Norvell.

2 NARVELL CONNER: So in my later years, I've  
3 resorted to something that fits me. I have settled on  
4 a four-wheel drive quad. It's much safer, and to me it  
5 is the most environmentally safe piece of equipment  
6 that I could use to enjoy the High Sierras. Just three  
7 years ago I began organizing a group of friends to  
8 enjoy the outdoors. On an average of about once a week  
9 we ride. With one exception, all of us are over 60  
10 years old, so we're having fun.

11 Last year we decided to team up with the Forest  
12 Service as volunteers and officially do work while we  
13 enjoyed the national forest. The group that we put  
14 together is called the CCQR, Central California Quad  
15 Riders. As the trails and dirt roads become open in  
16 the spring, last year we found that a lot of trees were  
17 down and rocks were in the road. And what we would do  
18 is we would e-mail the condition with pictures back to  
19 the trail maintenance person at the Forest Service  
20 office. They would tell me there is little to no money  
21 to clean the trails and remove the downed trees and  
22 debris. Eventually, they would get to it.

23 So three of us on our own time and expense  
24 completed the forestry chainsaw class. We have the  
25 certificates to prove that. Now we can clear the

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1 roads, clean the downed trees and debris, so Forest  
2 Service vehicles, fire equipment, search and rescue,  
3 and the public can travel without delays. I have a

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4 couple of three pictures I want to pass on. I wanted  
5 to get 13 copies of this, but my Epsom printer ran out  
6 of ink, so let me kind of hold them up, and I'll leave  
7 them here. You can see them later.

8 This particular one is typical of what we run  
9 into when we're out there. Here is a tree that's  
10 fallen across the road, and we carry a chainsaw with us  
11 now, and we can remove that, clear the road, so it's  
12 open for the Forest Service and other vehicles when  
13 they come through. Here's one that's a little bit  
14 larger. This one was laying flat on the ground, so we  
15 were able to handle this one. But sometimes they get a  
16 little bit bigger than that, so what we do is we send  
17 those back to the Forest Service so they can use heavy  
18 equipment to remove those. We run into the spring of  
19 the year, the snow and ice and trees and things have  
20 knocked down all of these signs. We dig holes and put  
21 all of the signs back up, and we do all kinds of work  
22 for the service in repairing a lot of their equipment.

23 Every trip we make in, without exception, we  
24 collect trash, garbage, beer cans, diapers. You name  
25 it, we've got it, we could collect it. What we do is

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1 on the front end of our quad, we carry a box. With the  
2 little picker upper things that you've seen, we can go  
3 along and pick up all of this trash, and we've hauled  
4 out bag, after bag, after bag. Take it home, recycle  
5 it, run everything through the recycle as we possibly  
6 can, throw the remainder into our gray container, and

7 it's garbage that goes away.

8 CHAIR BRISSENDEN: Mr. Conner, normally I would  
9 have you summarize because the red light came on some  
10 time ago, but in honor of your birthday and in honor of  
11 your efforts, continue.

12 NARVELL CONNER: Let me hasten. This year we  
13 hope to double our group to about 20. I've said all of  
14 that to say this: Please don't lump all of the quad  
15 riders in the bad and the ugly category. There are a  
16 few of us that wear white hats. Yes, there are some  
17 renegades out there that cause problems, and I would  
18 like to take their equipment and do -- you know what  
19 I'd like to do with it. Every group has bad apples.  
20 You know, I've been on the Pacific Crest Trail, and  
21 I've seen candy wrappers and all of that there. I  
22 followed a jeep out of the Urshum Trail, and there's  
23 beer can after beer can that was there. And I picked  
24 them up, dumped the fresh beer out, the remainder of  
25 it, finally caught up with the jeeps that were riding

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1 it, and believe you me, they were not part of any of  
2 the four-wheel drive clubs that's out there, you could  
3 tell by their size.

4 I've given thought to the different groups and  
5 how they can help keep the forest clean. Everybody  
6 does their own part. The backpackers, they couldn't  
7 collect something like this, they couldn't carry it  
8 out. The people that ride horses, no way they can do  
9 this. Bicycle people, they couldn't. Jeeps, if I was

10 driving a jeep, I probably wouldn't stop, set the  
11 brake, get out, pick up a can. But we as quad riders,  
12 we're able to do this, but hastening on.

13 In America, it is the law that a person is  
14 innocent until proven guilty. There is a large group  
15 of quad riders that would appreciate that  
16 consideration. Thank you.

17 CHAIR BRISSENDEN: Thank you. Mr. Stewart.

18 JOHN STEWART: Good morning, Commissioners, John  
19 Stewart, California Association of 4-Wheel Drive Clubs,  
20 United 4-Wheel Drive Associations, and Tierra del Sol  
21 4-Wheel Drive Club of San Diego. We're in times that  
22 we're sure of one thing, change. We know that people  
23 are slow to adapt change. We find that within  
24 San Diego County we have some issues that are coming up  
25 that are very interesting.

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1 There are two primary federal landowners or  
2 federal landholders within San Diego County, Bureau of  
3 Land Management and the U.S. Forest Service. Within  
4 the Bureau of Land Management, management of the public  
5 lands and San Diego County is split between two  
6 different field offices, El Centro and Palm Springs.  
7 So here you have a two desert driven desert knowledge  
8 base people now managing the critical habitat for the  
9 multiple species habitat conservation plan in San Diego  
10 County and the coastal shrub type habitat. I'd like to  
11 suggest to the BLM that this is one area where they  
12 could look into efficiencies and develop a better



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16 agencies. And when we do this, the agencies, as the  
17 BLM or the Forest Service, cannot work alone. They  
18 have to work together. They have to work with the  
19 state, not only do they have to work with the state,  
20 they have to start looking across state lines with  
21 partnerships with Arizona and Nevada, in our bordering  
22 states, all to develop a recreation program that  
23 services the needs of the growing recreation demand.  
24 Thank you.

25 CHAIR BRISSENDEN: Thank you.

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1 KAREN SCHAMBACH: Listening to the last couple  
2 of years of grant meetings, I have seen increasingly,  
3 while we talk about strategic planning, we're getting  
4 further and further away from doing things  
5 strategically. And it's reflected, I think, in great  
6 detail in the grant requests. We have agencies  
7 competing within themselves. We all know there is a  
8 limited pot of money. We have more and more grantees  
9 requesting money. And as a result, rather than -- I  
10 think we're getting further and further from the big  
11 picture. And I'm hoping that the strategic planning  
12 will address that. We need to decide what projects are  
13 best done on a programmatic level and which are best  
14 accomplished at a local level. And I think the agency  
15 needs to have that discussion among themselves, within  
16 themselves. I think we also need to have it here and  
17 amongst stakeholders and between the Division and  
18 public and the Division and Commission, and hopefully

19 that will all take place as part of the strategic  
20 planning.

21 I think really the last couple of days have  
22 really pointed -- I mean at this point I have no idea  
23 what's going to be funded. It's not really being  
24 accomplished strategically, so much as by, you know,  
25 reflecting your ability to meet certain criteria, which

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1 may not reflect what's needed on a programmatic or  
2 strategic level. So I'm hopeful that the completion of  
3 the strategic plan will lead to the development of  
4 criteria for grants that accomplish what's decided, you  
5 know, in the strategic plan.

6 One of the things that is really near and dear  
7 to my heart is public education. We've seen a lot of  
8 grants for education and safety. My fear is that we  
9 are competing against an industry that continues to  
10 promote travel off routes, through streams and meadows,  
11 throwing up mud, and I don't think we're going to  
12 successfully compete against those with brochures done  
13 at the local level. I think part of the strategic plan  
14 needs to look at a campaign, a big campaign that gets  
15 to where the same places that the industry ads do, you  
16 know, public service announcements on television, in  
17 magazines, and something to show the industry -- to  
18 show the public that what the industry is promoting is  
19 not acceptable, and hopefully shame them into stopping  
20 doing it.

21 At present, this is what people see. This is

22 what kids see. And I was in Maui over Christmas, and  
23 it was in an area that was very, very sensitive  
24 cultural ancient Hawaiian, and there was a four-wheel  
25 drive that had driven right out on the rocky point, and  
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1 it looked just like an ad. I'm sure they thought it  
2 was cool. It's not cool. I see my time is up. So  
3 I'll stop. Thank you.

4 CHAIR BRISSENDEN: Thank you.

5 TOM TAMMONE: Tom Tammone. Yes, I just wanted  
6 to reiterate what one of the previous three speakers  
7 commented that we really shouldn't be too worried about  
8 what is going to happen as far as who's going to wind  
9 up within the bubble and who is not. You really need  
10 to just stay within the criteria and do all of the  
11 grants, and what we should be doing is looking at the  
12 funding buckets after we're done. Like, for instance,  
13 we all know there is about \$2.5 million of unallocated  
14 funds in the CESA restoration category. So we should  
15 just go down the list, do the scoring, and we should  
16 look at the funding buckets later, especially after we  
17 all get briefed on the Fuel Tax Survey, which is going  
18 to be released tomorrow -- it's already been released,  
19 but we're going to have the briefing tomorrow. So that  
20 could change everything. So just get done with the  
21 process and just score the grants. Thank you.

22 CHAIR BRISSENDEN: Thank you.

23 DAVE PICKETT: Good morning, Dave Pickett, AMA  
24 District 36, Motorcycle Sports Committee.

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25 Ms. Schambach reinforced my comments yesterday 83

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1 on the need for increased law enforcement, but the  
2 total non-CESA grant request funding bucket is over  
3 \$22 million. I'll just keep this generic on an  
4 overview. The total money bucket available is about  
5 \$5.5 million. Within those eight categories, inside of  
6 that non-CESA funding bucket, the highest score in some  
7 categories was, with modification yesterday, a 91. You  
8 go to trail maintenance, and it's down into the 60  
9 area. As scores are changed overall in areas other  
10 than trail maintenance, FOM, and acquisition, it is  
11 pushing trail maintenance and FOM dollars down to the  
12 bottom.

13 I believe that there is not going to be any  
14 money left for the legislative intent of this program,  
15 for long-term sustainability. And behind me our Forest  
16 Service and BLM partners are scraping the bottom of the  
17 barrel for garbage bags because their contracts for  
18 waste removal are up, and they don't have any funding.  
19 We can do all of the planning, studies, anything we  
20 want, but if there is no money for the intent of the  
21 program, what are we doing here, folks? We've got  
22 serious issues that have to be addressed. You've got  
23 to give our partners the funds they desperately need to  
24 maintain.

25 As Karen pointed out, resource damage is out 84

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1 there because there's clowns out there. I catch them,  
2 they may just disappear. I'm serious. I can't stand  
3 those guys and gals because they're harming my  
4 organization, as well as all of the other organizations  
5 that take the time to be here. Thank you very much.

6 CHAIR BRISSENDEN: Thank you. That's the end of  
7 public forum. We're at 11:42, probably do a couple of  
8 grants and then break for lunch. Does that feel  
9 comfortable? We have had graciously removed Item 67 by  
10 letter, so that is not to be considered today. Unless  
11 you needed to make some comment on that?

12 OHMVR STAFF ABARRA: Line 67, the grant was  
13 withdrawn.

14 CHAIR BRISSENDEN: So that takes us to line item  
15 68.

16 OHMVR STAFF ABARRA: OR-814, El Dorado County,  
17 General Services Department, Ellis Creek. They  
18 requested \$116,626. They received a score of 62, at 60  
19 percent for funding determination of \$69,976. The  
20 applicant did provide supplemental information;  
21 however, statements made were general and did not  
22 contain any new factual information.

23 CHAIR BRISSENDEN: Proceed.

24 DAN BOLSTER: Dan Bolster, El Dorado County  
25 Parks. Good morning, Commissioners, Chairman

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1 Brissenden. Maybe a procedure issue, both of the

2 county's grants, OR-814 and OR-817 are identical in  
3 their content. It's just one is for a bridge over  
4 Gerle Creek, one is for planning for a bridge over  
5 Ellis Creek. So I don't know if you want me to  
6 address -- I'll be addressing both at the same time.  
7 How you want -- the Commission would like to proceed in  
8 the interest of time.

9 CHAIR BRISSENDEN: We have to take them  
10 individually in terms of how we review the criteria,  
11 but if you wish to address both of them at the same  
12 time, I don't have a problem with that.

13 DAN BOLSTER: The comments then I present to the  
14 Commission will be pertaining to both of the grants.

15 In the information that I'm providing, it's all  
16 within the grant application. For under criteria one,  
17 the county received a score of 33 out of 50. We're  
18 requesting an additional 17 points. Under factual  
19 findings, we were scored for answering A, C, and G;  
20 however, the responses that we provided in our grant  
21 application provided answers to B, D, E, and F. B asks  
22 how the project addressed protecting adjacent  
23 landowners from noise trespass and property damage to  
24 the adjacent property owners and the Forest Service.  
25 And a bridge project would reduce the amount of

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1 sediment and petroleum products that enter both creeks  
2 from vehicles that are currently crossing the stream.  
3 And as far as trespass goes, an implied feature of a  
4 bridge is to clearly define the route of travel. So

5 that would help to protect the landowner Forest Service  
6 from trespass. It probably wouldn't do anything for  
7 noise. It may reduce noise really slightly. And it  
8 asks how would the project eliminate illegal riding and  
9 trespass. Again, an implicit feature of a bridge is to  
10 clearly define the route. And while a bridge across  
11 either creek is not likely to totally eliminate illegal  
12 riding or trespass, there are going to be some users  
13 who are going to decide that they still want to cross  
14 through the creek bed. We have a strong group of  
15 volunteers out there that are dedicated to educating  
16 the riding public about the need to follow the rules  
17 and to protect and preserve the resources out there.  
18 So we're pretty confident that there will be a high  
19 rate of compliance with using the new bridge crossings.

20 Again, E asks how would the project prevent  
21 off-route travel, and that's pretty much covered in the  
22 answers to C and D. The bridge will define the route  
23 of travel and hopefully keep people from going down  
24 into the creek bed. And it will also prevent potential  
25 trail closure that may result from environmental damage

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1 or people driving in the creek. F asks how would the  
2 project address protecting public health and safety.  
3 Pages six and seven of our application state that one  
4 of the most significant environmental issues out on the  
5 trail is water quality, which is an issue of public  
6 health and safety. And providing bridge crossings  
7 across Ellis and Gerle Creeks would reduce the amount

8 of sediment and petroleum products that would enter the  
9 creek bed, reducing any potential threat to public  
10 health and safety. So on criteria one, we're  
11 requesting an additional 17 points raising our score  
12 from 33 to 50.

13 And on criteria two, we received a score of 23  
14 out of 35. We're requesting an additional seven  
15 points. And D, in criteria two, it asks how the  
16 project would address the use of partnerships to reduce  
17 reliance on OHV Trust funds. On that one, we would be  
18 relying on your partnerships with various OHV groups  
19 such as Cal 4-Wheel Drive, the Rubicon Trail  
20 Foundation, Blue Ribbon Coalition, Friends of the  
21 Rubicon, who currently donate thousands of hours out on  
22 the trail every year. They would assist us in  
23 hardening of the approaches out on the bridge projects,  
24 preparing any site maps. We're currently working with  
25 the Rubicon Trail Foundation on that, and any

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1 restoration of the old alignment out there.

2 CHAIR BRISSENDEN: Please summarize.

3 DAN BOLSTER: Okay. Criteria three, we're  
4 asking a score -- we had a score of six out of 15.  
5 We'd like an additional four points. We reference  
6 prior grant projects and felt that the information we  
7 provided adequately answered the questions. Thank you.

8 CHAIR BRISSENDEN: Thank you. Public comment?

9 BRUCE BRAZIL: Bruce Brazil, California Enduro  
10 Riders Association. And, yes, like the speaker was

11 saying, the Rubicon area is a very unique area for the  
12 four-wheel drive people. And to help maintain the  
13 ecology of the area, these bridges would be very  
14 important. And they're asking for over \$220,000 here  
15 for planning for the two projects.

16 My one concern is in the original grants request  
17 I found nothing to show how they would actually fund  
18 the construction of these bridges. They are out in a  
19 fairly remote rugged area, and I'd hate to see the  
20 planning money being spent without provisions for the  
21 application of the result of the planning. Thank you.

22 CHAIR BRISSENDEN: Thank you. Next.

23 KAREN SCHAMBACH: Karen Schambach, Center for  
24 Sierra Nevada Conservation. We support this group.  
25 Center for Sierra Nevada Conservation is actually a

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1 part of the Rubicon Oversight Committee. And with all  
2 respect to Mr. Brissenden, where it says Sierra Nevada  
3 Conservancy, that's a misprint. It's CSNC.

4 So we support the 50 points for criteria one.  
5 The criteria requests addressing one or more of the  
6 following, and just simply ignoring all of the others,  
7 which simply apply, by under C, protecting habitat, I  
8 mean they're going to get -- I'm addressing my comments  
9 to both the Gerle Creek and Ellis Creek bridges, if  
10 that's okay. They're getting thousands of four-wheel  
11 drive jeeps out of the creeks. And as the grant  
12 application states, there is a fishery in both creeks  
13 and a spawning downstream of one of these crossings.

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14 And so that alone I think merits the 50 points.

15 The efficient use of funds, as the applicant  
16 explained, there's a wonderful partnership involved in  
17 this. There's the whole Rubicon management planning  
18 effort and the support for these bridges and support,  
19 you know -- the on-the-ground help that would be  
20 involved is enormous. So we support the increased  
21 points there. And the application I thought did a fine  
22 job of explaining how they had accomplished similar  
23 projects in the past. So we agree with the applicant  
24 that their funding -- their points for both of these  
25 projects should be raised to 90. Thank you.

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1 CHAIR BRISSENDEN: Thank you.

2 DON KLUSMAN: Don Klusman, California 4-Wheel  
3 Drive Association. Now, I want you to mark this time  
4 down that I'm agreeing with Karen on everything she  
5 just said. And I'd like to add -- my comments, also,  
6 to save you time, is for both grants because both  
7 grants basically are identical. They are just two  
8 different bridges.

9 What I want to convey across to you and the  
10 Commission is this is a county that has stepped forward  
11 and said, you know, we've got some issues. It's not  
12 all because of what the OHV community is doing. It's  
13 not all because of what is currently. A lot of it was  
14 inherited. This trail has been there for years. It's  
15 the most popular four-wheel drive trail I can safely  
16 say in California, but I can almost safely say in the

17 world. It is used tremendously by the four-wheel drive  
18 community. As Karen said, this is a partnership of not  
19 only the environmental community, the OHV community,  
20 the county, nonprofit foundations, they're all working  
21 together with the Forest Service, with the county to  
22 try to solve some of these issues.

23 There's a master plan the county is working on,  
24 the Forest Service is working on their plan. The two  
25 are interacting together, and the Rubicon Foundation is  
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1 there to help. We are here -- I am here representing  
2 the California 4-Wheel Drive Association who has put  
3 thousands of hours into this trail and will put in  
4 thousands more. These bridges are needed, and I could  
5 not stress the importance of this planning grant. We  
6 would also agree with the 90 points for this project  
7 and the other one. Thank you.

8 CHAIR BRISSENDEN: Thank you.

9 BRENT SCHORADT: Brent Schoradt, California  
10 Wilderness Coalition. I would like to also echo the  
11 sentiments that you've heard here. We think it's  
12 critical. We know folks are going to be riding on the  
13 Rubicon Trail. It's key to keep them out of creeks and  
14 building these bridges and moving forward with the  
15 planning process to build these bridges is going to be  
16 critical in doing that.

17 And we'd also like to commend the County of  
18 El Dorado for really stepping up and proactively  
19 influencing the management of the Rubicon Trail that

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20 goes through their county. Thanks.

21 CHAIR BRISSENDEN: Thank you.

22 JOHN STEWART: Good morning, Commissioners, John  
23 Stewart, California Association of 4-Wheel Drive Clubs,  
24 United 4-Wheel Drive Associations. I'd just like to  
25 make one quick comment about one of the previous

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1 speakers noted this area is in a remote area and  
2 actually affecting the accomplishment of work would be  
3 difficult. Well, that's true. But, you know, the  
4 volunteers from the Friends of the Rubicon and Rubicon  
5 Trail Foundation, they have amassed a group of  
6 volunteers that no task is too small or difficult for  
7 them to accomplish. They have already, as Mr. Klusman  
8 indicated, thousands of hours of volunteer work. These  
9 guys are committed to doing it, committed to seeing it  
10 through. And this is one grant that, yes, it really  
11 has a significant impact on improving the recreation  
12 opportunity, improving protection of the resources, and  
13 it is an extremely efficient use of the funds due to  
14 the amount of matching volunteer hours that can be  
15 brought together to accomplish this difficult task. I  
16 support the increased request for funding. Thank you.

17 CHAIR BRISSENDEN: Thank you. Commissioners?

18 VICE-CHAIR ANDERSON: I have a question. I have  
19 a question for the applicant. There was a question  
20 raised about funding for the actual construction. Is  
21 there anything you can report in that light?

22 DAN BOLSTER: Just regarding funding for

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23 construction, our plan is with the planning grant, we  
24 would go ahead and do our environmental and planning in  
25 this year '07, and then come back and apply for a grant

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1 for '08 to do construction. It takes about a year to  
2 do the environmental.

3 VICE-CHAIR ANDERSON: You might want to listen  
4 to the discussion tomorrow on the in lieu funding.

5 DAN BOLSTER: Thank you.

6 COMMISSIONER McMILLIN: What's an estimate of  
7 what a bridge would cost?

8 DAN BOLSTER: A bridge, one bridge would cost  
9 right around \$400,000, between 350 to 400,000. We've  
10 done site visits with a couple of different vendors  
11 doing prefabricated bridges at both sites.

12 CHAIR BRISSENDEN: Other questions of the  
13 applicant?

14 DAN BOLSTER: If I may add one more thing.  
15 There was a comment made about the difficulty accessing  
16 the site. Actually both sites are relatively easy to  
17 access. The Ellis Creek site, it's maybe 200 yards off  
18 of a Forest Service log deck, and we talked to the  
19 Forest Service about getting access to the bridge site.  
20 And then the Gerle Creek site you can drive right to it  
21 on the existing Wentworth Springs Road.

22 COMMISSIONER THOMAS: I'll go ahead and make a  
23 motion. I move that we increase the criteria one.

24 VICE-CHAIR ANDERSON: Which grant are you on?

25 COMMISSIONER THOMAS: Starting with Ellis first

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1 in order, so Ellis, increase the criteria one by 17  
2 points according to the submissions and the testimony  
3 consistent with those facts provided. Increase  
4 criteria two by six, which is consistent with one of  
5 the following, the reduction of future costs and taking  
6 the vehicles out of the creek, that's supported, so six  
7 for that. And then an additional four for criteria  
8 three, for a total of 89.

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

10 CHAIR BRISSENDEN: Do we have concurrence on our  
11 math here?

12 OHMVR STAFF BELLUCCI: That's correct.

13 CHAIR BRISSENDEN: We have an 82 in front of us,  
14 and an 89 in the motion.

15 OHMVR STAFF STALLCOP: Can you repeat those, the  
16 numbers?

17 COMMISSIONER THOMAS: So 17 in the first  
18 increase.

19 VICE-CHAIR ANDERSON: Which takes you to 50.

20 COMMISSIONER THOMAS: Plus seven.

21 VICE-CHAIR ANDERSON: You said six.

22 COMMISSIONER McMILLIN: You said six the first  
23 time.

24 COMMISSIONER THOMAS: Well, let's see, seven  
25 would take you to 30, right?

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1 VICE-CHAIR ANDERSON: Whenever you intended.  
2 COMMISSIONER THOMAS: Yes, to 30 and 80. Then  
3 we had four -- these are the recommendations, right?  
4 VICE-CHAIR ANDERSON: Which takes you to ten.  
5 COMMISSIONER THOMAS: Which takes you to 10.  
6 COMMISSIONER SPITLER: I'll withdraw my second  
7 on the math.  
8 COMMISSIONER THOMAS: Well, I thought we had an  
9 89. How did that happen?  
10 CHAIR BRISSENDEN: You added seven.  
11 COMMISSIONER THOMAS: It should be six, I'm  
12 sorry.  
13 VICE-CHAIR ANDERSON: We're back to 29 in two,  
14 is that your intention?  
15 COMMISSIONER THOMAS: 89, final answer is 89.  
16 That's what I started with. That's what I ended with.  
17 What goes on in the black box is always a mystery.  
18 CHAIR BRISSENDEN: So we have a motion of 89 and  
19 a second. All those in favor?  
20 (Commissioners simultaneously voted.)  
21 CHAIR BRISSENDEN: Opposed? The motion carries.  
22 COMMISSIONER THOMAS: I will do the same motion  
23 for the second grant, which is Gerle Creek.  
24 CHAIR BRISSENDEN: With the same numbers.  
25 COMMISSIONER THOMAS: With the same numbers,

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1 because the same rationale was presented. And because  
2 it's a bridge, which is the same as the prior bridge,  
3 and it's a bridge over the same creek, and it is a

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4 bridge over the same -- bridge on the same trail.

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

6 CHAIR BRISSENDEN: So it's been moved and  
7 seconded to a score of 89. Any discussion?

8 I'll leave my remarks that this should have been  
9 in restoration, but I'll leave that for tomorrow.

10 So all those in favor?

11 (Commissioners simultaneously voted.)

12 CHAIR BRISSENDEN: Opposed? Motion carries. So  
13 we hope you'll have bridges over troubled waters in  
14 '09.

15 So I see that we are at 12:01, and one of my  
16 brilliant achievements today is that we will recess for  
17 lunch almost on time. So be back by 1:00.

18 (Lunch break taken in proceedings.)

19 CHAIR BRISSENDEN: Welcome back.

20 OHMVR STAFF ABARRA: Line 72-OR-2-SW-36, Pacific  
21 Southwest Region. They requested \$5,655,000. They  
22 received a score of 35 at zero percent funding  
23 determination. They did submit supplemental  
24 information at yesterday's Commission meeting during  
25 the presentation of the FOM projects.

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1 CHAIR BRISSENDEN: I'm just curious, five  
2 points, almost seven million. Why are you so bashful?

3 KATHLEEN MICK: Bashful about what?

4 CHAIR BRISSENDEN: Requesting.

5 COMMISSIONER THOMAS: Have you no shame?

6 KATHLEEN MICK: Good afternoon, my name is  
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7 Kathleen Mick. I'm from the U.S. Forest Service. I  
8 would like to start out saying thank you, Chair  
9 Brissenden, for yesterday for your kind words. You're  
10 a kind and caring man, and I'm referring to my  
11 daughter. She's doing fine.

12 We're here to talk about restoration. The  
13 Forest Service put in an application requesting over  
14 \$5 million for restoration NEPA. When we submitted  
15 that project, we submitted it using the planning  
16 criteria; however, we asked for the funding to be  
17 pulled out of the Restoration fund because that's what  
18 we believed was the proper fund to be allocated toward  
19 that work. We still stand by that and believe that our  
20 request is for site specific actions for restoration.  
21 It is to do the NEPA. NEPA is allowed within the  
22 regulations in chapter three, page seven. And so we  
23 believe that our project should be funded out of the  
24 Restoration fund.

25 With that, I handed out some information today 98

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1 that is a listing of site specific projects. And  
2 that's just the icing on the cake is what we could pull  
3 together, not understanding that for a planning project  
4 we needed to submit a listing of site specific projects  
5 for planning NEPA. And it's a misunderstanding of the  
6 way that we interpreted the regs, or for something I'm  
7 not quite sure.

8 In addition to the projects you have before you  
9 in the listing Mardi just handed to you, we also have,

10 that are not part of the information, over 2,000 acres  
11 of OHV use areas. And these are not areas that are  
12 going to be considered during route designation. These  
13 are areas across the forest, some of which have been  
14 already taken care of. But if you look in our  
15 application, you'll see a picture that was put in the  
16 analysis of the project needs and benefits of an area  
17 where there is just tracks everywhere. And what we did  
18 during the inventory process that you all paid for was  
19 to go out and collect those areas where a single line  
20 feature couldn't be gathered, but there were so many  
21 tracks in an area from OHV use that the only way to  
22 capture it is a polygon, and we came up with over 2,000  
23 acres across the 19 national forests that need to be  
24 restored from illegal OHV use.

25 So with that, I gave you the information

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1 yesterday. It's got the shield on it. It contains  
2 this project. There's a lot more information  
3 clarifying the project as originally submitted.  
4 There's also the additional information the Commission  
5 requested. The red light is on, so I don't have time  
6 to go through each and every individual aspect of that,  
7 but I believe that our application was a little bit  
8 better than what was scored. So with that I'll just  
9 quickly say that for criteria one we believe the score  
10 should be revised to 40; criteria two, 25; criteria  
11 three, 15; for a total score of 80.

12 CHAIR BRISSENDEN: Thank you. Public comments?

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13 DON AMADOR: Don Amador, Blue Ribbon Coalition.  
14 I forget what meeting it was, how many meetings ago  
15 where this discussion came up. But I know it was the  
16 intent of the Forest Service, as she already  
17 articulated, is if the Commission was going to approve  
18 this grant, discussed that it would be in the  
19 Restoration pot and not out of non-CESA. I know  
20 Mr. Spitler said we weren't supposed to consider the  
21 value of the grant and its effect on other projects.  
22 As a member of the public, I'm concerned, as I stated  
23 earlier, that if this did get funded out of the  
24 non-CESA, a huge number of trail maintenance, facility  
25 operation maintenance grants would be deep sixed and

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1 that's totally unacceptable to the OHV community, not  
2 good for the resource, nor the recreation if that  
3 happens. Thank you.

4 CHAIR BRISSENDEN: Thank you.

5 DON KLUSMAN: Don Klusman, California 4-Wheel  
6 Drive Association. Three years ago the OHMRV  
7 Commission asked the Forest Service to go out and  
8 inventory or look at what needed to be restored and  
9 give us a ballpark figure of what it's going to cost to  
10 do this. The Forest Service has done that. That's why  
11 they're asking for \$5 million plus here. They're doing  
12 exactly what the Commission asked for, and it should be  
13 under Restoration. I mean I think the community, the  
14 motorized, non-motorized, all of us agree that this is  
15 a good grant, but it needs to be under Restoration.

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16 The only people that are saying that it doesn't belong  
17 other Restoration seems to be the Division. And I  
18 still have a hard time with that, but I don't  
19 understand all of the regulations; don't claim to. But  
20 this grant belongs under Restoration. It does not  
21 belong where it's at or any other category. Thank you.

22 CHAIR BRISSENDEN: Thank you.

23 JOHN STEWART: Good afternoon, Commissioners.  
24 John Stewart, California Association of 4-Wheel Drive  
25 Clubs, United 4-Wheel Drive Associations. Looking at  
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1 this grant, two things strike me. Here within the last  
2 couple of years, this very Commission directed the  
3 Forest Service and actually put out the approval of  
4 using Restoration funds for planning purposes. When  
5 you look at this, the title is purely a restoration  
6 and, yes, it's planning. But now at the Commission's  
7 direction then and what they desired is that this  
8 should fall under the Restoration category because  
9 that's where they directed that that funding could be  
10 used for planning. As such, hoping that this can be  
11 moved into the Restoration account where it is  
12 appropriately placed.

13 A second question, though, a look at the overall  
14 size of the grant, \$5.6 plus million under a one-year  
15 cycle is something that -- this is the volume of work  
16 or the volume -- man hours of the deliverables here  
17 seem a little bit excessive. That can be accomplished  
18 within a short time period, and perhaps this is

19 something to look at segmenting this grant into  
20 multiple years in order to ensure that the deliverables  
21 under this grant can actually be accomplished. We're  
22 looking to have an efficient use of funds. Well, the  
23 size of this grant leads -- the question is is this  
24 efficient use, can this work be accomplished within a  
25 short period of time or is this something that will be

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1 spread out over a couple of years. So I would  
2 encourage that this be reviewed or transferred to the  
3 Restoration account where it's appropriate and possibly  
4 even segmenting it into multi-year grants. Thank you.

5 CHAIR BRISSENDEN: Thank you.

6 KAREN SCHAMBACH: Karen Schambach, Center for  
7 Sierra Nevada Conservation and PEER. I don't think  
8 I've ever seen the OHV community and environmental  
9 community so unanimous on any grant before. I also  
10 believe that the regulations, my interpretation of  
11 them, and I'm pretty -- I think I have a pretty good  
12 understanding of them, required that this grant would  
13 come under Restoration and not the non-CESA. I agree  
14 with Don Amador that this, you know -- it needs to be  
15 funded, but it would just be devastating to the  
16 non-CESA, the other non-CESA grants, to fund it out of  
17 non-CESA. So I would agree with the higher score and  
18 with funding it out of Restoration. Thanks.

19 CHAIR BRISSENDEN: Thank you.

20 TOM TAMMONE: Tom Tammone. And again as I have  
21 stated before, I support the idea of multi-year grants,

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22 but unfortunately the regulations only made provisions,  
23 if I interpret them, for I believe it's \$45,000 for  
24 multi-year projects. So that's obviously well in  
25 excess of that. There is no way to consider it.

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1 Mr. Stewart is right, it should have been segmented  
2 into multi-years. It is miscategorized. It should be  
3 under Restoration.

4 And there is no justification for any score  
5 increase under this criteria. If it was moved to the  
6 Restoration category and rescored under the Restoration  
7 criteria, a scoring increase would be -- would be  
8 justified. But under this -- under this criteria where  
9 the grant is, I can't see any justification for an  
10 increase in the score. I would support Division's  
11 score and no more. Thank you.

12 CHAIR BRISSENDEN: Thank you.

13 BRENT SCHORADT: Brent Schoradt, California  
14 Wilderness Coalition. I'd like to again read from page  
15 seven of chapter three of the Off-Highway Motor Vehicle  
16 Recreation Division, Grants and Cooperative Agreement  
17 Project Administration Procedures. It says, quote,  
18 "Eligible costs for restoration projects may include,  
19 but are not limited to the following." There is a list  
20 of items. And it says, "CEQA or NEPA compliance  
21 requirements for the restoration project."

22 This project is clearly a Restoration project.  
23 There is consensus. You've heard several times it was  
24 consensus among the motorized crowd, the non-motorized

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25 crowd, the wilderness advocates, conservation community  
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1 and the OHV enthusiasts that this grant is a  
2 Restoration grant. And so I would urge this Commission  
3 to step forth and move it to the Restoration category.  
4 Thank you.

5 CHAIR BRISSENDEN: Thank you.

6 DAVE PICKETT: Dave Pickett, District 36. I  
7 think you got the gist of what everybody is trying to  
8 say. \$5,655,000 grant against a funding pot of  
9 \$5,500,000 pretty much says the way it is. The  
10 Division recommendation if it stays in non-CESA. Move  
11 to Restoration, please. Thank you.

12 CHAIR BRISSENDEN: Thank you.

13 BRUCE BRAZIL: Bruce Brazil, California Enduro  
14 Riders Association, in agreement with all of the  
15 previous speakers. My one question is who has the  
16 authority to move it into the Restoration? I don't  
17 know if the -- our grants procedure will allow that.  
18 It would be kind of in violation of the fairness of the  
19 grants process. Just a question maybe legal counsel  
20 could answer. Thank you.

21 CHAIR BRISSENDEN: Thank you. Are there  
22 questions of the applicant or comments at this time?

23 COMMISSIONER McMILLIN: I have one question.  
24 You mentioned that you thought also it should be under  
25 Restoration. And in my notes of the November 3rd north  
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1 grant hearing, you said that you would pull it because  
2 of the bite of the size of the apple if it wouldn't be  
3 considered in Restoration.

4 KATHLEEN MICK: That's correct. The Forest  
5 Service did say that. And actually about an hour ago,  
6 Don Amador for Blue Ribbon Coalition came up to me and  
7 asked me in a good faith effort for the partnership  
8 that we've had with Blue Ribbon Coalition that's  
9 longstanding, they requested that I give the regional  
10 forester a call and ask if he would pull the grant. I  
11 did so. The regional forester's decision on this grant  
12 is that the United States Forest Service applied for  
13 the funding for this application under the planning  
14 criteria as directed and that we intended for the grant  
15 to be funded from the Restoration fund. There isn't  
16 anything in the regulations that says that a planning  
17 grant cannot be funded out of the Restoration pot.  
18 It's the exact same kind of grant that was funded for  
19 the Mendocino and the Eldorado. The difference is that  
20 there is -- in this case the planning criteria was  
21 used. In their case, they did address the restoration  
22 criteria. So the regional forester's position is that  
23 we submitted our grant as we intended, and that it is  
24 now the decision is out of our hands, but we will not  
25 be pulling this grant.

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1 CHAIR BRISSENDEN: Comments, discussion?

2 COMMISSIONER SPITLER: I just -- I'll make a few  
3 comments and start the discussion and probably make a  
4 motion at the same time.

5 I am just noting here, I'm looking at your  
6 application cover sheet, which does list this under  
7 Restoration. So in response to the one public comment  
8 of could it be moved, I think it was actually applied  
9 for under Restoration to begin with.

10 Well, first of all, I want to say that I would  
11 just want to offer accolades to Ms. Mick. I told her  
12 at the break that I don't get impressed easy, and I'm  
13 very impressed with this list of restoration projects  
14 on just about every national forest. There is a couple  
15 I note that are missing, but I won't quibble with that.  
16 This is what I know this commissioner, and I think  
17 other commissioners, have asked agency for quite some  
18 time. And to have a 21-page list of problematic  
19 routes, black eyes to the riders, trespassing  
20 wilderness areas, et cetera, kind of an action plan, a  
21 short-term action plan for the agency is really  
22 remarkable. And whether this happens this year or  
23 sometime in the future, I think this is a great  
24 starting point to provide guidance on where the agency  
25 is going with restoration and, frankly, what some of

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1 the need is out there. So thank you for putting this  
2 together. It's really quite a task.

3 I understand that originally the position of the  
4 Division was that this should come under -- to be

5 funded out of non-CESA. I think, frankly, it's hard  
6 for me to understand any reason why that might still be  
7 the case. The regulations clearly allow for  
8 restoration projects and planning to come out of the  
9 Restoration category. The only difference between this  
10 grant and the others that we heard, the restoration  
11 planning grants we heard yesterday, which were for NEPA  
12 for specific restoration projects on the Mendocino and  
13 I believe El Dorado National Forests, is that this is  
14 multiple projects lumped together, and that the  
15 applicant here evaluated their grants under the  
16 planning criteria, rather than the restoration  
17 criteria, which I don't see anything in the regulations  
18 to suggest that that directs an applicant solely to  
19 non-CESA.

20 So to me this project is really no different  
21 than the projects that we funded yesterday out of the  
22 restoration category. I am concerned about funding  
23 this project out of non-CESA. If the decision was mine  
24 alone, I might just go ahead and do that. But I think  
25 that's problematic for all of the obvious reasons that

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1 have been stated.

2 So I would like to make a motion, and my motion  
3 has two parts to it to correct two of the deficiencies  
4 in the evaluation of this grant that I've heard. The  
5 first is under the first item, I will advocate an  
6 increase of that score from 25 to 35. And that's based  
7 in part on the just outstanding information provided

8 here on impacts to -- on the resources that this  
9 application will help protect, including wilderness,  
10 getting rid of hill climbs, protecting water quality,  
11 et cetera. Those are the only -- you don't need a  
12 calculator, those are the only changes. That would  
13 increase the score of the grant in total to 45.

14 The second part of the motion would be that the  
15 application be funded out of the restoration category  
16 instead of the non-CESA category where it was, I think,  
17 in error placed. And that would be my motion.

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

19 CHAIR BRISSENDEN: It's been moved and seconded.  
20 Under discussion.

21 COMMISSIONER McMILLIN: I'm just curious, I  
22 don't have a scale in front of me, what does 45, under  
23 Restoration, does that fund?

24 COMMISSIONER SPITLER: I believe it gives it a  
25 40 percent funding.

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1 COMMISSIONER McMILLIN: Okay.

2 COMMISSIONER SPITLER: I will note that it  
3 should not influence the evaluation of this grant, but  
4 we do have remaining under Restoration over  
5 \$2.5 million unspent in this year's grant cycle.

6 CHAIR BRISSENDEN: Other comments?

7 COMMISSIONER THOMAS: Well, perhaps we should  
8 hear from staff. Maybe they want to avoid a  
9 constitutional crisis and take a five-minute recess and  
10 meet with the environmentalists, the riders, the Forest

11 Service, and the rest of the audience to work out  
12 something that would protect all of our interests.  
13 This is the classic case of five minutes of good  
14 conversation might save a number of hours in a  
15 courtroom.

16 DEPUTY DIR. GREENE: Chairman Brissenden, if I  
17 may.

18 CHAIR BRISSENDEN: You may.

19 DEPUTY DIR. GREENE: Commissioner Thomas, I  
20 couldn't agree with you more. And so I find it  
21 extremely disappointing and troubling that we're  
22 sitting here today discussing this when, in fact, the  
23 predicament that we have been in all along is the fact  
24 that, as we look last year at getting sued, and we are  
25 under the microscope right now in terms of how we work  
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1 within our regulations.

2 I agree with you, Commissioner Spittler. I think  
3 this list is very impressive, and I do thank Ms. Mick  
4 for this list, as well. I think where I'm troubled is  
5 that when this issue came up, when the application  
6 first was submitted to the Division and we had  
7 conversations with the Forest, that we did not have  
8 this list at that time.

9 And so for the continued discussion of where we  
10 said we at that point in time will do everything we  
11 could to try and figure out how we could perhaps try  
12 and fund this out of restoration and still stay within  
13 compliance, and I recognize that some people believe

14 that Chapter Three says one thing, and other people  
15 believe that Chapter Three says another thing. And,  
16 yes, it would be nice to fund everything out of  
17 Restoration, and I would like to remind everybody here  
18 that there was an administration bill last year that  
19 went through to try and change the definition of  
20 restoration. And all of us know what that definition  
21 of restoration means and have discussed it for many,  
22 many years.

23 And I know that other people can think there is  
24 a conspiracy by the Division not to support  
25 restoration, and that is simply not true. As we look

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1 throughout these days, we can see that the restoration  
2 scored higher than the trail maintenance. So there is  
3 not some conspiracy we have against restoration. What  
4 we do have is a desire to stay compliant with the law.  
5 And the law currently states that 5090.11, upon  
6 closure. And the worry that we have said all along,  
7 and when the Forest Service in the discussions that we  
8 had back in August and September when they offered to  
9 pull this application if we could not get it out -- if  
10 we could not get it out of non-CESA.

11 And so I find that troubling as we are now faced  
12 here with the Division looking to be the bad guy for  
13 saying that we are trying to stay compliant with the  
14 law, and that I am more than happy if somebody wants to  
15 do a legislative add-on for \$14 million that's sitting  
16 in that account right now. If somebody wants to go

17 this year and change legislation to make sure that the  
18 definition of restoration allows us to do this.

19 But right now we are between a rock and a hard  
20 place, and I recognize that a lot of people have a lot  
21 of passion, and the Restoration account is sitting  
22 there, and I would like to get those funds used as well  
23 for something good. But we have got to stay within  
24 where the law is. And I recognize that some people  
25 will disagree, and other people are going to argue one

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1 way or another. And it is my hope that we don't end up  
2 in court on this one one more time.

3 So Chairman Brissenden, we really have tried,  
4 and at this point in time, it is a particular difficult  
5 situation, and I would really ask that if you try and  
6 push this into, you know, making the Division say that  
7 you will fund it out of Restoration, then we are going  
8 to be faced with looking at the fact that we're not  
9 going to be able to execute that contract. And I  
10 recognize that everybody in this audience says they do  
11 want it, the environmental community wants it, the  
12 off-road community wants it. Then, darn it, we all  
13 have to take that responsibility and allow it to happen  
14 in the way that's legal and proper.

15 CHAIR BRISSENDEN: You just used up your five  
16 minutes. I don't think it's a constitutional crisis.  
17 I think it's a minor challenge on the world stage, and  
18 it's also an opportunity. So having said that, there  
19 is a motion and a second on the floor.

20 COMMISSIONER PRIZMICH: Can I make a --

21 CHAIR BRISSENDEN: There are certainly remarks  
22 to be made. Go ahead.

23 COMMISSIONER PRIZMICH: I just have a question  
24 for staff, whoever wants to answer it. Had the  
25 information that was provided today been provided

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1 earlier when the grant was being applied for, would  
2 that have changed the funding category on this matter?  
3 I realize that's speculative. This is a substantial  
4 amount of information that we just received today that  
5 might have been helpful to have been received earlier.

6 COUNSEL LaFRANCHI: Yes, I'm going to respond to  
7 that. It's my advice that the motion is not proper in  
8 the context that this be moved over and evaluated as  
9 part of the restoration projects and funded out of  
10 Restoration. And here's my reason for that:

11 Planning projects are clearly defined in the  
12 regulations. It's those kinds of projects to evaluate  
13 the feasibility and the potential for projects before  
14 an actual commitment is made to expend further funds on  
15 designing and developing those projects. This planning  
16 grant cooperative agreement application was submitted  
17 and drafted as that kind of application, asking for  
18 money to put a team together to go out and look at the  
19 potential for restoration projects. At that time it  
20 was not a restoration specific project. It was a  
21 project defined in the application as putting a team  
22 together to go out and evaluate where restoration could

23 or should occur and make some recommendations.

24 Certainly I would say if at that time it had

25 been couched as money for a list of specific

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1 restoration projects, where the Forest Service had  
2 already decided these were the areas they were going to  
3 restore, and they needed the money to do the CEQA and  
4 they had submitted it over on the Restoration side, it  
5 would have been a proper restoration type of designed  
6 development project. That didn't happen. That isn't  
7 the circumstance.

8 Now, taking that in light of competitive bidding  
9 requirements, it is not proper to allow an applicant to  
10 redefine their project substantially from one category  
11 to another after several months and finally come up  
12 with some clarification. And on that basis, that would  
13 be unfair. It would give them an unfair advantage over  
14 the other applicants on the Restoration side who  
15 properly submitted their applications and are now being  
16 forced to compete with an applicant that did not do  
17 that.

18 It's my advice to the Commission and Division  
19 that if the motion is passed as made that this be  
20 funded out of Restoration, that we would not be able to  
21 execute that project agreement as being void in  
22 violation of the competitive bidding requirements.

23 CHAIR BRISSSENDEN: Thank you for your  
24 interpretation.

25 COMMISSIONER SPITLER: With all due respect,

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1 Mr. LaFranchi and the staff, and I do respect your  
2 views on this matter, I think your interpretation is  
3 incorrect. Again, I think that an applicant is  
4 certainly free to clarify their projects. Certainly,  
5 if an applicant were to submit a new project at this  
6 stage, it would be inappropriate. But providing  
7 clarification, which is within the scope of the  
8 original application, is certainly allowable, and other  
9 applicants we've asked throughout the day to clarify  
10 their intentions on what their projects were.

11 As to the question of whether a planning grant  
12 can ever be restoration, I really feel that's just  
13 splitting hairs. I mean you're just parsing words  
14 here. If you look at what this project would actually  
15 do, under these clarifications, it would be to do NEPA  
16 on a whole number of restoration projects, which is  
17 exactly what we funded yesterday for the Mendocino and  
18 the El Dorado out of Restoration, and the regulations  
19 clearly allow for that.

20 To somehow try to split hairs and say that  
21 because this has been called planning, when it's  
22 exactly the same activities that we've already funded  
23 out of Restoration, really frankly makes no sense  
24 whatsoever. And I think that in light of this new  
25 information, it's clear to me that this project is

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1 clearly fundable out of Restoration. To suggest  
2 otherwise frankly would make a mockery of the  
3 regulations, which specifically state that NEPA and  
4 CEQA for restoration projects, which by the way this  
5 is, can be funded out of Restoration.

6 CHAIR BRISSENDEN: Any further comments or can  
7 we go to the vote?

8 COMMISSIONER THOMAS: I have one for the record.  
9 In seeking to understand the nature of the project, I  
10 turned to general project description, page 189 of 402,  
11 and read the description. And it indicates that an  
12 interdisciplinary team will analyze an independent  
13 contractor soil scientist and hydrologist review and  
14 make restoration of roads, trails, areas closed due to  
15 the adverse effect on resources.

16 That description is made more specific by the  
17 actual areas the applicant intends to modify, close,  
18 restore, et cetera, and included in the 21 pages of  
19 summary sheets. I can't see why a very specific  
20 application, composed of initially a general project  
21 description, and then followed by details at this  
22 hearing, doesn't comply with rules of restoration that  
23 we followed today. So I perhaps don't have the same  
24 degree of passion as the gentleman to my right, but I  
25 certainly track his analytic process, and I think it's  
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1 correct that the general description followed by the  
2 specifics today gives us enough to act. I'm prepared  
3 to vote.

4 CHAIR BRISSENDEN: Commissioner Prizmich.

5 COMMISSIONER PRIZMICH: I recall a meeting in  
6 December where there were comments made on the part of  
7 Ms. Mick that this would be withdrawn if it were not  
8 placed in the Restoration grants. And, you know, I  
9 respect that offer because the impact if it's left  
10 where it is is devastating to the other grantees. I  
11 know we're not supposed to consider that in a  
12 competitive process. I very much would like to see it  
13 go into Restoration. I'm a little bit dismayed that we  
14 got all of this voluminous information today, and we've  
15 been talking about this for months, and it wasn't  
16 dribbling in at least over this time. But by the same  
17 token, I acknowledge what Commissioner Spittler was  
18 saying that we've done similar things, perhaps not to  
19 this level. But I'm also caught in a quandary because  
20 an attorney has said that it's not going to be  
21 implemented. So it leaves us all hanging in the lurch.  
22 I don't want to create a constitutional crisis,  
23 although I think that's relatively strong.

24 COMMISSIONER THOMAS: Intended to be a bit  
25 facetious.

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1 COMMISSIONER PRIZMICH: By the same token, I  
2 truly feel -- and I'm not sure I have adequate  
3 information at my disposal at this juncture to decide  
4 whether we can move it into Restoration or not. That's  
5 where I'd like to see it. That's where I think  
6 everybody would like to see it. I appreciate

7 everybody's efforts in this part. I wish this would  
8 have come sooner. I think it would have made  
9 everybody's life easier in this matter.

10 So I haven't decided as to this moment how I'm  
11 going to vote, but I did want to express however it is  
12 my vote, my desire to have it in Restoration because I  
13 think that's the appropriate place for it to be. And I  
14 guess my concern is that I'm caught on the horns of a  
15 dilemma because I may not be able to make that  
16 decision. So that's my commentary.

17 KATHLEEN MICK: Well, if I may, I'd like to be  
18 able to address that. And unfortunately, we had our  
19 last Commission meeting, I believe it was December 8th  
20 and 9th, several days of meetings, a week and three  
21 days later, I had vacation to take. So, unfortunately,  
22 I would have liked to have gotten you this information  
23 much sooner, as well. We had some problems. Some of  
24 the information was in a spreadsheet that was filed  
25 last by Dr. Farrington, and we still have yet to find

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1 it. So I actually had to contact the Division's  
2 consultant, Thomas Reid and Associates, to get a former  
3 version of the spreadsheet so we can go back and check  
4 all of the projects that we put in a couple of years  
5 ago at the direction of the Division and the  
6 Commission, to see which ones had actually been  
7 implemented, which ones had we had received NEPA on,  
8 because in prior years we had received a bulk  
9 allocation from the Commission to do NEPA with just the

10 words, we're going to do NEPA, with no listing of  
11 projects. So in all honesty, I had no anticipation of  
12 having to have a listing of projects when I submitted  
13 the grant.

14 That said, we've done what we've done. We've  
15 got a list in front of you. I don't believe there is  
16 any regulation that says when these materials had to  
17 come in. Other people have passed out materials to you  
18 today and yesterday. Granted, our material is a bit  
19 more voluminous. It's why I included the package of my  
20 whole entire additional information and clarifications  
21 to you yesterday so that I knew that you would go back  
22 to your hotel rooms last night and pour over it and  
23 search every word to make your good decisions.

24 But in all honesty, Commissioner Priznich, we  
25 just did the best that we could with the time we had.

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1 And the Commission has a project before them, and we'll  
2 take your good word on what the final say is on that  
3 project.

4 CHAIR BRISSENDEN: Thank you. It's my  
5 understanding that this would be a three-year grant  
6 cycle, to answer I think a couple of concerns from the  
7 general public.

8 Overall I think that if we are to have the  
9 political will to provide the appropriate direction to  
10 the Division, I think that this is a proper motion and  
11 deserves our support.

12 DEPUTY DIR. GREENE: Chairman Brisenden, if I  
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13 may, one more point.

14 CHAIR BRISSENDEN: One more and one last.

15 DEPUTY DIR. GREENE: And it will be one more,  
16 but I think that we are dealing with a \$5.6 million  
17 application. So I think in that case, if there was  
18 some confusion, then it would have behooved the  
19 applicant in this case to make sure that there was  
20 clarification. And I think it is difficult because the  
21 fact of the matter is we go back to the frequently  
22 asked questions, and this question was raised about  
23 planning and restoration and trying to understand the  
24 difference and where that was to be applied. And in  
25 fact the question was asked by this applicant.

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1 So if there is that confusion that exists, then,  
2 again, the troubling fact of getting this material when  
3 this has been a questionable application for many, many  
4 months, and, yes, going back to December, even so, it  
5 is putting us in a terribly difficult situation. And I  
6 recognize and it is the process and some may believe at  
7 this point in time to be able to bring in this much  
8 clarifying documentation, I think the question that  
9 comes to us, does this supplemental information, in  
10 fact, create new deliverables.

11 And, Commissioner Thomas, would have a belief on  
12 that, and that's fine. I'm just saying that I do think  
13 that this could have been avoided. And I am sorry that  
14 it is at this point in time this problematic to  
15 everybody.

16 CHAIR BRISSENDEN: Just a final, hopefully,  
17 response because I know we had discussions informal  
18 discussions way back in November that this was the  
19 appropriate pot for this, and you were planning to make  
20 every effort to put it into that pot, and we're pushing  
21 it towards the pot.

22 DEPUTY DIR. GREENE: This goes back before  
23 August.

24 COMMISSIONER THOMAS: Call the question.

25 COMMISSIONER SPITLER: I'll just make one final  
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1 point in response to that final point. The regulations  
2 clearly provide an administrative agency flexibility to  
3 make this decision. It's a reasonable interpretation  
4 of the regulations that the Division drafted, and I  
5 don't think that there is any serious question to that.  
6 Particularly any question that did exist is, I think,  
7 moot in light of this new information. So it's a  
8 reasonable interpretation of your own regulations, and  
9 you have the flexibility to make the proper decision  
10 here.

11 COMMISSIONER THOMAS: Move the question.

12 CHAIR BRISSENDEN: The question has been moved.

13 So all in favor say aye.

14 (Commissioners simultaneously voted.)

15 CHAIR BRISSENDEN: Opposed?

16 COMMISSIONER PRIZMICH: No.

17 COMMISSIONER McMILLIN: I'm going to abstain.

18 CHAIR BRISSENDEN: So the motion carries.

19           72, Martha.  
20           OHMVR STAFF ABARRA: Line 72, OR-2-SW-40,  
21 Pacific Southwest Region. They requested \$2 million.  
22 They received a score of 44, at 40 percent for funding  
23 determination of \$80,000.

24           KATHLEEN MICK: Again, Kathleen Mick, U. S.  
25 Forest Service. You have before you our additional

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1 information, our clarified information that was handed  
2 out to you yesterday. Again, we believe that the  
3 application warrants a higher score than the Division  
4 gave; would also like to make reference to the MOI that  
5 was signed between the Director of California  
6 Department of State Parks, the Commission, and the U. S.  
7 Forest Service, particularly the regional foresters of  
8 Regions Four and Five.

9           In the application, we referred to the MOI, but  
10 apparently in the general description that information  
11 couldn't be used because it wasn't referred to, I  
12 guess, in the criteria, but it was referred to in the  
13 general description. However, you have the information  
14 in front of you. I think we have a proven track record  
15 not only with this type of project, with other types of  
16 projects. I mentioned yesterday the several grants  
17 that we received towards this project. In light of  
18 route designation and the five-step pyramid, all  
19 national forests in California including the lands in  
20 Humboldt-Toiyabe have completed their inventory, which  
21 you funded. Some of the national forests have

22 completed step two, which is their temporary forest  
23 order, which you funded. Some of those forests are  
24 still working on the forest orders and some have found  
25 that they will not need those. So that's money saved

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1 and an efficiency that will be pushed forward to the  
2 next step which is step three and step four, which is  
3 the collaboration with the public and the analysis of  
4 routes.

5 I think that at least outside of this process,  
6 that between the environmental and the OHV communities,  
7 that if there is one thing that they can say in unison  
8 is that the Forest Service on all 18 national forests  
9 have done their best to be very collaborative in this  
10 effort to listen to the OHV community, to make time  
11 extensions where possible to get routes included in the  
12 original inventory. So we've demonstrated, I think, a  
13 very good track record on this project. We did have  
14 OR-2-SW-15 audited. That was for \$2 million, and then  
15 it also included another \$115,000 increment. As I  
16 mentioned, we spent all but \$91 of that. There is an  
17 unofficial audit report that says that there's still  
18 some negotiations to take place in regard to \$15,000.  
19 The confusion came over some vehicle charges, whether  
20 we can or cannot charge for those vehicles. We're  
21 still working with the Division to negotiate some of  
22 those issues. And should the final say be that those  
23 charges are disallowed, then the Forest Service will  
24 act accordingly.

25 So with that, I would like to draw you to the 125

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1 information that I provided. And in criteria one, we  
2 believe that the score should be revised to 50;  
3 criteria two, 30; and criteria three, 15; for a total  
4 score of 95.

5 CHAIR BRISSENDEN: Thank you. Public comment,  
6 and then we will go to questions of the applicant.

7 TOM TAMMONE: Tom Tammone. Yes, again, I have  
8 to say one thing. I do believe that on the first  
9 criteria that perhaps it deserves a higher score, you  
10 know, perhaps in the 30, 32 range. However, when it  
11 comes to efficient use of funds, again, I can't believe  
12 how many millions of dollars it's taken just to give us  
13 a few maps and figure out where somebody has put a  
14 wheel. Whatever I would have given in criteria one,  
15 it's going to lose it in criteria two and criteria  
16 three.

17 But basically I would support this grant as  
18 scored by Division. And it is very important that we  
19 have this process. It's very important that we know  
20 what's on the ground. Unfortunately, and this will  
21 come up tomorrow, we are funding all of these managed  
22 trail concepts with these route inventories, and then  
23 we're being held hostage by this fuel tax formula of 30  
24 percent at the same time. Either it needs to be one  
25 way or the other, either we need to change the fuel tax  
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1 regulations under 5090, I believe it is, so we can get  
2 away from that fuel tax formula or we need to stop  
3 wasting money funding any kind of managed trail  
4 process. Because if it's not going to matter when it  
5 comes to how the funding gets dished out, it's just a  
6 waste of money. So that message needs to go to our  
7 legislators. As far as we are going to have managed  
8 trails and route inventory and the Fuel Tax formula, it  
9 needs to be one way or the other, but not both.

10 CHAIR BRISSENDEN: Thank you. Next.

11 JOHN STEWART: Good afternoon, Commissioners,  
12 John Stewart, California Association of 4-Wheel Drive  
13 Clubs, United 4-Wheel Drive Associations. This is  
14 something that funds the route inventory, route  
15 designation process of which as I recall the memorandum  
16 of intent indicated that the funding would be there  
17 provided funding was available. Well, we're clearly  
18 into a funding crisis because we will have a lot of  
19 grants that will go unfunded, which brings up when you  
20 look at criteria two, demonstrating efficient use of  
21 funds, and looking at one of the subelements in there  
22 is partnerships.

23 The recreation community sat down with Chief  
24 Bosworth almost a year ago to discuss issues with  
25 funding route designation on all forests throughout the  
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1 United States. And the last time I looked, California

2 is part of this all forest system. And Chief Bosworth  
3 indicated that the forest had the money in hand to  
4 accomplish route inventory and the route designation  
5 work. They had the money available.

6 According to what is being discussed here, is  
7 the Forest Service is not upholding their part of the  
8 partnership. They're expecting the State of  
9 California, the OHV community in California to drain  
10 their trust fund in order to fund a route designation;  
11 therefore, as far as having a partnership, no, that 16  
12 does not even reflect the lack of it. It's what should  
13 be a much lower score. Is this important? Is route  
14 designation important? Does it eliminate illegal  
15 riding, trespass issues, yes. But 26, should probably  
16 be up close to a 30, maybe even a 35. But definitely  
17 that number two is where if it's looking for  
18 partnerships is this is a solely funded effort by the  
19 OHMRV Trust Fund, and the Forest Service itself is not  
20 kicking in their fair share. So that even adds 16, I  
21 would say that that is maybe a one. Thank you.

22 CHAIR BRISSENDEN: Thank you. Next.

23 BRUCE BRAZIL: Bruce Brazil, California Enduro  
24 Riders Association. And this is a federally mandated  
25 program. When I drove into town yesterday, it said I

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1 was coming in Sacramento, not Washington, D.C. So why  
2 they're coming here for funding on this project, I  
3 don't understand. There's also provisions or guidance  
4 under the OHV program that says we're supposed to help

5 fund projects, not fund them a hundred percent. From  
6 what I've just been hearing, it sounds like the OHV  
7 funding that's going to be taking care of the expenses  
8 on this. So I'd say no funding. Thank you.

9 CHAIR BRISSENDEN: Thank you.

10 DON KLUSMAN: Don Klusman, California 4-Wheel  
11 Drive Association. I was one of the original people  
12 that went to Vallejo, to region when we were talking  
13 about this five years ago. We sat there and talked  
14 about it, and the OHV community was in agreement that  
15 this was something that was going to be good. And at  
16 that time, we laid out a lot of concerns. And then the  
17 pyramid came about.

18 Now, we're in step three of the pyramid.  
19 Basically most everybody has completed Stage II. There  
20 is still a huge issue that's not been resolved. I sat  
21 here for two days and talked to eight different forests  
22 and got eight different answers to the same question,  
23 what are you going to do about a route that goes  
24 through or touches private property. All eight forests  
25 have told me different things. Five out of eight, I

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1 like, you know, but that doesn't mean the rest of them  
2 are going to follow suit. We've got a major deficiency  
3 here of how this is going to be handled.

4 Some forests are saying they're going to show  
5 the route up to the private property, and then show it  
6 coming out the other side, we can't show it coming  
7 through. Okay, I can maybe buy that one.

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8           The other one is going to say, we're not going  
9 to show the route. If the route goes and touches  
10 private property, the route is going to be closed. I  
11 don't care how long that route has been there. I can't  
12 go along with that.

13           I brought this to the attention at the  
14 subcommittee meeting to the region. I brought this to  
15 the attention at the full Commission meeting several  
16 different times, and we have yet to get an answer out  
17 of region to tell the forest, their 18 forests out  
18 there, on how to handle this problem.

19           The other issue under the memorandum of  
20 understanding is that everything will be done by a  
21 certain day. We have forests because of weather,  
22 because of other reasons, their inventory just got done  
23 in the last year. They're not going to be able to meet  
24 that date. Then are we going to sit there and scream  
25 and holler saying, you know, the thing wasn't done

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1 right. We've got to have some answers to these major  
2 questions before I see funding more money. Thank you.

3           CHAIR BRISSENDEN: Thank you.

4           BRENT SCHORADT: I'm Brent Schoradt with the  
5 California Wilderness Coalition. I'd like first of all  
6 to commend this Commission for your visionary work and  
7 actually moving forward the route designation process  
8 over the years. If we look around the country, it's  
9 very clear to folks who work on off-road vehicle issues  
10 and public land issues in general, that California is

11 once again leading the way in terms of route  
12 designation. We are further along in this process than  
13 any other state in the country, and that's because of  
14 the good work of this Commission in setting forth the  
15 vision of designated routes on California public lands,  
16 especially the Forest Service lands. We have 18  
17 million acres of Forest Service lands in the State of  
18 California. That's nearly one in every five-- that's  
19 nearly 20 percent of the state.

20 And so setting in place a sustainable system of  
21 designated routes is probably the best thing that we  
22 could do going forward. I think it will ultimately be  
23 the legacy of this Commission, and I would urge you to  
24 fully fund this. I think the best way to make sure  
25 that vehicles can drive anywhere and everywhere they

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1 feel like is to kill this grant, and I think that's the  
2 last thing we should let happen.

3 So under category one, the project will provide  
4 for a quality sustainable system of roads and trails  
5 for OHV recreation, I think not only does this project  
6 provide the protection of the resources by keeping  
7 vehicles on designated routes, but it also provides for  
8 the long-term health of off-highway vehicle recreation.  
9 And so I would recommend full funding for category one,  
10 50 out of 50.

11 Category two, I think the best way we can use  
12 our funds is to designate this system that will  
13 facilitate a more efficient use of OHV funds in the

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14 future by telling us where we need to spend money on  
15 signing, where we need to spend money on restoration,  
16 and where we need money on trail maintenance even. And  
17 I think the fact that this is a third installment of  
18 \$2 million, stopping this process right now and killing  
19 this grant would really throw the other money that you  
20 spent and invested in this process down the drain. And  
21 I think it's good management to move forward at this  
22 point, both in terms of what's good for the land and  
23 what's good for the resources, what's good for the OHV  
24 Trust Fund. So we would encourage 35 out of 35 under  
25 category two.

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1 And I think the long record of the region in  
2 terms of their accountability would deserve at least  
3 four out of four on A, B, and C of category three to  
4 give them 12, and a final score of 97. Thank you.

5 CHAIR BRISSSENDEN: Thank you.

6 KAREN SCHAMBACH: Karen Schambach, Center for  
7 Sierra Nevada Conservation and Public Employees for  
8 Environmental Responsibility. I agree with everything  
9 that Mr. Schoradt just said, and I would reemphasize  
10 it. I would like to add that, you know, it's easy to  
11 say we don't want to send money out of Sacramento, but  
12 Sacramento isn't where people are riding their  
13 motorcycles and dune buggies. They're riding it on the  
14 public lands, and that's where the management problems  
15 are, and that's where the money needs to be spent.

16 This is the last installment of -- you know,

17 several years of \$2 million. Under category two, we  
 18 saw that last year Ms. Mick's salary was not funded by  
 19 this program. The region and the Forest Service picked  
 20 that up, and they're going to be funding the balance  
 21 after this year of completing route designation. The  
 22 Forest Service did not designate any money for route  
 23 designation in California or anywhere else. The  
 24 instructions were for directors to take funding out of  
 25 other existing programs. And as we all know, there is

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1 not enough in those other programs to accomplish their  
 2 own directives, let alone, you know, find money for a  
 3 new one. And so that's why California is the state  
 4 where route designation is actually happening. And it  
 5 is because of the vision of the Commission, and the  
 6 Division, and the region, and the partnerships that  
 7 were intended by the memorandum of intent. And I think  
 8 we need to hold up our end of it. I think the region  
 9 is holding up its end. They're moving the forest  
 10 along. I know it's not been easy, but it is happening.

11 Several forests that I'm engaged with on route  
 12 designation have just done a tremendous job of engaging  
 13 the public, you know, keeping people apprised, getting  
 14 out on the ground, using volunteers. It's something  
 15 that -- you know, there's a lot needed to be done.  
 16 It's happening now. The region is very, very  
 17 encouraging. And some forests have been dragged along,  
 18 you know, somewhat unwillingly, but everybody is  
 19 moving. There is a lot of momentum now, and I think we

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20 would just be -- you know, our earlier investments in  
21 this would be somewhat wasted if we don't, you know,  
22 finish the job. And that's what we said we would do,  
23 and I think we need to do it. Thank you.

24 CHAIR BRISSENDEN: Thank you. Next.

25 TOM TAMMONE: Tom Tammone. Yes, I just wanted  
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1 to say one thing. I believe last year this grant was  
2 actually funded at 1.6 million. So as far as the  
3 argument and the memorandum of intent that it has to be  
4 fully funded, I think you already blew that once, so  
5 it's really a truly null and void argument. Thank you.

6 COMMISSIONER SPITLER: Excuse me, Mr. Tammone.  
7 I don't think that we have blown that one, in your  
8 words. Actually, last year the grant was funded at  
9 \$2 million.

10 TOM TAMMONE: I thought it was 1.6. I thought  
11 the year before was supposed to be 2.2, whatever. I  
12 don't really think that's an issue.

13 CHAIR BRISSENDEN: Thank you. Next.

14 DAVE PICKETT: Next, like I was going to get a  
15 haircut. Dave Pickett, District 36, Motorcycle Sports  
16 Committee. I've addressed this issue with this  
17 Commission for a number of years. Ms. Schambach and  
18 Mr. Schoradt made a comment that the installments of  
19 payments were the third level. I'd like clarification.  
20 I thought it was four payments have been made that were  
21 \$8 million.

22 CHAIR BRISSENDEN: This is the fourth and final.

23 DAVE PICKETT: Fourth and final.

24 COMMISSIONER THOMAS: This is the end. This is  
25 the fourth and final on our MOU.

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1 DAVE PICKETT: So \$6 million have thus been paid  
2 already for this project?

3 COMMISSIONER THOMAS: You'll have to ask staff.

4 DAVE PICKETT: I just want the members of the  
5 public to know the exact amount that's gone, because it  
6 confused me, too.

7 Anyways, again, same thing I've said before,  
8 California is the only state that is using OHV funds to  
9 do this. The other 49 states that I know of have not  
10 got state funding for this process. Also, the prior  
11 speaker mentioned if funding is available. And coming  
12 out of this funding pot, at the current Division  
13 recommendations means it's at the bottom of the rung,  
14 so it wouldn't be funded at Division's recommendations.  
15 But if past history has proven anything on this  
16 particular grant, it will probably be escalated to the  
17 top 70 plus percent to ensure funding, which will take  
18 an awful lot of on-the-ground grants and eliminate them  
19 from being funded.

20 So to me what that is saying is that if it goes  
21 with Division, it will be in the 40, it may not be  
22 funded. You'll have to bump it up to get funded, which  
23 is going to knock out people on the ground. My earlier  
24 public comments stand. I would like legal counsel  
25 opinion on an MOU -- or MOI versus the competitive

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1 grant process. Thank you very much.

2 CHAIR BRISSENDEN: Thank you.

3 Back to the Commission for questions of  
4 applicant or comments, then discussion.

5 COMMISSIONER McMILLIN: I'm curious how much  
6 money has been spent on the route designations. I had  
7 some old notes that said 3.8 million. I don't know  
8 what that one is for. Maybe that's not applicable to  
9 the same project and then three twos. So has it been  
10 three twos and then now a fourth two?

11 KATHLEEN MICK: That's correct.

12 CHIEF JENKINS: I think the 3.8 you're referring  
13 to -- excuse me, I didn't mean to interrupt.

14 KATHLEEN MICK: No, that's okay.

15 CHIEF JENKINS: I think the other number you  
16 were looking at, weren't there two different  
17 cooperative agreements that were signed prior to the  
18 MOI, and I think that's the 3.8.

19 KATHLEEN MICK: That's correct, the chief of the  
20 Division has it correct that there was a \$2 million and  
21 1.8. The two million was in 2001 that was agreed to  
22 for inventory. Then there was a 1.8 that would give it  
23 to inventory. Then the MOU kicked in in 2003, which  
24 said directly from the MOU that those funds would be  
25 for inventory, and then the other funds would be funded

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1 for route designation processes, funding for route  
2 designation process is subject to future appropriations  
3 by the California Legislature and allocation for funds  
4 for grants by future commissions. There is also a  
5 piece in here that talks about the Commission in the  
6 MOU giving the Division policy in regard to future  
7 applications. So I hope that part answers your  
8 question.

9 COMMISSIONER McMILLIN: I have two more quick  
10 parts to that. So you get paid after you spend the  
11 money, right?

12 KATHLEEN MICK: That's correct.

13 COMMISSIONER McMILLIN: Has most all of that  
14 money been spent or drawn down on or is there a big pot  
15 there still?

16 KATHLEEN MICK: We work on a reimbursable basis,  
17 so basically we create a job code that has an empty  
18 bank account that follows it. Because we have a  
19 project agreement with the Division, we have a job  
20 code. We go forth, we do work. We collect transaction  
21 registers, which are the expenditure data.

22 COMMISSIONER McMILLIN: So is that account  
23 zeroing out basically every year.

24 KATHLEEN MICK: That is correct.

25 COMMISSIONER McMILLIN: There is not \$2 or \$3

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1 million still in it?

2 KATHLEEN MICK: No, there is not.

3 COMMISSIONER SPITLER: \$91 is what I heard.

4 KATHLEEN MICK: I would like to address a couple  
5 of issues, if I may, that are a little bit incorrect.  
6 First of all, there's been a misnomer that the Forest  
7 Service is not contributing any money to this project.

8 We indicated a contribution in our application;  
9 however, I didn't feel in the application it would be  
10 appropriate to put future contributions that had yet  
11 not occurred.

12 COMMISSIONER THOMAS: Good thinking.

13 KATHLEEN MICK: From the inventory -- because  
14 that would be misleading. So from the inventory phase  
15 until now, for every aspect of route designation, there  
16 has been a requirement from the National Forest in  
17 California and the Humboldt-Toiyabe, which has lands in  
18 California, for every three dollars of grant funds that  
19 are used for route designation, the Forest is required  
20 to kick in a dollar. So that's 25 percent. On top of  
21 that, an analysis, and this is a standard number  
22 developed by the Washington office, we're finding it  
23 all over the nation, that to do the YaYe's work, the  
24 NEPA work for the decision-making in route designation,  
25 that it's costing anywhere from \$500,000 to \$1.5

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1 million at the end and development of an EIS to have a  
2 Record of Decision.

3 I think if you add up the monies that you folks  
4 have allocated to the Forest thus far, and we are  
5 successful today to get the other \$2 million, that will  
6 not add up to \$19 million. So the Forest Service is

7 and will be contributing to this project. And when it  
8 comes out at the end, it will almost be a half/half  
9 situation. So I just wanted to bring that to light  
10 that we are contributing a significant amount of money.

11 Ms. Schambach also brought up that there was  
12 supposed to be some earmarked money for route  
13 designation that has not occurred in the Washington  
14 office. The OHV community mentioned that the chief  
15 said that we would pay for route designation in the  
16 other states. The Forests are doing that, but they're  
17 doing that at the sacrifice to other programs. There  
18 are not any new funds. So they're taking funding from  
19 watershed, wildlife, roads, trails, everywhere they can  
20 get, and they're putting it toward route designation,  
21 as are we.

22 Mr. Klusman brought up the piece about routes  
23 and private property. I don't know what the other  
24 forests have told him. The forest had direct and clear  
25 information from the region as to how to deal with

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1 routes on private property. As Commissioner Thomas  
2 pointed out yesterday, we're at central command. We  
3 have 18 national forests. The forest supervisors don't  
4 always listen to us, particularly me because I have no  
5 line authority and no decision-making authority, but  
6 they do listen to their regional forester. They have  
7 clear direction on what to do for private property.  
8 I'm more than willing to get that information to  
9 Mr. Klusman.

10           And also further state that the United States  
11 Forest Service has no ability to designate routes on  
12 private property. That would be like us saying we  
13 could just go ahead and go across your lawn and you'll  
14 be okay. We cannot do that. We have to have the  
15 permission of the private landowner, and I'm sure you  
16 can all respect that. If the private landowner doesn't  
17 want to give that right, even after a community has  
18 been using the routes for 30 years, then they can do  
19 so. There are legal ways to go about those issues.  
20 Different forests do have the ability, even within the  
21 "Farringtonian" pyramid, to, you know, address things  
22 at a local level. And so we're trying to do that with  
23 the region coming in and giving standardization and  
24 consistency. That's our role and responsibility.

25           So if four supervisors choose to pursue either

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1   prescriptive easements or things like that, they can do  
2   that. They may decide to just set some of the routes  
3   that go across private property aside until they can  
4   work some of the easements out. This big route  
5   designation project that we have going is not the  
6   end-all, be-all. It's to move forward and implement  
7   our new travel management rule, which is based on Nixon  
8   and Carter -- and I'll wrap up -- Nixon's and Carter's  
9   stuff.

10           But basically, you know, we can't do things that  
11 are outside of the law. You made me lose my train of  
12 thought, but anyway.

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13           One final thing, the dates for the inventory,  
14 with all due respect, Mr. Klusman, you are incorrect,  
15 and I can show you factually on paper. We committed to  
16 a certain inventory. That inventory has all been  
17 completed. There were two forests that had an extended  
18 timeline in the MOI. They were the Shasta-Trinity and  
19 the Klamath because they had to do forest plan  
20 amendments. Our new rule takes that away so they still  
21 have the extended timeline because they started late.  
22 But other than that, the inventory in this region is  
23 completely finished.

24           CHAIR BRISSENDEN: Thank you. Other questions,  
25 comments?

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1           COMMISSIONER SPITLER: I just have a question  
2 that only requires a brief answer.

3           KATHLEEN MICK: I'm not sure I have one of those  
4 today, but I'll try.

5           COMMISSIONER SPITLER: You might have already  
6 touched on there, in fact, you probably did somewhere  
7 in there. Can you address three things for me. First,  
8 the completion of private projects within the time  
9 frame provided; second, the history of fiscal  
10 accountability with similar grants; and third, history  
11 of successful and timely implementation of planning  
12 results and recommendations?

13           KATHLEEN MICK: Yes, I can. In respect to the  
14 timely implementation of projects, this type and all  
15 others, the regional office has completed all of their

16 projects on time. There have been some exceptions.  
17 Those exceptions have resulted in a time extension.  
18 Those time extensions were granted either, A, by the  
19 Commission, if it was during a rescope, or, B, by the  
20 Division and with their support and approval. But once  
21 we had a time extension, we hit that time extension  
22 date.

23 As I mentioned we received \$2 million for  
24 OR-2-SW-15. We spent all of it but \$91. In terms of  
25 OR-2-SW-21, which was for route inventory phase two in  
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1 2002, we spent all but \$44. That work has been  
2 complete. We have maps available on our websites to  
3 show that.

4 And what was the last question, did I address it  
5 all?

6 COMMISSIONER SPITLER: Successful and timely  
7 implementation of planning results and recommendations.

8 KATHLEEN MICK: Yes, we have hit all of our  
9 timelines within route designation thus far. We are on  
10 track. We in -- most of the forests are in steps three  
11 and four. Some of them are in a hybrid three and four,  
12 which is the public collaboration and the beginning of  
13 NEPA, except for the Shasta-Trinity and the Klamath.  
14 And I believe, actually, the Klamath is ahead of  
15 schedule.

16 COMMISSIONER SPITLER: Thank you.

17 CHAIR BRISSENDEN: Other questions, requests for  
18 clarification, definition of "Farringtonian" pyramid.

19 You got that? Okay. Do I have a motion?

20 COMMISSIONER SPITLER: I'll make a motion.

21 Probably comes as very little surprise to anyone in the  
22 room here that I think this is probably the single most  
23 important grant that we will consider today or  
24 yesterday or throughout this process. I won't go into  
25 the merits of the route designation. I think you all

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1 have probably heard that from me enough before. I do  
2 think it's important. I think the words of the speaker  
3 who said that California is leading the nation in this  
4 effort is right on. And I think that this is going to  
5 be the future of OHV recreation and lead to improved  
6 management and opportunity on all of our national  
7 forests.

8 As to the specifics of this application, I think  
9 that the scores are considerably lower than they should  
10 be. I'm going to move to increase the scores as  
11 follows: Under item number one, enhancing or  
12 protecting OHV opportunity, I think that warrants a  
13 score of 50 out of 50. Under item number two,  
14 efficient use of OHV Trust funds -- thank you,  
15 Ms. Mick, for bringing up the point of the Forest  
16 Service maps. I'm just looking at the application page  
17 here, which describes your agency's contribution of  
18 1.7 million, the 1.5 million you've already put in, the  
19 350 hours of volunteer time, and the CCC as a partner,  
20 so I'll increase that score to 32 out of 35. And on  
21 the completion of previous projects, score of 15 out of

22 15, for a final score of 97.

23 I think you have shown adequately that all of  
24 the previous grants that the Commission has provided,  
25 you've implemented within the time frame provided,

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1 you've stayed to your timelines, your fiscal  
2 accountability is right on, and you're implementing the  
3 recommendations as we're starting to see EAs come out  
4 implementing these projects. So you have done  
5 everything that we have asked of you. You've done  
6 everything that you've committed to do, and I can't see  
7 a score of two out of 15 for your history of  
8 successfully implementing similar projects. So that's  
9 my motion.

10 COMMISSIONER THOMAS: I'll second that.

11 CHAIR BRISSENDEN: It's been moved and seconded  
12 by Commissioner Thomas. Any further questions? All  
13 those in favor?

14 (Commissioners simultaneously voted.)

15 CHAIR BRISSENDEN: Opposed?

16 COMMISSIONER PRIZMICH: Aye.

17 COMMISSIONER McMILLIN: No.

18 CHAIR BRISSENDEN: Motion carries.

19 KATHLEEN MICK: Thank you.

20 CHAIR BRISSENDEN: Line item 78, please.

21 OHMVR STAFF ABARRA: Line number 78, OR-815,  
22 Yolo County Parks Department. They requested \$261,000.

23 Sorry about that.

24 Line number 73, OR-1-CD-350 Palm Springs, South  
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25 Coast Field Office. They requested \$76,020. They 146

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1 received a score of 47, at 40 percent for an amount of  
2 \$30,408. And they did submit supplemental information  
3 and did provide new information.

4 JIM KEELER: Good afternoon, members of the  
5 Commission and OHMRV staff. Mona Daniels had  
6 originally come down to give this presentation. Jim  
7 Keeler, BLM State Office. Mona Daniels from Palm  
8 Springs was here yesterday with Fred Del Campo, her  
9 chief ranger, to describe to you better this project.  
10 You're going to have to put up with me and Mr. Weigand  
11 trying to do the Mona and Fred show for you.

12 The packet we just had handed out to you on the  
13 back has an area map to what we're referring to as this  
14 Coors Canyon area. What we'd like to do is to focus  
15 all of the use from the adjoining areas into a small  
16 more manageable mini open area. We'd like to explore  
17 the possibility of doing that with a planning grant.

18 JIM WEIGAND: My name is Jim Weigand. I'm the  
19 ecologist at the California State Office of BLM, and I  
20 wanted to report on a couple of the elements that we  
21 find very important here.

22 There is a lot of OHV travel and recreation in  
23 the area around Blythe that is not on BLM land or is  
24 not legal. And BLM is hoping that through this project  
25 they can be responsible to the greater Blythe community  
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1 and help to deflect a lot of the damage that's  
2 occurring on both private and public lands in the area  
3 by developing this small OHV open area.

4 And the areas of concern in the area where OHV  
5 illegal riding has occurred is, first of all, in the  
6 Goose Flats unit of the California Department of Fish  
7 and Game. That's riverine habitat right on the  
8 Colorado River. That's key important ecological  
9 habitat. And the second major concern is that for the  
10 Paloverde Valley Irrigation District, many of the  
11 canals are being ridden on illegally. And the impacts  
12 to the canals threaten their engineering stability.  
13 And so in order to benefit farms, homes, and key  
14 wildlife habitat not managed by BLM but managed by  
15 other agencies, BLM is proposing the Coors Canyon area  
16 to provide an opportunity to local residents,  
17 particularly local youth, so that they can have a  
18 legitimate legal place to ride and enjoy motorized  
19 recreation without harming the community and without  
20 providing any cause for ecological damage.

21 This has the advantage of providing a venue for  
22 training through the PAL program and through support  
23 and auspices of the Blythe Police Department, the  
24 support of the chamber of commerce and the Riverside  
25 County Sheriff. So, again, this is BLM's attempt to

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1 meet existing and future needs and to help, as a good

2 neighbor, improve the riding opportunities and  
3 environmental quality for the Blythe area. Thank you.

4 CHAIR BRISSENDEN: Thank you. Public comment on  
5 this?

6 JOHN STEWART: Good afternoon, Commissioners  
7 John Stewart, California Association of 4-Wheel Drive  
8 Clubs and United 4-Wheel Drive Associations. I know  
9 you're probably getting tired of hearing the broken  
10 record about planning for recreation, but this is one  
11 of the prime examples of beginning to plan for  
12 recreation and the growth of recreation. First of all,  
13 in this particular area that's being proposed for the  
14 planning grant review is in a previously disturbed  
15 area. I guess some of this area was an aggregate and  
16 sand quarry for a number of years. So it's not  
17 pristine desert land. It's in the even desert land  
18 that General Patton used. This is a mining operation  
19 that now they're looking to turn into a usable area.  
20 And as Mr. Weigand pointed out that, yes, this goes a  
21 significant ways towards reducing the potential damage  
22 to the Colorado River area. This gives people an area  
23 where they can go to. It directs them to something so  
24 they can go there, and it gets people out of other  
25 sensitive areas.

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1 We're looking at the growth. We are  
2 experiencing a growth of recreation in that Blythe  
3 area. The recreation is somewhat from the residents of  
4 Blythe, but it's also from out of state. You know,

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5 it's coming from in Arizona because that's a closed  
6 area. So this is an example of where, yes, the growth  
7 of recreation is there, the demand is there. Now we  
8 just need to plan for the recreation growth and  
9 actually provide an opportunity in order to reduce the  
10 potential serious impacts in other sensitive areas.

11 To that extent, in that number one it basically  
12 fills a full 50 classification all the way through  
13 because it is an extremely important category. And as  
14 far as the partnership, yes, they've got partnership.  
15 They've got the local community on board with it. So,  
16 again, that receives -- or should receive a high score  
17 of at least a 30. So I'd like to see you consider  
18 that, look at this as being a grant that is worth  
19 funding. Thank you.

20 CHAIR BRISSENDEN: Thank you. Questions and  
21 comments? Motion.

22 VICE-CHAIR ANDERSON: I have a question. Do you  
23 have any information on completion of prior projects  
24 within the time frame under category three, fiscal  
25 accountability? Can you speak to that at all?

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1 JIM KEELER: I have Mona's statement here. It  
2 says, "Since 2001, we have worked six projects within  
3 our office while meeting requirements and deadlines.  
4 No audits have been completed since 2001. We'd like to  
5 see a score of 15 out of 15." That was her.

6 JIM WEIGAND: I would also add that there is a  
7 project in that immediate area that is the restoration

8 in the wilderness area in the Big Marias and in the  
9 Riverside Mountains that was also undertaken, and that  
10 was also successfully completed. That was under the  
11 California Desert District, but it was in that area, as  
12 well.

13 CHAIR BRISSENDEN: So there were seven projects  
14 funded by the Commission?

15 JIM WEIGAND: Yes.

16 CHAIR BRISSENDEN: Other questions or comments?

17 VICE-CHAIR ANDERSON: I know of no particular  
18 problems with any of the applications, prior  
19 applications, and I suggest in category three adding 12  
20 points there.

21 Under preventing off-road travel and solving  
22 operational maintenance, law enforcement, environmental  
23 use conflicts, I think I'd add another five points in  
24 category one, making that 36. And I don't -- I have no  
25 information to change any scores in category two, so.

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1 COMMISSIONER THOMAS: Three was changed to 12,  
2 right?

3 COMMISSIONER PRIZMICH: Three was changed to 12.

4 COMMISSIONER THOMAS: We're waiting for them.

5 CHAIR BRISSENDEN: So a final score of 64.  
6 You said you suggested. Are you making a  
7 motion?

8 VICE-CHAIR ANDERSON: Yes, I'll make that  
9 motion.

10 COMMISSIONER THOMAS: Second.

11 CHAIR BRISSENDEN: It's been moved and seconded.  
12 Any discussion? All those in favor?

13 (Commissioners simultaneously voted.)

14 CHAIR BRISSENDEN: Opposed? Motion carries.

15 We're an hour and 20 minutes into this session,  
16 I'd like to finish one more, and that would be 78.

17 OHMVR STAFF ABARRA: Line 78, OR-815, Yolo  
18 County Parks Department. They requested \$261,000.  
19 They received a score of 55, at 50 percent for a  
20 funding determination of \$130,500. The applicant did  
21 not provide supplemental information.

22 CHAIR BRISSENDEN: Has the applicant supplied a  
23 body? I guess not. Any questions or comments?

24 COMMISSIONER THOMAS: Were they here? Did they  
25 check in at all with staff ever?

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1 COMMISSIONER SPITLER: I requested that this  
2 come off Consent. I don't know if the applicant was  
3 ever here or not.

4 Move staff recommendation.

5 COMMISSIONER PRIZMICH: Second.

6 COMMISSIONER THOMAS: I will speak to it before  
7 you get too far. There was a communication on the  
8 county counsel's web, which is an internal device that  
9 county counsels about the state use, about Yolo County  
10 having a problem being overrun with OHV illegal use in  
11 their parks along Cache Creek and in the watershed.  
12 And this county counsel was asking another county  
13 counsel, what do I do about it. I got the referral

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14 because I work with these lawyers. And I imagine this  
15 grant application is probably part of their flailing  
16 around to deal with the problem.

17 We should be aware that those communications  
18 were bouncing around various county counsel offices and  
19 echoed by two other counties that said -- they said,  
20 yes, we don't know what to do, we're having a really  
21 terrible problem. This issue is not going to go away.  
22 We're not going to solve it today, but this Division  
23 needs to get on the ball with the organized law  
24 enforcement side, an organized law enforcement program.

25 DEPUTY DIR. GREENE: Well, if I may.

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1 COMMISSIONER THOMAS: We've tried.

2 DEPUTY DIR. GREENE: To your question, Yolo  
3 County has come in and met with us. They have been --  
4 and I am disappointed they aren't here today. I don't  
5 know if they were here earlier or not. I think, as  
6 Commissioner Thomas just alluded to, this is an example  
7 of where a county is trying to proactively deal with an  
8 issue where they do have illegal riding, where they do  
9 have the demand. So they're trying to come up with a  
10 solution. They've come in and met with us twice to try  
11 and understand the program prior to when they sent in  
12 and submitted the application. So there is a desire I  
13 think to try and come up with a meaningful solution.

14 CHAIR BRISSENDEN: Just a question of  
15 Commissioner Priznich. In your former life, the  
16 sheriff's association, do they have an active group

17 addressing these issues across the state?

18 COMMISSIONER PRIZMICH: You mean the OHV issues?

19 I'm sitting here.

20 CHAIR BRISSENDEN: True.

21 COMMISSIONER PRIZMICH: There have been  
22 discussions. We have quarterly meetings and one yearly  
23 meeting. And at virtually every meeting there are  
24 discussions with me relative to the OHV grants and the  
25 issues surrounding this. But inevitably in those

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1 discussions, the problems of OHV policing come up. So  
2 it's not a specific, but a very generalized commentary.

3 CHAIR BRISSENDEN: I certainly know that there  
4 are a number of counties that are truly impacted, that  
5 these counties could be referred to for potential  
6 solutions beyond money from this Commission.

7 Motion and second, all those in favor?

8 (Commissioners simultaneously voted.)

9 CHAIR BRISSENDEN: Opposed? Motion carries.

10 COMMISSIONER SPITLER: Before we move on, I will  
11 just make one quick comment on this one, since I know a  
12 little bit about it since I'm originally from Yolo  
13 County, is that I've heard those same things about the  
14 enforcement problems in certain parts of the county.  
15 And I think the county is trying to look at ways to  
16 solve those and is kind of bumping into the same  
17 problem we saw in Riverside where there is a lot of  
18 illegal use, it's impacting private property and  
19 resources, but no close legal place to ride.

20 So one of the reasons I had pulled this off of  
21 Consent was in the hopes that county would show up and  
22 might be able to increase it and allow this planning  
23 project to move forward. Because I think it is  
24 important to support those local efforts to address  
25 local problems through a combination of enforcement and  
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1 providing new opportunities, and I think these local  
2 parks are a good way to do that.

3 COMMISSIONER PRIZMICH: I would agree. And just  
4 to add on to that, that law enforcement efforts in  
5 these specific areas are different, generally speaking,  
6 than sheriffs or city police normally do. That's why  
7 you see them coming here in droves for special  
8 equipment. It takes special training, and so it's not  
9 the kind of thing that can easily be folded into the  
10 responsibility of a sheriff's office or a police  
11 department.

12 COMMISSIONER SPITLER: I will talk to the Yolo  
13 County folks, as well, and I hope they will come back  
14 next year and fare better.

15 CHAIR BRISSENDEN: Just to tag on to that,  
16 Commissioner Priznich, I really do appreciate your  
17 presence after you've retired. True commitment, so  
18 thank you.

19 COMMISSIONER PRIZMICH: Have I been here for two  
20 days?

21 CHAIR BRISSENDEN: You're now no longer the  
22 sheriff but you're still representing a constituency

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23 and we appreciate it, or I do.

24 The masterful Cheryl needs a wrist break, so we

25 will be back at 2:50 to finish items 80 and 81. And

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1 then we will have a brief discussion on criteria. I  
2 think that we may want to fold that into tomorrow's  
3 discussion with the general public, the annual public  
4 workshop, as well. So be back in 14 minutes.

5 (Break taken in proceedings.)

6 OHMVR STAFF BELLUCCI: Larry Bellucci, grants  
7 administrator. Chair Brissenden, now know why I'm  
8 still here. I'll be announcing the last two. They are  
9 scientific research grants, line number 80, OR-2-SW-39,  
10 Pacific Southwest Region request requested \$1 million,  
11 receives a score of 45, and a funding determination of  
12 40 percent for \$400,000.

13 DIANA CRAIG: Good afternoon, I'm Diana Craig.  
14 I'm a regional wildlife ecologist with the U.S. Forest  
15 Service out of Vallejo. This project is the last field  
16 season of the remaining three OHV wildlife studies that  
17 we've been conducting in partnership with you guys, the  
18 Commission, the Division, various researchers, U.S.  
19 Fish and Wildlife Service, the Student Conservation  
20 Association, environmental and community members and  
21 the OHV users. As I hope many of you remember, we  
22 developed and implemented these studies in response to  
23 interests and concerns that were identified by the  
24 Commission, environmental community, and OHV users.

25 One of the studies, the Martin study, has been

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1 finished, and we should have a report for you in the  
2 next few months. We will have to coordinate with you  
3 as to how you'd like to have information transmitted to  
4 you.

5 The other three studies are the Northern Spotted  
6 Owl study, Northern Gass Hawk study, and a study that's  
7 looking at vertebrate assemblage including the prey  
8 species for the other Martin, Gass hawk, and Northern  
9 Spotted owl. Those three studies are what this project  
10 is about.

11 The other thing I wanted to let you know,  
12 although these studies are not fully completed, we have  
13 enough data that now to begin looking at some  
14 preliminary information to inform our route designation  
15 process. And we're in the process of doing that right  
16 now.

17 I would like to respectfully submit that the  
18 project's application supports a score of 80 points.  
19 This is summarized in the handout that you have in  
20 front of you. And I'm going to briefly summarize what  
21 that information is and then be available to answer any  
22 questions that you have.

23 In criterion number one, I believe that the  
24 application supports a score of 29 out of 30 points,  
25 and this information is summarized in the application

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1 on page 200 of page 402, essentially addresses  
2 subcriterion 1(c), the protection of critical wildlife  
3 resources, particularly the species I mentioned  
4 earlier.

5 I believe that criterion number two, the  
6 application supports a score of 24 out of 25 points.  
7 Addressing both of the subcriterion 2(a) and 2(b) on  
8 page 200 of 402 of the application, basically that the  
9 project will provide critical information to ensure  
10 that OHV use is managed in such a way that it also  
11 protects the critical wildlife resources of the species  
12 I mentioned earlier.

13 Criterion number four, I believe the application  
14 supports a score of ten out of ten points. I believe  
15 all three of the subcomponents of that criterion were  
16 addressed in the application on pages 197 to 198, and  
17 also 198 to 200, as well as the detailed study plans  
18 which were referenced in the application and are on  
19 file with the Division.

20 And finally on criterion number six, I believe  
21 that the application supports a score of ten out of 20  
22 points. Basically that both subcomponent 6(a) and 6(b)  
23 are five points. The application supports five points  
24 for each of those. I would be happy to address any  
25 specific questions or give you additional information.

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1 CHAIR BRISSENDEN: Thank you. Public comment on  
2 this grant application?

3 BRUCE BRAZIL: Bruce Brazil, California Enduro  
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4 Riders Association. I would like to guide you over to  
5 their cost and deliverable sheet for the vertebrate  
6 assemblages focus study. And one of their items on  
7 that is for vehicle maintenance. They've got \$46,000  
8 in there. They don't mention any vehicle, what they're  
9 going to do with it. Now, that \$46,000, that's more  
10 than some of the grants, total grants requests that  
11 other people have put in. I, for one, would like to  
12 see some sort of clarification as to what that money is  
13 going for.

14 Also, on the same page, for the staff amount,  
15 last year's grant, which this is a continuation of last  
16 year's, they only requested \$310,000 for staffing.  
17 This year it's jumped to \$396,453. If you go down to  
18 the bottom line, once again it's just for the  
19 vertebrate assemblages study, last year's total was  
20 \$400,000. This year is \$487,453. That's a 21.8  
21 percent increase for doing the same thing they were  
22 doing last year. I really don't think inflation has  
23 been that high this year. Thank you.

24 COMMISSIONER THOMAS: Before you go, give us the  
25 page numbers you're offering off of so we can track

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1 those. You say the face sheet.

2 BRUCE BRAZIL: Can I show you? You can pick the  
3 page you want.

4 COMMISSIONER THOMAS: Two of 17, research  
5 project.

6 OHMVR STAFF ROACH: Commissioner Thomas, it is  
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7 volume six, page 195.

8 COMMISSIONER THOMAS: Thank you very much.

9 CHAIR BRISSENDEN: Further comments?

10 JOHN STEWART: Good afternoon, Commissioners,  
11 John Stewart, California Association of 4-Wheel Drive  
12 Clubs, United 4-Wheel Drive Associations. I applaud  
13 the Forest Service for actually working and looking at  
14 studies and doing studies. I agree it's important.  
15 Especially where there is a direct impact or potential  
16 of a direct impact by an OHV activity on that species.  
17 That provides a nexus for putting OHV funds to work to  
18 study what the problem is.

19 With this particular twist of this request, is  
20 it takes it to the far side of something that is  
21 recently attributed or could have a reasonable nexus to  
22 OHV opportunity. In other words, the invertebrates, it  
23 could prey on them. Well, it's some kind of a twist of  
24 logic that something coming from the other side of the  
25 world could come around and now impact the particular

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1 species. I believe the connection to OHV activities is  
2 too far removed and therefore this is not something  
3 that should be funded through the OHV Trust Fund. If  
4 it is a study that is that important, the Forest  
5 Service has other venues through which they can come up  
6 with grant money to fund it. Let's get it into the  
7 proper category. The OHV Trust Fund is not that  
8 category. Thank you.

9 CHAIR BRISSENDEN: Thank you. Next.

10 BRENT SCHORADT: I'm Brent Schoradt with the  
11 California Wilderness Coalition, and I would like to  
12 show our support for this grant. I think it's  
13 particularly important to look at how off-road vehicle  
14 recreation is impacting a federally listed threatened  
15 species such as the Northern Spotted owl. I think the  
16 fact that we're looking at a threatened species that is  
17 listed under the Endangered Species Act warrants the  
18 higher score in category one, which would be protecting  
19 resources to avoid closure of OHV opportunity.

20 And I think as we're going through land resource  
21 management plan revisions throughout the state, as well  
22 as route designations, it's key to know how off-road  
23 vehicles impact our threatened species, and this  
24 information is going to be very important in terms of  
25 designating where motorized use is appropriate and

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1 where it's not appropriate. And I would argue that if  
2 we don't look out into the future and do these studies  
3 now, and we do designate routes and open up areas that  
4 would negatively impact the species in the long run, we  
5 are going to be worse off in terms of having to close  
6 areas because the species are negatively being impacted  
7 because we didn't plan for the future. So I think this  
8 research will allow us to plan for the future and avoid  
9 potential conflicts for the future.

10 And we would recommend full funding under  
11 category one. So that would be 30 out of 30. And also  
12 under category 2(a), it clearly states that the intent

13 of this study is to implement the information and use  
14 it to come up with future land management plans and  
15 wildlife plans. So because the information will be  
16 implemented and will be used, we recommend 25 out of 25  
17 under category two, which would be an additional 12  
18 points.

19 And then under category three, it states, there  
20 is a \$311,000 matching funds, and there's also  
21 collaboration, in-kind services from the U.S. Fish and  
22 Wildlife Service, so we give ten out of ten under  
23 category three; for a total new score of 78 out of a  
24 hundred. Thanks.

25 CHAIR BRISSENDEN: Thank you, next.

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1 KAREN SCHAMBACH: Karen Schambach, Public  
2 Employees for Environmental Responsibility, PEER. I  
3 support the funding at the levels and for the reasons  
4 described by the applicant. This project is one -- I'm  
5 not sure if this is the last -- this is the last of a  
6 series. We've already made the determination that it  
7 was appropriate to study these species and whether --  
8 the question is, you know, is there an impact by OHVs,  
9 and if so, what is it on these species. And, you know,  
10 we decided that several years ago that it was  
11 appropriate to spend the money to study them. We have  
12 quite an investment in these studies that I think we  
13 would protect by, you know, completing them. And it  
14 would be fickle to abandon them at this point. So,  
15 again, I won't go through the criteria. I agree with

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16 those given by the applicant. I think we -- I would  
17 encourage you to fund this and complete these. Thanks.

18 CHAIR BRISSENDEN: Thank you. Next.

19 JIM WEIGAND: Good afternoon, Commissioners,  
20 members of the Division and the public. My name is Jim  
21 Weigand. I'm the ecologist at the BLM California State  
22 Office. I was one of the original peer reviewers for  
23 this project, and I want to make sure that people know  
24 that I think that this was a very high-quality project.  
25 I think it's impressive that the Commission sponsored

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1 this work. I think it's incredibly important and  
2 relevant to making motorized recreation sustainable in  
3 California. This applies not only to Forest Service  
4 lands, but also to BLM lands that are found within the  
5 range of the Northwest Forest Plan and covers the range  
6 of the three species, Northern Goshawk, Pine Martin  
7 and Northern Spotted owl on BLM lands, as well.

8 In addition, there's another angle, and that is  
9 that as the BLM in Oregon is doing its route  
10 designation, the information from this study will be  
11 very important and useful in doing route designation on  
12 BLM lands in Oregon, as well that covers similar  
13 habitats. So I would like for the Commission to  
14 consider funding this and giving the grant application  
15 a higher score. Thank you very much.

16 CHAIR BRISSENDEN: Thank you. Next.

17 TOM TAMMONE: Tom Tammone. I'm going to have to  
18 agree with John Stewart on this. This is a very

19 important project, but perhaps it's something that the  
20 government should be funding on its own; however, if  
21 you look at the regulations, this does go along with  
22 the criteria, and I'm going to have to say scoring to  
23 staff recommendations. Thank you.

24 CHAIR BRISSENDEN: Any further comments?

25 Discussion from the Commission?

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1 COMMISSIONER SPITLER: I have a question for the  
2 applicant. Ms. Craig, can you address a couple of  
3 criteria here that I'm not sure about, demonstrated  
4 outcomes from prior projects that resulted in usable  
5 management information and other pertinent information  
6 such as fiscal accountability with similar grants,  
7 et cetera. I know this is the fifth of five years on  
8 this project, so maybe you can address those two items.

9 DIANA CRAIG: Yes, the first question you had  
10 was experience with other projects that have resulted  
11 in management.

12 COMMISSIONER SPITLER: Usable management  
13 information.

14 DIANA CRAIG: Usable management information. I  
15 guess I could address that in two ways. All of the  
16 researchers, the principal investigators of these  
17 studies have been involved in forest management and  
18 recreation management research that have actually  
19 resulted in forest use in management activities, and I  
20 can provide a list of references for that. For  
21 example, Bill Sylinski, the mountain researcher, has

22 done quite a bit of work. Ann Boles, who is our sound  
23 person, has informed many management decisions  
24 throughout the United States on sound issues -- effects  
25 of sound on wildlife, noise on wildlife. And then Pat  
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1 Manley, Dr. Pat Manley, who is doing our vertebrate  
2 assemblage study has done much work on monitoring  
3 strategies that have been implemented throughout the  
4 United States, as well. So from that piece, the  
5 individual researchers have experienced.

6 In addition, we have three full projects that  
7 have been completely dedicated to this project. Before  
8 that we were under Dr. Farrington's grants, but as  
9 OR--2-SW-24, 25 and 33 we've had, all of those have  
10 been given by the Commission. We definitely appreciate  
11 that. We've been managing those well and expending  
12 those out and billing them on time.

13 The information from those studies has -- we  
14 haven't been able to completely utilize the information  
15 in management because we were being responsible in a  
16 scientific manner to make sure that we had the studies  
17 in a place where they were statistically meaningful, so  
18 we didn't want to do that. But we were watching the  
19 studies and working with the researchers to make sure  
20 that if something of concern, management concern came  
21 up, we would implement those into our WHPS for each of  
22 the forests in addition -- as route designation was  
23 going through and format with the route designation  
24 process, not much has come up at this point in time.

25 We're now at a point where there is sufficient 167

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1 information in the studies, and the Martin study is  
2 done, that we're starting to inform the route  
3 designation process in reality, and you'll be seeing  
4 that information in designation and in next year's  
5 WHPS, be seeing some actual data coming out of that.

6 COMMISSIONER THOMAS: Question. Have you or any  
7 of your researchers published the results of this study  
8 or partial results?

9 DIANA CRAIG: No, I don't believe so. There has  
10 been some oral presentations at the Wildlife Society  
11 western section meetings, I believe, on the actual  
12 study itself that it was going forward and some of the  
13 study design features of the studies which all of these  
14 studies are state of the art. The researchers had to  
15 create ways to measure OHV use, to measure sound in a  
16 meaningful way, and to measure -- so anyway that piece,  
17 but the results themselves are not finished, and so  
18 they have not been published.

19 COMMISSIONER THOMAS: My concern is this, and  
20 this is not the first time I brought this up, but is  
21 there transference of information to those that would  
22 be interested and would use your information. I attend  
23 Wildlife Society meetings. I read posters. I  
24 understand this, and I have never received anything in  
25 my capacity as in this job, now that we've been funding 168

1 it for five years. I would be interested, and I  
2 brought it up before, if the Department of Fish and  
3 Game has peer reviewed any of your work so that the  
4 spotted owl expert at DFG who has spent his career  
5 working on spotted owl would benefit from this  
6 material.

7 And I may be completely wrong -- you'll correct  
8 me, I'm sure -- that we don't do a good job sharing and  
9 transferring biological information into both the  
10 actors who manage resources and scientific community  
11 who we collaborate with. Is that a fair --

12 DIANA CRAIG: That's possibly true in general  
13 for all wildlife studies. This particular one, I would  
14 have to look at the peer reviewers to see if Fish and  
15 Game was involved. But basically the strategy that  
16 we're going to be using, and, of course, if you wish us  
17 to do something different we can add that. For  
18 example, the Martin study is done. We're in the  
19 process -- the report will be finalized I would assume  
20 in the next month, and that is ready for prime time.  
21 It will be published as part of the scientific  
22 community, but we also wish to share that with the  
23 nonscientific public, in whatever manner that would be.  
24 We could give an oral report to this Division, the  
25 Commission, but the other piece of that is --

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1 COMMISSIONER THOMAS: Just send the paper. I

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2 sit down, read papers all the time.

3 DIANA CRAIG: Okay. We can send the paper. And  
4 then the information will be available to our peers at  
5 California Department of Fish and Game. We can also  
6 visit with them more so to make sure that they are  
7 aware of the information and use it. They haven't been  
8 engaged in this program that much. It has not been a  
9 priority for them.

10 COMMISSIONER THOMAS: Have you invited them?

11 DIANA CRAIG: Yes, we have.

12 COMMISSIONER THOMAS: And have you offered them  
13 funding to spend their time?

14 DIANA CRAIG: No, we probably haven't done that.

15 COMMISSIONER THOMAS: And the collaboration and  
16 management of wildlife in this state is certainly more  
17 than just the federal government, and we would hope --  
18 and I think some of my fellow committee members may  
19 remember I brought this up before.

20 So I don't know what else you can do except vote  
21 no on the grants to get attention to the idea, which we  
22 cooperate, which is hardly an exercise in cooperation.  
23 But we haven't been able to get the cooperation by  
24 bringing up the issue, and I wish you would have done  
25 more.

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1 Let me ask a more technical matter on this.  
2 There is \$150,000 in overhead -- or actually it's more  
3 than that, 80, 70 and 38, so that's almost \$190,000 in  
4 overhead -- administration it's called. What is that

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5 for?

6 DIANA CRAIG: That is for each of the -- it's  
7 the donated costs from ourselves, from each of the --  
8 we have the University of Washington, Humboldt State  
9 University, Pacific Southwest Research Station, and  
10 Hub Sea World are denoting all of their overhead costs,  
11 and that includes costs for the billing, for basically  
12 their phones, and computer time, and electricity and  
13 that sort of thing. You'll see grants typically are 20  
14 percent usually of that kind of thing.

15 COMMISSIONER THOMAS: I think you're billing us  
16 for them. That's what these sheets say.

17 DIANA CRAIG: That certainly is not the intent.  
18 I apologize if that's -- it's under the match category,  
19 I believe.

20 COMMISSIONER THOMAS: No, it's under other  
21 administrative costs.

22 DIANA CRAIG: Right, and then you see it pulls  
23 over, the subtotal is the costs, the match is what the  
24 match is, and the last category grant is what we're  
25 actually asking for. So that's a good question.

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1 The subtotal comes from up above. If you're  
2 looking at page 194 of 402, is that the page you're on,  
3 sir?

4 COMMISSIONER THOMAS: I was on the other, but  
5 that works, too.

6 DIANA CRAIG: You'll see that the costs up above  
7 are under contracts. So that total costs is all

8 contracts, what we're asking for. The administrative  
9 costs is part of the match.

10 COMMISSIONER THOMAS: I see.

11 DIANA CRAIG: There should be no -- we have no  
12 intent of asking for administrative costs, so there  
13 should be none in there. If there is, it is definitely  
14 a mistake, and I apologize.

15 COMMISSIONER THOMAS: I thought we had a policy  
16 on that.

17 DIANA CRAIG: Yes, I did not ask for any.

18 COMMISSIONER THOMAS: I think our policy  
19 prohibits us from spending, doesn't it? Don't we have  
20 a policy that says we're not going to spend  
21 administrative costs? I think staff will probably  
22 correct me.

23 DEPUTY DIR. GREENE: I believe it's ten percent,  
24 it was not above ten percent.

25 COMMISSIONER THOMAS: We have a ten percent cap.  
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1 Thank you. So it sounds like we're consistent. So  
2 these are predominantly subcontracted? For instance,  
3 are the contracts -- in the Gass hawk, we just have two  
4 contracts, but no staff. So that would all be  
5 contracted work.

6 DIANA CRAIG: Yes, so we send -- we have an  
7 agreement with Humboldt State University, and they do  
8 all of the staffing, yes.

9 COMMISSIONER THOMAS: Okay. And now in the next  
10 grant, which is -- what is it called, Studies and

11 Scientific Projects -- vertebrate assemblages. In the  
12 vertebrate assemblages we have, it looks like -- is  
13 that three federal staff and then Hub Sea World is a  
14 contractor?

15 DIANA CRAIG: Right. So the principal  
16 investigators for the wildlife portions of the study  
17 are with our reserve portion of the Forest Service,  
18 Pacific Southwest Research Station, and we're able to  
19 share funds fairly across borders. So that's why we  
20 dealt it that way. So those folks are doing the actual  
21 fieldwork for monitoring the wildlife, and then we  
22 would work with Hub Sea World to do the sound noise  
23 monitoring.

24 COMMISSIONER THOMAS: The \$46,000 for vehicles,  
25 that's a lot of money for maintenance.

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1 DIANA CRAIG: It's actually they -- that's the  
2 full costs for using. It's not just maintenance. It's  
3 actually obtaining the vehicle for use in the field.  
4 Usually, oftentimes they will try and borrow existing  
5 government vehicles. If those are not available, we  
6 rent them for the summer.

7 This is a very expensive project because we're  
8 looking at so many different species, and there is  
9 quite a bit of protocol, so there is a lot of field  
10 crew in this study.

11 COMMISSIONER THOMAS: Well, thank you. I'd like  
12 to see any copies of -- I'm not going to condition the  
13 grant, but it would be good administration for you to

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14 share the studies periodically with at least myself and  
15 there may be others on the Commission who are  
16 interested.

17 DIANA CRAIG: I'll do that.

18 COMMISSIONER THOMAS: I recently attended the  
19 Shasta Tehama Wildlife Society, and they announced the  
20 DNA work on the new species of fox that is located in  
21 the Plumas National Forest and adjacent to Lassen. And  
22 the amount of information in the community of a new  
23 species of fox is zero. People don't even know it's  
24 out there. That's the kind -- there seems, to me as  
25 somebody who is not immersed in biology, that there is

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1 absolutely -- no, there is a minimal amount of  
2 transference of the biological data that's occurring  
3 inside of these academic studies, and the policy people  
4 that are approving subdivisions and developing streams  
5 outside and within the habitat areas of these species.  
6 And you're not helping if you just keep the study to  
7 yourself.

8 DIANA CRAIG: I completely understand what  
9 you're saying, and we will definitely -- this  
10 information will be distributed far and wide since  
11 we've had so many people involved in the studies.

12 CHAIR BRISSENDEN: Other questions or comments?

13 COMMISSIONER SPITLER: I don't want to distract  
14 from this particular grant. It's a conversation for a  
15 different time, but I found that the information  
16 provided by the Los Padres on the implementation of

17 their wildlife habitat protection plan was extremely  
18 helpful. And at some point, I won't ask it of you now,  
19 but at some point I think it would be great for this  
20 Commission to receive reports like that from all of the  
21 forests, which to me shows how all of this funding that  
22 we spend on these studies and so on, and these habitat  
23 plans that we require applicants to complete, how they  
24 actually are implemented and affect management, and  
25 protect resources, and help sustain opportunities. So  
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1 at some point I'd like to have that conversation.

2 DIANA CRAIG: Okay. We will work on that.

3 COMMISSIONER McMILLIN: Were you asking that of  
4 their staff or Division staff?

5 COMMISSIONER SPITLER: No, of the Forest  
6 Service.

7 COMMISSIONER McMILLIN: But I would have kind of  
8 the same question. If this is the fifth of five years,  
9 and there hasn't been anything published, I agree  
10 wholeheartedly with Hal. It seems like analyst  
11 paralysis without anything coming out that people can  
12 use. I just feel like the forestry department has gone  
13 in the front door, the back door, and now they're  
14 reaching in the windows for money.

15 DIANA CRAIG: If I can just clarify, this would  
16 be the third full field season for these studies, and  
17 the preceding year -- I don't know that we've gotten  
18 five years of funding. We got some initial funding  
19 through Dr. Farrington's grant that first year to do

20 some preliminary work, but it was about a little over  
21 maybe \$200,000, so it wasn't enough to do the full  
22 studies.

23 COMMISSIONER McMILLIN: And I'm sure there's  
24 been ample justification when you go to submit the  
25 forms to collect the money, but I would like to see, 176

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1 and that's tomorrow's conversation, when we fund year  
2 two or three, there's some confirmation that year one  
3 and two had something tangible that came out of it  
4 without just, well, it's ongoing, it's ongoing, and  
5 it's ongoing, and we're not going to have anything  
6 until we're fully funded on year five.

7 DIANA CRAIG: There is some information in the  
8 application, if I could direct the Commissioners to  
9 page 202 of 402, where there are some summaries of what  
10 the studies have done. We have been very careful, for  
11 many reasons, to not release results since we didn't  
12 have results, and making sure that we had the  
13 appropriate sample size before we released something  
14 that is meaningful to the public. But there's  
15 definitely work that's been done, and we've tried to  
16 document that as we come before you each year. But we  
17 can definitely do a better job, and we can work on  
18 that.

19 COMMISSIONER THOMAS: The difference is you give  
20 us process and not -- I understand the scientific  
21 method doesn't encourage you to conclude until all of  
22 the evidence is in and years of peer review have

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23 occurred. But we are funding annually, and we would  
24 like to know at least indicators, at least  
25 understandings or directions where this work leads.

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1 DIANA CRAIG: And I completely understand that.  
2 I guess our reluctance has been that happened with the  
3 Northern Spotted owl original study, and the study  
4 actually got -- the researchers got frustrated and left  
5 the study because their preliminary results were  
6 questioned. So we're really trying to walk a balanced  
7 line here. However, we are making sure that if  
8 anything is indicated that we need to change our  
9 management with preliminary results, which, to be  
10 careful again, we have been watching for those  
11 indicators.

12 COMMISSIONER THOMAS: Hide-the-ball management  
13 is no substitute for communication. I understand the  
14 natural tendency to want to protect your data if you're  
15 going to be criticized for it; nevertheless, we still  
16 need to know what Gass hawks are doing and where they  
17 are located and what are the impacts, at least what  
18 you're finding the impacts may be.

19 DIANA CRAIG: We can do a preliminary report to  
20 the Commission for the next Commission meeting. That  
21 would not be a problem at all.

22 COMMISSIONER THOMAS: Or just periodic bulletins  
23 of what you're finding.

24 COMMISSIONER SPITLER: In the spirit of moving  
25 this conversation along, this has been, I think, a very

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1 helpful discussion. I do think that this grant  
2 warrants an increased score. I think these studies are  
3 very important. This is the final year of these  
4 multi-year studies, which are going to be instrumental  
5 in guiding the route designation process.

6 And some of the newer commissioners might not  
7 know the history on how we got to this point where  
8 we're doing these regional studies. We used to fund  
9 every year forest by forest wildlife monitoring plans,  
10 which really are an ineffective way, both in time,  
11 money, and ecologically to study wildlife. So in lieu  
12 of doing small grants to every forest to study  
13 wildlife, we started taking a regional approach through  
14 the regional office, and you are seeing the results of  
15 these now.

16 So I appreciate, Dr. Craig, all the work that  
17 you've put in. I think it's exciting. I think you're  
18 hearing the anticipation here. We're all ready to see  
19 the results of these studies. I do want to emphasize,  
20 again, this is the final year, and we will be getting  
21 some results and just in time for the route designation  
22 process, which was towards the goal of this effort.

23 On criteria one, I'll support the applicant's  
24 request for a score of 29 out of 30. I think it's  
25 really hard to -- I don't know how this grant could do  
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1 anything but protect OHV opportunity and protect  
2 resources. The whole purpose of the grant is  
3 protecting resources. I think we all know what happens  
4 when we don't take adequate measures to do proper  
5 management, particularly in regards to endangered  
6 species. The result is often elimination of OHV  
7 opportunity.

8 On criteria two, sustaining OHV recreation, I  
9 would support the applicant's request for a score of 24  
10 out of 25, again largely for the same reasons, that  
11 sustaining OHV opportunity is essential to know what  
12 species are out there and to guide management away from  
13 impacts to those species, particularly when failure to  
14 do so could result in closure down the road.

15 I won't address criteria three. Criteria four,  
16 demonstration of the proposed project study design  
17 contains project goals, objectives, methodologies  
18 pertinent to the research purpose. I've never heard  
19 anyone question the integrity or the professionalism or  
20 the research design here, and yet the score was only a  
21 five out of ten. I think the applicant notes that they  
22 have outcomes that are realistic and attainable,  
23 they've been reviewed by statisticians, the preliminary  
24 results have been analyzed. So I just can't see how  
25 that wouldn't receive a ten out of ten, and would so

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1 move that. And I don't know what that adds up to. I  
2 won't address criteria five or six.

3 OHMVR STAFF BELLUCCI: I believe that's 77.  
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4 COMMISSIONER SPITLER: That would be my motion.

5 COMMISSIONER THOMAS: Second.

6 CHAIR BRISSENDEN: So it's been moved and  
7 seconded to increase the score to 77. Any further  
8 discussion? All those in favor?

9 (Commissioners simultaneously voted.)

10 CHAIR BRISSENDEN: Those opposed?

11 COMMISSIONER McMILLIN: No.

12 COMMISSIONER PRIZMICH: No.

13 CHAIR BRISSENDEN: Motion carries. Last but  
14 perhaps not least.

15 OHMVR STAFF BELLUCCI: 42-P-83, Plumas National  
16 Forest requested \$56,000, received score of 45 and a  
17 funding determination of 40 percent or \$22,400.

18 FRED KRUEGER: Good afternoon, Commissioners,  
19 Fred Krueger from the Plumas National Forest. When  
20 this was initially scored and put on the Consent  
21 Calendar, we had agreed with that. It was removed by  
22 another party, I believe the California Nevada  
23 Snowmobile Association. We would concur still with  
24 staff recommendation.

25 CHAIR BRISSENDEN: Any questions of the

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1 applicant? Any further public comment?

2 JOHN STEWART: John Stewart, California  
3 Association of 4-Wheel Drive Clubs, United 4-Wheel  
4 Drive Associations. Just a little comment about these,  
5 when you start looking at classification of grants and  
6 whether they're appropriate. It's noted scientific

7 studies probably for the future should be looked at as  
8 conservation grants. We're looking to see how do these  
9 really have a true nexus for this non-CESA category.  
10 No, it looks like they're more into something that's in  
11 the conservation field. To that extent, I'd like to  
12 see about moving it into a different category in the  
13 future. And support staff on the scoring.

14 CHAIR BRISSSENDEN: Thank you. You had a  
15 question for the applicant, Commissioner Thomas?

16 COMMISSIONER THOMAS: Yes, where exactly is the  
17 original application in our material?

18 FRED KRUEGER: I'm sorry, unless Mardi can help  
19 me. Sorry, I realize it's quick for you, Mardi. I do  
20 not know the page number.

21 OHMVR STAFF PEREZ: Volume six, 215.

22 FRED KRUEGER: Thank you, Vicki.

23 COMMISSIONER THOMAS: That's the total project.  
24 How about the individual scientific research grant?

25 FRED KRUEGER: It's alphabetical, I know that.

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1 I believe it's towards the back of our application.

2 OHMVR STAFF BELLUCCI: The PCD is on page 269.

3 FRED KRUEGER: Thank you.

4 COMMISSIONER THOMAS: All right. Noxious weed,  
5 that's yours. And what is your logic for finding that  
6 your application doesn't rise above a 45 scoring?

7 FRED KRUEGER: I met with the ecologist on the  
8 forest at the initial scoring, and the individual  
9 assured me that they could continue on with the

10 research and do this. It's a short-term study with two  
11 objectives that would look at an association between  
12 invasive weed species and OHV routes. In other words,  
13 having OHVs carry or bringing invasive weed species  
14 into the routes, as well as identifying potential  
15 routes or possible routes that would pose greater risk  
16 for the weeds to be carried in that way. And the  
17 individual guaranteed me that the match of \$10,000,  
18 which is from the USFS would remain the same. So the  
19 individual was okay with the amount being recommended  
20 by staff.

21 COMMISSIONER THOMAS: But if this amount, given  
22 the shortage is not funded, there would be a zero  
23 amount, right? Staff is recommending 45 points. Do I  
24 have the right -- this is number 81.

25 FRED KRUEGER: Right, but there is a score of 183

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1 40.

2 COMMISSIONER THOMAS: Right, ultimately if we  
3 don't fund anything under 65, you're content with  
4 basically zero funding from the Commission?

5 FRED KRUEGER: I understand that. It's just  
6 that when the first cut was made, we didn't know where  
7 the cut line was, et cetera, so.

8 COMMISSIONER THOMAS: Nobody does.

9 FRED KRUEGER: Right.

10 COMMISSIONER THOMAS: It's a totally fair  
11 process, we're all in the dark.

12 FRED KRUEGER: And very competitive, and we  
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13 understood that going in and just had to see where the  
14 cards fell.

15 COMMISSIONER THOMAS: Then I won't bother to  
16 understand this any further. Thank you.

17 CHAIR BRISSENDEN: I can't believe you won't  
18 bother to understand anything further. It's not like  
19 you. It must be the end of the day.

20 Motion and second, all those in favor?

21 (Commissioners simultaneously voted.)

22 CHAIR BRISSENDEN: Opposed? Motion carries.

23 (Reporter interrupted for clarification.)

24 COMMISSIONER THOMAS: I think I made the motion,  
25 and that's okay. I'm backfilling for you. I think Mr.

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1 Thomas made the motion and Mr. Spitler made the second,  
2 if I remember correctly. We can do it all over again,  
3 whatever the Chair wishes.

4 COMMISSIONER McMILLIN: We can start over. I'll  
5 make a motion we accept staff's recommendation on that  
6 particular grant.

7 COMMISSIONER THOMAS: I'll second that.

8 CHAIR BRISSENDEN: It's been moved and seconded.  
9 Thanks for backtracking here. All those in favor?

10 (Commissioners simultaneously voted.)

11 CHAIR BRISSENDEN: Opposed? Motion carries.

12 That ends the review of grants. Thank you for  
13 your patience. We especially thank the staff, all of  
14 the agencies, and a special thanks to our staff for  
15 putting up with this process and contributing so

16 mightily to this process. And I want to wish Kelly a  
17 wonderful baby, and Larry a great new career and many  
18 riding opportunities.

19 And the rest of you, we had discussed doing a  
20 honing of criteria today, but I think we can hold that  
21 off to public comment tomorrow, if everyone here at the  
22 Commission and staff level is fine with that, during  
23 the public workshop after the fuel tax debriefing.

24 I know Bruce wanted to comment, but, Bruce,  
25 you're usually here anyway. I know you had some

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1 thoughts on the area.

2 MEMBER OF THE PUBLIC: Criteria also applies to  
3 today's grant.

4 CHAIR BRISSENDEN: If you want to make some  
5 final remarks. Since I cut you off earlier, I will  
6 allow that.

7 BRUCE BRAZIL: Can I have my four minutes?

8 CHAIR BRISSENDEN: Don Klusman, you have some  
9 final remarks?

10 DON KLUSMAN: I have a question of the  
11 Commission. Are we going to be able to see the cut  
12 line as we've seen in the other grants that we did in  
13 December?

14 VICE-CHAIR ANDERSON: You want that heartburn,  
15 do you?

16 DON KLUSMAN: Yes, I do.

17 COMMISSIONER THOMAS: You might ask the staff  
18 that question.

19 DEPUTY DIR. GREENE: We will try to make that  
20 available as soon as possible. We just have to  
21 cross-check the numbers as we did last time. So that  
22 took about 24 hours. We had it on the website that  
23 following Monday.

24 COMMISSIONER THOMAS: Can we have the uncrossed  
25 check version?

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1 CHAIR BRISSENDEN: I don't think that would be  
2 fair.

3 COMMISSIONER THOMAS: I thought we did last  
4 time. We actually had a tentative, and it was  
5 announced that it was tentative.

6 DEPUTY DIR. GREENE: We will do our best to try  
7 to see if we can get it for you by tomorrow.

8 CHAIR BRISSENDEN: So possibility of tomorrow,  
9 otherwise Monday. Thank you.

10 So your four minutes of less than fame.

11 BRUCE BRAZIL: Thank you. Bruce Brazil,  
12 California Enduro Riders Association. In going through  
13 all of the grant requests from the Barstow BLM, I found  
14 there seemed to be some repetition in some of the  
15 requests. Under safety and education and trail  
16 maintenance, which are for the whole jurisdiction, for  
17 their route markers and kiosks and supplies to assemble  
18 them, which total up to over \$70,000 for those two, and  
19 then in their local, like Afton Canyon restoration,  
20 they've got kiosks, they've got signing; Edwards Bowl  
21 restoration, kiosks; Juniper Flats restoration, kiosks,

22 regulatory signs. What I'm showing here is they  
23 seem -- there may be some duplication of signing and  
24 kiosks requests, and we're talking over \$60,000,  
25 \$70,000. Just like to have possibly when staff does

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1 the final review, to go through that and maybe clarify  
2 if these are duplicates. Thank you.

3 CHAIR BRISSENDEN: That's a fair discussion.

4 BRUCE BRAZIL: Thanks for giving me the extra  
5 time.

6 CHAIR BRISSENDEN: So without further ado, if  
7 everyone is okay, we will be back here at 9:00 in the  
8 morning.

9 VICE-CHAIR ANDERSON: You opened the floor.

10 CHAIR BRISSENDEN: You really want to hear from  
11 Mr. Stewart.

12 COMMISSIONER THOMAS: I don't necessarily, but I  
13 respect his right to make the statement.

14 CHAIR BRISSENDEN: I opened it because I cut off  
15 Mr. Brazil earlier and said that we would have some  
16 remarks and discussion at the end of the day. And I'm  
17 feeling a little burnt myself and thought it would be  
18 more refreshing to do it tomorrow.

19 Will those comments still be available and  
20 pertinent tomorrow? Thank you. Thank you all. We're  
21 in recess.

22 (Proceedings adjourned at 3:38 p.m.)

23 Respectfully submitted,  
24 Cheryl Kyle

2007-26-01

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