

STATE OF CALIFORNIA
OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION
MEETING MINUTES SYNOPSIS - APPROVED

December 2, 2010

Red Lion Hotel
The Sierra Room
1401 Arden Way
Sacramento, CA 95816

IN ATTENDANCE:

OHMVR COMMISSIONERS:

Gary Willard, Chair
Eric Lueder, Vice Chair
Brad Franklin
Kane Silverberg
Paul Slavik
Stan Van Velsor

CALIFORNIA STATE PARKS OHMVR STAFF:

Daphne Greene, Deputy Director, OHMVR Division
Phil Jenkins, Chief, OHMVR Division
Tim La Franchi, Legal Counsel, OHMVR Division

OTHER OHMVR STAFF AND REGISTERED VISITORS

1 **AGENDA ITEM I - CALL TO ORDER**

2 Chair Willard called the meeting to order at 9:34 a.m.

3 **AGENDA ITEM I(A) - PLEDGE OF ALLEGIANCE**

4 Commissioner Silverberg led the meeting attendees in
5 the Pledge of Allegiance.

6 **AGENDA ITEM I(B) - ROLL CALL**

7 Six Commission Members were present at time of roll
8 call.

9 **AGENDA ITEM II - APPROVAL OF AGENDA**

10 CHAIR WILLARD: Motion to approve today's
11 agenda.

12 COMMISSIONER LUEDER: Make a motion to approve
13 today's agenda.

14 COMMISSIONER SILVERBERG: Second.

15 CHAIR WILLARD: All those in favor?

16 (Commissioners simultaneously voted.)

17 CHAIR WILLARD: Motion approved.

18 **AGENDA ITEM II - APPROVAL OF MINUTES**

19 CHAIR WILLARD: Normally we would approve the
20 minutes of the last meeting at this point, but we have
21 not received them yet, so we will do that at our next
22 meeting.

23 If you'd like to make comments on either a
24 business item or at our 11:00 a.m. open public comment
25 meeting, please fill out the forms, submit them to the

1 desk over here. We will get them and at the
2 appropriate point we'll call your name. Please keep
3 your comments to the specified time limits of two
4 minutes for individuals and four minutes for an
5 organization.

6 **AGENDA ITEM III (A) - REPORTS - Commission**

7 CHAIR WILLARD: Commission reports,
8 subcommittees reports?

9 COMMISSIONER SLAVIK: Stan and myself are on the
10 Education Subcommittee, and we're going to meet
11 afterwards. So there will be a meeting of the
12 Education Subcommittee, and I believe it's okay for
13 other people to attend if they so desire.

14 CHAIR WILLARD: This will be a short meeting
15 today. The primary reason for this meeting is to get
16 the 2011 Report finalized and approved by the
17 Commission so it can be submitted by the due date,
18 which is the end of the year.

19 I did receive a letter from the Western San
20 Bernardino County Landowners Association and a long
21 list of other signatories to the letter. And it
22 regards signage on vehicles, identification numbering.
23 And so I think what we'll do is we will have this as a
24 business item for our next meeting, the first meeting
25 of next year. Other than that, I think that's it on

1 Commission reports.

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3 **AGENDA ITEM III (B) (1) - DEPUTY DIRECTOR'S REPORTS**

4 DEPUTY DIR. GREENE: Good morning,
5 Commissioners, members of the public, nice to see
6 everybody here again today. We had a very quick five
7 weeks since our last Commission meeting that included
8 Veteran's Day as well as the Thanksgiving holiday. So
9 it's been a very quick turnaround, and my apologies on
10 our meeting minutes. We'll certainly have them for you
11 at our next meeting.

12 Given that it's been that quick amount of time,
13 I will say it's been very active out at the SVRAs as we
14 start to go into just a very busy time period.
15 Holidays are always a time that everybody comes out,
16 and so the parks have just been buzzing. So any time
17 any of you want to come out, please do so and come join
18 us.

19 Some of the big issues that we're just going to
20 focus on today, as always, grant update, as well as the
21 public safety update, and also right now I'm going to
22 ask Connie Latham, who many of you know we are in the
23 middle of the EIR process for the motorized snow
24 program, so I would like for Connie to give us an
25 update.

1 STAFF LATHAM: Connie Latham with OHV. Good
2 morning, Commissioners. I'm really happy to give you a
3 quick update on the Over Snow Vehicle Program,
4 Environmental Impact Report. Just to let you know the
5 45-day public comment period for the draft EIR ended on
6 November 21st. We received comments from one
7 individual and four organizations. Currently, we're in
8 the process of evaluating and responding to those
9 comments to the draft report. Based on further
10 examination, it's our schedule to come to a decision on
11 the EIR itself the later part of December is what we're
12 looking at right now.

13 We also know with all of the recent snow that's
14 been going on, that there's a lot of angst out there
15 with the forests, with the recreationists and such.
16 The forests have been getting phone calls. Our program
17 manager has been getting lots of calls. We are really
18 trying to facilitate this process as quickly as we can,
19 but we want to make sure we have a sound document in
20 this process. That's where we're at. Put it back to
21 you for questions.

22 CHAIR WILLARD: That's great. I would urge that
23 we get this finalized as soon as possible. I know
24 there's a lot of people out there that are dying to go
25 have fun in the record amount of snow that we've got,

1 but more importantly the groomed trails do serve for
2 convenient and fast access to the back country, so when
3 there is an emergency response, people use those new
4 trails to get out and help people. And with the
5 holidays coming up, people are still going to go out,
6 and then the local emergency response people really do
7 rely on those groomed trails to get out there. So
8 anything that you guys can do to expedite the process I
9 know would be in their most best interest, but I
10 understand we need to get it done right.

11 STAFF LATHAM: Absolutely.

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13 **AGENDA ITEM III (B) (2) - DEPUTY DIRECTOR'S REPORTS**

14 DEPUTY DIR. GREENE: Sixto Fernandez, the grants
15 manager, isn't able to be with us today, so Kelly Long
16 is filling in for him.

17 STAFF LONG: Good morning, Commissioners. My
18 name is Kelly Long with the Division. Since your last
19 meeting, there are basically two items of interest with
20 the grants program, the first being the proposed
21 regulations which we discussed at the last meeting.
22 Those were delivered to the Office of Administrative
23 Law on November 22nd. That office now has 30 working
24 days to review and approve those changes, and barring
25 any unforeseen issues we expect those revised

1 regulations will be approved the first week of
2 January in time for the upcoming grants cycle.

3 The second item is related to that upcoming
4 grants cycle, and that would be the workshops that the
5 grants team always does in advance of the grants cycle.
6 These workshops are held for returning and prospective
7 applicants, and we have secured some locations for them
8 and dates. The first workshop will be held in
9 Sacramento on January 10th and 11th, actually going to
10 be here. And the second set will be January 12th and
11 13th in Ontario, and that is down at the DoubleTree, I
12 believe. So we're going to be posting a notice with an
13 agenda for the workshops on the Division website very
14 soon, and also sending out a mass e-mail as well
15 announcing that and soliciting as much input as we can.
16 So with that, that's where we are at with the grants
17 program. If you have any questions.

18 COMMISSIONER SLAVIK: Kelly, are those two
19 dates, the 12th and 13th in Ontario, is that the same
20 workshop for each day or is that consecutive?

21 STAFF LONG: The first day is basically going to
22 be a half day, and it will be an introduction to our
23 Online Grant Application System, OLGA, and that's going
24 to be geared more towards people that haven't used it,
25 participated before. And then the second day will be a

1 full day where we go over the requirements to apply,
2 how to apply, discuss the individual project types,
3 that sort of thing. That will be more general to
4 everybody, so you're not required to attend both days.
5 So we're going to make that quite obvious when we send
6 out that agenda, as well.

7 COMMISSIONER FRANKLIN: So it's a day and a
8 half.

9 STAFF LONG: Yes.

10 DEPUTY DIR. GREENE: The key is that we're
11 always trying to make sure that we are putting the word
12 out about the program to those applicants who may not
13 know about it. The past couple of years, I know that
14 John Pelonio, and I'm not sure who else has been
15 working with Native American tribes because they had
16 expressed some interest. We were trying to reach out
17 to those communities, as well as nonprofit
18 organizations, and education institutions. If you may
19 know of any, please make sure you send them to the
20 grants team.

21 Loren Rex.

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23 **AGENDA ITEM III (B) (3) (a) - DEPUTY DIRECTOR'S REPORTS**

24 OHV STAFF REX: Good morning, Commissioners,
25 members of the public. I'd like to present for the

1 public safety report just an update on the Pacific
2 Crest Trail, specifically in the Tehachapi and Rosamond
3 area. We've been getting a lot of input from members
4 of the public that there needs to be some additional
5 enforcement and outreach in that area. We've been
6 working with other agencies, and this is just a very
7 brief overview of that issue.

8 So the Pacific Crest Trail is a trail that runs
9 from the Mexico border all the way to Canada. It's
10 primarily a hiking and equestrian trail, and it's one
11 of the more famous hiking trails in the Pacific
12 Northwest. The area of interest that we're talking
13 about is Southern California in the high desert between
14 Rosamond and Tehachapi. If you look on the map, the
15 yellow pinpoint is the town of Rosamond, and just
16 northwest of there is a marker denoting Bean Canyon.
17 And for the enthusiasts, there's a lot of private land
18 with motorcycle tracks in that area. Due to the
19 terrain, this is a very popular place to ride. The
20 issue that we're seeing is having a riding area that
21 close to the Pacific Crest Trail, which is the trail
22 outlined in red, there is some interactions and
23 excursions from riders on the trail.

24 So the red mark, though, shows the beginning of
25 Bean Canyon area, and it's a high desert area and it's

1 somewhat of a wash. I'll give you some more close-up
2 photos to show the terrain, but it's an area where
3 there's not a lot of paved roads there. The area shows
4 paper roads on the maps, but when you get out to the
5 actual area, a lot of the roads are impassable due to
6 nonuse or non-maintenance of the roads. So this part
7 of the desert is quite remote.

8 One of the major issues is the ownership of the
9 area. One of the common problems is that BLM has this
10 checkerboard ownership, as well as private ownership.
11 You can see the squares that are in orange are owned by
12 BLM, Portland Cement Company has quite a few end
13 holdings, and there are a lot of chopped up small
14 parcels. There are a number of private people that are
15 motorcycle enthusiasts that actually buy parcels to be
16 able to get out and camp there and ride there. The
17 issue is that with no signage or no markings, it's hard
18 to tell where you are on what piece of property if
19 there is no fencing being marked. So this is Bean
20 Canyon close-up. It's not in the Tehachapi Mountain
21 Range itself, but kind of in the lower foothills and
22 has some interesting terrain that makes it nice for
23 motorcycle riding.

24 So going out to the area, there are a number of
25 spots that are posted no trespassing, private property,

1 and you can see people riding over there have developed
2 courses and tracks in that area. Because of the
3 checkerboard ownership and the lack of signage, it's
4 really hard for the riders, as well as the law
5 enforcement, to really know where they are at any one
6 point. So we're letting the public know that this is
7 not the place to ride. If you're not on your own
8 private property or you don't have permission from the
9 owner, this is not the place to ride. And we're giving
10 them options in proximity where the closer places to
11 ride are, Dove Springs/Jawbone, Spangler.

12 After meeting with multiple agencies, it was
13 determined that we really had to have a high profile
14 statement that we were going to take care of the
15 trespass issue on the PCT and the illegal riding.
16 These are some photos from the Easter week in
17 operation. During the operation, the partnership with
18 U.S. Forest Service, BLM, and the OHV Division had
19 officers out there on the trail and in that Lower Bean
20 Canyon area where the majority of people stage and
21 camp, talking to people, informing them of what the
22 legal areas to ride are.

23 Saturday we actually had spotted two riders on
24 the Pacific Crest Trail and weren't able to contact
25 them just due to the terrain. And then on Sunday we

1 actually had a pair of officers on the trail, and three
2 individuals who were riding on the trail, the officers
3 tried to get them to stop, they turned around and fled
4 the officers, and we actually had the helicopter on
5 site, which it's really hard to run from a helicopter,
6 and they were actually arrested. They were cited for
7 the federal violation of riding on the Pacific Crest
8 Trail; and then also arrested for evading and resisting
9 an officer; and PC 415, disturbing the peace. In
10 addition to the criminal charges, they had their bikes
11 impounded and had to pay some impound fees to get their
12 bikes back out. Actually, the charges they were
13 arrested on were dropped by the district attorney, but
14 the federal fines and the towing penalties were still
15 upheld.

16 Some of the issues that we deal with in this
17 area, there are a lot of competing land uses. Unlike
18 the pristine pictures of the PCT, where you see a
19 single track trail going through a beautiful mountain
20 area up on the ridge or through a rainforest, this goes
21 through some very industrial areas. You can see in
22 this picture of a wind farm, you can see some of the
23 service roads in the area. There's also quite a bit of
24 open pit mines in the area, as well.

25 This is kind of a bigger view of that area. You

1 can see the trail goes along the ridge and then winds
2 down into one of the paved county roads. All along
3 that ridge is a wind farm with service roads. So with
4 the lack of the signage on the roads, that's causing
5 some problems because some people go up on service
6 roads and then end up on the Pacific Crest Trail. I
7 think the Forest Service has noted that, and they're
8 working using seasonal crews to improve the signage on
9 the trail.

10 And this is where the trail meets Highway 58,
11 and then it goes along Highway 58 for quite a while,
12 and then cuts back up in the mountain, and then gets
13 out of the industrial area. But in this area in
14 particular, there's a lot of access to motorized
15 vehicles. You can see this is the Pacific Crest Trail
16 in this area. So one by looking at it might think it
17 might be a service road, if you didn't see good signage
18 on it. You can see the sign on the left says there are
19 no motorcycle or ATVs allowed, but it doesn't let you
20 know whether or not a vehicle is allowed because it
21 looks like it's a road. The sign on the right also
22 shows that there are no motorcycles, ATVs, or vehicles
23 allowed, but you can tell that it's been used as an
24 access road with all of the tracks on it. So in this
25 area, signage is a must, to have good signage.

1 Proposed solutions, educate the public on what
2 areas are open to OHV use, and I think they have been
3 doing that with the fliers. We're continuing to have
4 officers out on the ground, making contacts, and
5 talking to people before they're off on the PCT, and
6 talking to them when they're in their camps; look at
7 improved signage and continuing to put signage on the
8 PCT; and definitely the law enforcement presence is a
9 must.

10 The partnerships, the PCT is managed by the
11 U.S. Forest Service, and they get a lot of help from
12 the BLM because they have so much surrounding land.
13 Kern County has been getting a lot of kudos from the
14 private landowners for being more responsive to taking
15 care of vehicle trespasses in the area. The Division
16 is supporting that process with grants, as well as
17 people on the ground and working with nonprofits and
18 volunteers. It's going to be critical to bring the
19 whole community together to deal with this problem.
20 Was there any questions?

21 COMMISSIONER SILVERBERG: Loren, thank you for
22 that. And why did the DA drop those charges?

23 OHV STAFF REX: I had a call in to the DA to get
24 her specific reasoning. From talking to the sheriff's
25 department, the fact that there's federal charges as

1 well as the tow fees and being arrested and going to
2 court, from what I heard they felt that was a pretty
3 serious penalty already. But I don't want to speak for
4 her.

5 CHIEF JENKINS: Also, it's more or less the norm
6 in law enforcement that throughout my career, no matter
7 what jurisdictions I've been in, and I've worked in
8 jurisdictions from Oregon border down to the Mexican
9 border, every jurisdiction I've been in universally, if
10 you write somebody up for three or four things, they're
11 going to go into court and no matter how strong your
12 case is, they're going to drop something. They always
13 do. That's the process. You get in there, you can
14 have this prolonged court battle over trying to punish
15 them on all these things, or they'll say, okay, we will
16 take the ticket and dismiss this. And so it looks as
17 though -- I didn't talk to the person individually --
18 but when I saw the results of this, that's like pretty
19 much the way these things are typically done. So I
20 don't think anything was done out of the ordinary.
21 It's just the way that business is handled by DAs.

22 So if we continue to go look at the area,
23 continue to have problems, and then work with the DA to
24 explain what it is we're trying to do, we might see
25 some differences. But for the first time out of the

1 gate and given that they could have come in and shown
2 their side of the case and drawn the whole thing out,
3 like I said, it's not surprising the way it ended up.

4 COMMISSIONER LUEDER: Thank you, Loren, for that
5 report. I was just wondering if you have any
6 information on how this is managed in other states as
7 far as Oregon and Washington; this can't be an isolated
8 incident on the PCT. And if the Forest Service has in
9 their management plan any kind of law enforcement
10 component that would address this.

11 OHV STAFF REX: We've talked to Ed Boyes from
12 the Forest Service, and I don't believe it's been as
13 much of an issue because the type of trail the PCT goes
14 through in Oregon and Washington is not the wide open
15 deserts that we have here, but a much more confined
16 area with no nearby motorcycle or OHV-type activity.
17 So I haven't heard that they have any, but I would be
18 happy to follow up with her and get that information.

19 COMMISSIONER LUEDER: I also noticed on one of
20 those signs mountain bikes are not allowed, and I'm
21 just wondering what type of impacts they would have
22 with mountain bike intrusion because I'm sure in other
23 areas mountain bikes would be an issue.

24 OHV STAFF REX: I think in other areas,
25 especially in some of the more single track scenic

1 areas, they probably would deal with that quite a bit.
2 And I can definitely call and get you that information.

3 COMMISSIONER LUEDER: That would be great. I
4 think it's important to note while this is obviously a
5 serious problem, that we're not the only user community
6 that may be intruding on this trail and that we need to
7 look at it holistically and see what kind of
8 enforcement is needed to make sure that all communities
9 are following the law. So if you could follow up, I'd
10 appreciate it.

11 COMMISSIONER VAN VELSOR: Thanks, Loren. Do you
12 have a sense of who the folks are that are causing
13 illegally riding on the trail? Is it local folks
14 generally? Is it people from outside the community?
15 Do you have a sense of that?

16 OHV STAFF REX: No. In talking to the officers,
17 anecdotally they think there is a lot of people that
18 come from the greater Los Angeles area up to that area
19 to ride. So the education effort that we're looking at
20 is actually not focused on the local area, but looking
21 at hitting the area where the people are coming from,
22 as well as some of the gas stations or other areas that
23 we know they're going to be using for that type of
24 recreation to try to pinpoint those areas to get the
25 message across. With the three individuals that were

1 arrested, they were from that general area, so I think
2 we probably have a mix.

3 COMMISSIONER SLAVIK: They had to get in a truck
4 to drive.

5 OHV STAFF REX: I think the outreach effort is
6 definitely going to be a broad area rather than just
7 focus on the local Rosamond, Tehachapi.

8 COMMISSIONER SLAVIK: Thank you for that report.
9 And having ridden there myself years ago, it's nice to
10 see the area is still there and not all houses or
11 something else. It's an attractive area, that's why
12 people go there. Am I correct in the assumption that
13 there is no legal riding unless you have permission
14 from a landowner or you are a landowner in that area?

15 OHV STAFF REX: That is correct. There is no
16 legal opportunity on public lands.

17 COMMISSIONER SLAVIK: So anybody that wants to
18 ride an off-road vehicle has to go a pretty good
19 distance to ride. It seems like we're kind of in a
20 quandary here. It's an attractive area. There isn't
21 any opportunity. So to send people, what, maybe an
22 hour away to the next legal riding area?

23 OHV STAFF REX: Dove Springs/Jawbone, and then
24 over to Hungry Valley would be the closest area.

25 COMMISSIONER SLAVIK: I'm just trying to put

1 this thing in context.

2 The other question I have is how many people are
3 we talking about there are on a given weekend? Are we
4 talking about dozens of people or hundreds of people or
5 anything like that?

6 OHV STAFF REX: Just recently, the Thanksgiving
7 weekend, we had officers out there. They contacted 35
8 to 40 people, and I think there were two citations.
9 It's not a large number of people, but with the weather
10 changing and coming into a more moderate climate, we
11 are going to get more people out there, but it's not
12 hundreds and hundreds of people by any means.

13 COMMISSIONER SLAVIK: 35 to 40 on a weekend for
14 a remote area seems like a pretty good number.

15 OHV STAFF REX: Yes.

16 DEPUTY DIR. GREENE: So on that note, I think
17 that concludes Deputy Director's reports, and back to
18 you, Chair.

19 //

20 **AGENDA ITEM III(C) (1) - BLM REPORT**

21 CHAIR WILLARD: Great. Can we please have the
22 BLM report?

23 JIM KEELER: It's good to be up in front of you
24 guys again. I'm Jim Keeler, BLM, California State
25 Office, and I hope I'll be here for quite a while more.

1 With only five weeks from the last meeting, we
2 don't have a very significant report to give you in
3 size or in scope or even in completeness, but I did
4 pass out a written version of it today. On the other
5 hand, I think that there is at least one item in there
6 that is pretty significant, so I brought my boss,
7 Karla Norris, along to help me address the Mojave
8 Desert racing issue.

9 So we have a news release on that. That's in
10 the back of the report that I prepared, and we're
11 prepared to answer what questions we can at this point.
12 Just going through this really quickly, the Imperial
13 Sand Dunes RAMP, they're in the middle of processing
14 more than 6,000 comments that were received on the
15 draft, so they don't have yet a projected completion
16 date on the final version of that document. So what
17 we're doing right now is reading through the comments,
18 preparing responses to them, and then they'll take all
19 of that and reprogram it into the next version of the
20 plans.

21 The Imperial Dunes use has been down pretty
22 significantly this year. We're thinking, again,
23 probably the recession and things have really tapered
24 off people's ability to do big trips like that.
25 Halloween, we had 75,000 visitors. Thanksgiving, we

1 had 150,000, which again is smaller than normal. But
2 we did notice that even proportionally our medical aids
3 and fatalities are both down now. So we're hoping that
4 some of the messaging and work we're doing to promote
5 more responsible riding out there has been somewhat
6 successful.

7 Also, with the last generation of the permits
8 that we're distributing, we've been encouraging people
9 to get them over the Internet so that they don't hold
10 up traffic and make a big collection and enforcement
11 effort as part of the whole chaos of all of the people
12 riding. So we're up to 90 percent now of the people
13 who came for Thanksgiving had pre-bought their permits
14 on the Internet, so we're really happy with that.

15 Barstow, I don't have all of their numbers, but
16 Thanksgiving weekend, one of our big issues in the
17 desert is how many things happened to us on one
18 weekend. So Barstow focused most of the BLM staff up
19 in Dumont Dunes with one ranger to cover the southern
20 area, and San Bernardino County helped a great deal at
21 El Mirage and also at Stoddard Wells. At Dumont, we
22 had also from Needles Field Office, Las Vegas Field
23 Office, National Parks Service, and several other
24 entities, we had three teams of medical staff EMTs, so
25 we had full-time coverage, and they were on patrols

1 when they weren't actually responding to medical aids.
2 They actually had a total I think of 27 medical
3 incidents, two of which were just released on their own
4 against medical advice, but essentially they took care
5 of themselves, but only five that had to be transported
6 out, and no fly-outs. That was a pretty good weekend
7 for them.

8 Also, I've started getting updates now from
9 Friends of El Mirage and Friends of Jawbone, so we'll
10 be sticking those in. There is a fairly comprehensive
11 little summary of what both of those organizations did
12 as part of the Barstow and Ridgecrest reports, so those
13 are, I think, worth noting.

14 And then on the Johnson Valley incident, on
15 November 19th, California BLM issued several documents
16 about the incident during the off-road race in Johnson
17 Valley near Victorville that occurred on August 14th,
18 2010. The accident resulted in eight spectator
19 fatalities. The main document that we published -- and
20 there are several of them up on the web now -- was an
21 internal report, and there is a copy on the back of
22 this of a press release. I have copies of the report
23 if people want to have it, but it is available on the
24 Internet, and I'll let Karla speak to any of the
25 information about where we are and take questions if

1 you have some. Thank you very much.

2 CHAIR WILLARD: Thank you, Jim, and welcome
3 back. It's really great to see you're doing well.

4 CARLA NORRIS: Thank you. I'm glad to have him
5 back, too. My first comment is I want to let you all
6 know, as you probably read in the police report, that
7 the California Highway Patrol is actually investigating
8 the accident itself. Our internal investigation was
9 only on the process, procedures, and regulations. So
10 we do not have the California Highway Patrol report
11 yet. We keep hearing it's going to come out, but they
12 won't be sending it to us. They'll be sending it to
13 the district attorney's office first. So we can't
14 really place blame, culpability, or liability until
15 that report is received.

16 What I will say is that this report does contain
17 information on our internal processes and procedures.
18 Those were not followed. I cannot guarantee that if
19 they had been followed this accident would not have
20 happened. There are four parties responsible whenever
21 we have an event like this, there's the BLM, there's
22 the proponents, the promotor, there are the
23 participants and the spectators. And unfortunately
24 this came together in a very bad confluence all at one
25 time, and it resulted in some tragic deaths.

1 What I am saying is that this report is saying
2 we are going to tighten our internal controls,
3 procedures, and policies. We're going to ensure that
4 those are followed so that we can, to the best of our
5 ability, ensure public safety. So I'm open for
6 questions.

7 CHAIR WILLARD: In the press release, it makes a
8 statement that since the accident four special
9 recreation permits applications have been denied. Can
10 you tell us who the applicants were or the type of
11 applicants? Were any of them not-for-profit race
12 promoters? Were any of them clubs?

13 CARLA NORRIS: I don't believe any of them were
14 clubs, and they were all motorized. And what they were
15 denied for, one of them came in like 13 days before the
16 event, one of them didn't have an operating plan. So
17 there were various reasons they probably would have
18 been denied anyway according to our processes and
19 procedures. They're supposed to be submitted 180 days
20 in advance, supposed to have a full-on operating safety
21 plan, et cetera. We have denied an application from
22 MDR Productions, who was the promotor involved in the
23 accident. And we are saying that we're not going to
24 give them any more until we see the results of the CHP
25 investigation.

1 CHAIR WILLARD: Obviously there appears to be a
2 real need to tighten up BLM processes to ensure that
3 the public is safe when having these events. I'm a
4 little concerned that there isn't the effect of the
5 pendulum swings so far to the other side it impacts
6 clubs that have been having events and doing so in a
7 very safe manner for years and years, and then all of a
8 sudden, because of this one event, then they're cast in
9 a negative light, and then they're impacted negatively,
10 as well. So I just want to ensure that they're still
11 being treated as fairly as possible.

12 CARLA NORRIS: Absolutely. I came from the
13 Las Vegas area where that was one of my
14 responsibilities, this program. And I can say that
15 we've had a full-on program there for years, and I
16 think it's a very good program. We follow processes
17 and procedures. We have preseason meetings with all of
18 our proponents and applicants, and we get a lot of
19 improvement from them to try to make everything as safe
20 as possible, to talk about cost recovery, to talk about
21 ways to save costs, and to do things very effectively.

22 What we are going to be doing is kind of going
23 into that. We're going to be forming a statewide
24 committee, possibly right around January, to start
25 having some monthly meetings to talk about these

1 process and procedures so that we ensure that the
2 little guy doesn't get cut out. And some of the things
3 that we're going to be looking at are what we're
4 currently calling the risk assessment matrix. So we're
5 going to look at when is the event being held, is it
6 daytime, nighttime; how many people; what type of
7 events. And we're going to assess it like low, medium,
8 or high risk, and that's going to determine how many
9 people we need on staff, how much compliance, how much
10 monitoring, that kind of stuff. So if it's a low risk
11 event, 50 people out on a poker run on a weekend, and
12 they do it a couple of times a year. We're not going
13 to be out there all day every day. We may drive by at
14 the end of the event, make sure they pick up the trash.
15 We may go along on one of the events out of four during
16 the year. But we're going to try to keep that kind of
17 thing to a minimum based on risk. We can't eliminate
18 all risk, but that's one of the things we're going to
19 do.

20 And we will be inviting a member of the
21 California State Parks, OHMVR Division to sit on this
22 group with us, and we'll also be inviting the public to
23 sit on this group with us, some of our active friends,
24 participants, things like that, so that they can see
25 what the process is going to be and help us better

1 define it.

2 CHAIR WILLARD: I think that's a great idea to
3 have a stakeholders meeting so that they can be
4 involved in the process, that way we're not blindsided
5 with some new sets of regulations that will impact
6 their events. I think it would be great for them to
7 know upfront if there are any changes that they need to
8 be aware of so that when they submit their application,
9 they can be forewarned of how they need to deal with
10 the process.

11 CARLA NORRIS: There are no changes. We're not
12 making any changes to our regulations, procedures, or
13 policies. Everything is as it has always been. What
14 we're going to do is better ensure that they're
15 followed. Now, what that may include is cost recovery
16 in some instances. Because at a large event, like the
17 California 200, we can't do it without cost recovery
18 and are required to have cost recovery. The law says
19 we should. And if we do cost recovery, we can pay for
20 the staff that's there, freeing them up to go somewhere
21 else to do the jobs that the public pays for them to
22 do.

23 So cost recovery, it may be a bit of a shock for
24 some people, but there are ways to keep that down, as
25 well. Like I said, I have experience working with

1 those promoters to try to make that a good process. So
2 nothing new, nothing different, but very open, very
3 transparent.

4 COMMISSIONER VAN VELSOR: Not specific to this,
5 I'm just curious. Jim, in the Imperial Sand Dunes, the
6 law enforcement citations are 584. I'm just curious
7 what the larger number of those were, what were those
8 generally for. Was there one or two things that mostly
9 the citations were issued for?

10 JIM KEELER: They issue citations for a number
11 of things fairly frequently, two people riding on a
12 one-person machine, improper safety equipment for the
13 legal requirements. I'm not positive, but there may be
14 some nonpayment of entry fees, not having a flag, but
15 then it ranges upward from there. I think there's also
16 some arrests and some DUIs that don't even show up in
17 the citations. Those were arrests, so it's a whole
18 combination of things.

19 I think that for me the good news is -- and I
20 didn't mention it in here. But five years ago, we had
21 sort of semi riots out there, and that lawlessness has
22 pretty much gone away currently. This was the first
23 time we had a Thanksgiving weekend. One of the tools
24 that the Imperial County Sheriffs use is if they
25 believe the situations are going to get out of hand, in

1 the nighttime usually, they actually declare an illegal
2 assembly at a certain area and have all of the people
3 leave it. And they didn't have to do that this year.
4 So I think that both safety and behavior have improved,
5 at least for now, pretty significantly.

6 COMMISSIONER SLAVIK: Jim, I'm glad you brought
7 up that issue because it seemed like the Commission got
8 involved in that, and the Division threw a bunch of
9 money at law enforcement for Imperial Sand Dunes, if I
10 remember correctly, to resolve that issue. So I'm
11 guessing that's been successful?

12 JIM KEELER: Yes, I think I have to give a lot
13 of credit to the American Sand Association, too, that
14 they have partnered with us very strongly and backed us
15 up in a way that I've never seen happen before. So I
16 think it's taken a combination of all of that stuff.
17 It's just really difficult to get 150,000 people in one
18 place and not have a few jerks in the crowd, some of
19 that, and jerks magnetize, other people sometimes take
20 advantage of that situation, and there are people who
21 just look for things to get out of hand.

22 DEPUTY DIR. GREENE: If I may, certainly in
23 2001, 2002, there were real problems going on out
24 there. One of the things that we did was to try and
25 focus on where the citations were being issued.

1 Because if you just try to put a whole net over
2 Los Angeles County and Orange County and Riverside
3 County, it's really difficult to try to get that word
4 out. So we identified where those citations were being
5 issued, and then we went to those individual
6 communities, and that was, as Jim references, really in
7 cooperation with ASA and BLM law enforcement, to go to
8 those communities and make those arrests if necessary
9 if there were outstanding warrants. So it was a hard
10 push to try and address those issues. But going into
11 the communities, and then subsequently going into the
12 schools so that they're getting that message out that
13 essentially don't anticipate that you can come out to
14 Glamis and go crazy. That's not the place to do it
15 anymore. So if you want to come recreate responsible,
16 then you can come out.

17 And I would say, yes, ASA has had all of the
18 safety campaigns that they have done, very active.
19 Before the recreation season begins, they get the word
20 out. You'll see the blasts everywhere. It really has
21 been a dramatic difference. And I think also, if I
22 may, last point, the change in how the inland fees were
23 allocated made differences, as well. Remote areas such
24 as Imperial County getting some of the funding and
25 being able to help address some of the issues in there.

1 JIM KEELER: And we made suggestions to
2 Commissioner Van Velsor that our representative on the
3 safety education committee is a person that's been
4 involved in the interpretation program down there. So
5 we decided that of all of the people we could have
6 brought in, that might be the best addition to kind of
7 a statewide look at things. Because safety and other
8 forms of environmental recreation are really tightly
9 woven into that program. I didn't give Imperial County
10 enough credit either.

11 I did also want to comment on the Mojave Desert
12 thing. As I was thinking about it yesterday, one of my
13 roles can be looking at this cost recovery and coming
14 up with a list of possibilities for what BLM can do to
15 help the promoters and participants to reduce costs.
16 Secondly, we've been asking, and my parents came up
17 with a list of things that we could work in the grants
18 program or what the Commission could do or Division
19 could do to help reduce those costs.

20 And the third thing is trying to come up with a
21 list of things that promoters can do themselves to help
22 us lower their costs. There are possibilities in all
23 three of those things. It's just something to put in
24 your mind as we start to broaden that list a little
25 bit, how we can all promote better, more responsible

1 permitted events without just throwing government
2 expensive staff at the problem.

3 CHAIR WILLARD: Thank you. Please have the
4 U.S. Forest Service report.

5 //

6 **AGENDA ITEM III (D) (1) - USFS REPORT**

7 KEATON NORQUIST: Good morning, Commissioners.
8 My name is Keaton Norquist with the United States
9 Forest Service. Today's report should be pretty brief.
10 Going to start off by updating you on the Subpart B
11 route designation status of the Tahoe National Forest
12 and the Plumas National Forest. They are in their
13 internal appeal period. I believe their internal
14 appeal period might be close to the end of the public
15 appeal period. And the rest, there are a variety of
16 other forests that are currently doing their MVUMs,
17 Motor Vehicle Use Maps.

18 In the past couple of weeks, been happy to work
19 with the Division staff on the 2011 Report, and also
20 the snow grooming EIR and their agreement. We've been
21 working hard to get those signs as soon as possible to
22 get that up there because it's badly needed.

23 At the regional office, we've been working
24 closely with our office and general counsel to make it
25 clear to the public about when trails are going to be

1 closed and reopened when there's wet weather. We know
2 that's been kind of an issue, not only to make it clear
3 when people can expect trails to be closed and when
4 it's expected to be reopened, and but also include a
5 rationale of why the trails are being closed when they
6 are. That's something we're working with the Office of
7 General Counsel and hopefully a closure order will be
8 much more clear in the future.

9 We're also working on some field visits in
10 January. Right now we're attempting to set up an
11 executive level field trip to provide an overview of
12 the OHV program statewide. We're going to be visiting
13 some SVRAs and some forests both. Particularly, we're
14 going to be looking at things like successful volunteer
15 programs because we want to help forests further
16 programs that they currently have existing and also
17 create new programs where they don't have a lot of
18 concerted effort yet. So kind of looking at how people
19 do it right and then learning from that.

20 We're right now working to improve our field
21 monitoring checklists that the volunteers and forest
22 staff use. We're also working with the Division to
23 review and assess the need for changes in the WHPPs and
24 WHMPs, Wildlife Habitat Management Plans, and the
25 habitat management plans.

1 And in the future, we're exploring an OHV
2 operator training seminar both for ATVs and motorcycles
3 for Forest Service employees, and we are also examining
4 the need for just a general OHV workshop for Forest
5 Service field staff in the region. So with that I'm
6 open for questions.

7 COMMISSIONER SILVERBERG: Thanks, Keaton. At
8 the last meeting, there was quite a discussion about
9 the cost recovery. Is there anything new to brief us
10 on?

11 KEATON NORQUIST: The director of public
12 services is Marlene Fiendly, who was expecting to be
13 here today, but she got pulled away at the last second
14 because there's a regional team meeting. She needed to
15 be there for that. I'm not really prepared to talk
16 about anything in particular on cost recovery. If you
17 have questions, I can take those to the right people.
18 I can pass along messages, and I can tell you what I
19 think about stuff. But I don't have anything formally
20 to present or anything like that.

21 COMMISSIONER SLAVIK: At the last meeting,
22 Keaton, we talked about Brad Franklin and myself maybe
23 attending one of those meeting leadership meetings, and
24 it's happening this week now?

25 KEATON NORQUIST: Yes, it's happening actually

1 right now in Sacramento.

2 COMMISSIONER SLAVIK: Obviously, we can't make
3 that. But at some point in time, can we have a formal
4 invitation to that or request a formal invitation to
5 that?

6 KEATON NORQUIST: I obviously can't extend
7 invitations. I can work with staff to see how that is
8 done for sure. I know they're held quarterly, so I
9 would assume the next one would happen probably around
10 March. But if you want to be in touch with me and
11 Kathy, we can try to make that happen.

12 CHAIR WILLARD: We have a subcommittee that's
13 working on cost recovery. At our next meeting they're
14 going to be giving us a report. It would be good if
15 you could come to that meeting with some more prepared
16 statements regarding the current state of the cost
17 recovery program and have more of a dialogue on it.

18 COMMISSIONER VAN VELSOR: I guess I have a
19 procedural question about attending the leadership
20 meeting. If the subcommittee is attending the meeting,
21 are they speaking for the Commission? Are they
22 attending merely in an observation capacity? In other
23 words, if the Commission does not have an established
24 position on the issue, it would be difficult for two of
25 the members to speak on that at the leadership meeting.

1 Do you see where I'm coming from here? So I'm not sure
2 what that procedure is.

3 CHAIR WILLARD: Maybe Counsel LaFranchi, you can
4 comment on that, whether or not we can send members to
5 the U.S. Forest Service leadership meetings, whether
6 they would have to just observe or whether they could
7 make comments or have dialogue with the U.S. Forest
8 Service, whether they would be representing the
9 Commission, and whether they would be just on their
10 own. I'm not sure. I understand Commissioner Van
11 Velsor's question.

12 ATTORNEY LA FRANCHI: Generally, subcommittees
13 are charged with certain duties, and you try to run
14 those as best you can. Certainly within that scope,
15 they could perform, attend, and participate within that
16 scope. So you probably want to make it somewhat clear
17 what that is. Generally, subcommittees can't speak for
18 the Commission on their own. They generally will go
19 out, do their deliberations, participate in meetings
20 such as this, and then come back to a full Commission
21 and report, maybe with some recommendations that the
22 Commission could act on. And the subcommittee could
23 take those positions of the full Commission back to the
24 subsequent meeting. So that would be generally the way
25 it would work, so you have a little bit of flexibility.

1 KATHLEEN MICK: Hi, Daphne, Commissioners;
2 Kathleen Mick, program leader. I'm certainly not going
3 to contest what Mr. LaFranchi has said in terms of the
4 proper process for the Commission to follow when you
5 venture out and would attend these type of things;
6 however, I will say that in the past, we have had
7 commissioners attend the regional leadership team
8 meetings. When Deputy Director Greene was a
9 commissioner, she and Mr. Spitler, who was also a
10 member of the Commission, attended an RLT meeting. I
11 believe they did short presentations about a particular
12 issue, and then participated in some discussion with
13 the forest supervisors and the executive leadership,
14 and then brought that information back to the
15 Commission just as kind of like info sharing.

16 So as Keaton mentioned, we can talk to
17 Marlene Fiendly, our director of public services, and
18 find out which meeting it would be appropriate to have
19 that type of discussion to occur, or if there's another
20 avenue in which to have that discussion, whether it's
21 an RLT meeting or some other type of gathering that we
22 could facilitate a further discussion.

23 CHAIR WILLARD: Thank you. I think that's
24 clear, and I think it would be great if we could have
25 members of the subcommittee attend the leadership

1 meetings. It could be very helpful with us just
2 learning more about U.S. Forest Service and the cost
3 recovery situation and how we might be helpful with
4 that. So those that are on the subcommittee, when you
5 get the invitation, please do attend if you can.

6 And I think keeping Stan's comments in mind,
7 please don't make any comments speaking for the
8 Commission, making any decisions. Certainly, you can
9 have dialogue and engage in them, but we can't take any
10 positions without the whole Commission discussing it
11 and voting on it. I think that's where you were coming
12 from.

13 COMMISSIONER LUEDER: Thank you, Keaton, for
14 your report. Getting back to the wet weather closer,
15 am I hearing you right that regional foresters are
16 looking at or upper management are looking at a more
17 consistent policy?

18 KEATON NORQUIST: We're looking at having more
19 of a template approach, but the template is going to be
20 clear in that we need a detailed explanation of why the
21 closure is happening, and also it's going to say when
22 the close is going to end, how an objective person in
23 the public would know. Maybe it's a certain rainfall
24 amount, maybe it's time of year, maybe different types
25 of things like that, where it's a little clearer rather

1 than just an edict from a forest supervisor where no
2 one knows when it's going to come and when it's going
3 to stop. I'm not saying that's the current situation,
4 but some people might feel that way.

5 COMMISSIONER LUEDER: I do receive continual
6 comments from the public about specific forests having
7 blanket closures that are not necessarily looking at
8 current conditions. So if there's a rain or snow event
9 significant and then we have a period of dry weather,
10 the forest may or may not be open again until spring.
11 So that's one of the concerns that I'm hearing from
12 recreationalists specifically on the Eldorado National
13 Forest.

14 KATHLEEN MICK: There are a couple of things
15 going on. The first is that as each of the forests
16 have made their travel management decisions. Part of
17 that decision, the forest had the ability to establish
18 not only the type of vehicles that could be used on
19 various roads, trails and areas, but also, if
20 appropriate, the time of year in which those vehicles
21 could operate. So in most of the environmental impact
22 statements, there was discussion about use, the
23 national resources, and the type of weather systems
24 that each forest has given their topography, geography,
25 et cetera.

1 In some cases, as each national forests comes
2 out with their Motor Vehicle Use Map, you'll see some
3 of them did choose the approach, particularly the
4 forests that had snow, where they felt they had the
5 conditions in which to warrant more of a seasonal
6 closure that would be established by date. So
7 typically you might see that forest X would be closed
8 from December 15th until April 15th for a certain
9 subset of roads and trails. So that's more of a
10 blanket-type approach.

11 Other forests that didn't have that type of
12 condition where they could put forth that dated type
13 closure based on their history and weather conditions
14 and need to protect the natural resources, they took an
15 approach more like say the Georgetown Ranger District
16 has early on in the season, which is when they get a
17 particular condition, that condition, that weather
18 condition triggers the closure. It goes on for a
19 certain amount of time. And then once the weather
20 conditions trigger the need to open the trails, they do
21 so. So you kind of see this on/off, on/off closure all
22 season long.

23 The part that we haven't been very good at on
24 some forests, but not all forests, is communicating
25 that to the public on what things are going to be

1 closed, how they're going to be closed, what's closed
2 and why it's closed, and then when it may reopen. So
3 that's the one piece of standardization that we're
4 trying to improve in terms of just letting the public
5 know what's going on on the public land.

6 So we're looking at things like website
7 notifications, Facebook type stuff, Twitter and tweets,
8 and all of that kind of social networking stuff that
9 people seem to enjoy, as well as the more traditional
10 list serve approach where you can sign up by e-mail and
11 get notifications.

12 And then the other piece that Keaton talked
13 about is just making sure that we don't appear to be
14 arbitrary and capricious in our closure, that we state
15 what the rationale is for the closure, the need why,
16 and then make sure that that is also clear to the
17 public, which in some cases we haven't been very good
18 at doing. And so it seems that to the everyday public
19 that a national forest subset of road and trails are
20 closed, but they're not sure why, and, moreover,
21 they're not sure when they'll reopen again. So those
22 are some of the things that we are starting to deal
23 with and work out as we start to implement our route
24 designation decisions.

25 I think one of the things you'll also see,

1 although it won't be sort of an instant gratification
2 type thing, is that as we learn from the decisions that
3 we just made, we'll find out things that we did well
4 and that are working and that we'll continue to
5 implement. And then we will find out some things that
6 maybe didn't work as well, and we might have wanted to
7 make a different decision. Some of those may or may
8 not involve wet weather closure. We went with the best
9 information we had at the time, and now that we start
10 implement, we may need to be more conservative or in
11 other areas, we may need to be less conservative. A
12 lot of it, again, depends on the conditions. But the
13 trickiest thing is that although we think we can
14 predict the weather, no one really can. So we do have
15 these events where if I'm an everyday person and in the
16 middle of January, I know that on a particular forest
17 that I'm fond of, even though in the middle of
18 January you'd think we'd have pretty bad weather, they
19 have a good three-week period where it's pretty dry. I
20 would be sitting home going why can't I go out and
21 ride. It's dry. But they may have a particular reason
22 given the soil conditions where even if the stuff is
23 shiny, they need to have the routes closed.

24 But we need to make sure that we have a good
25 more science-based rationale for why those closures

1 exist, as opposed to just having a blanket from X date
2 to X date. So those are some of the things that we're
3 trying to work out.

4 CHAIR WILLARD: Thank you so much.

5 DEPUTY DIR. GREENE: If I may, Commissioners,
6 just one thing. I would like to acknowledge that as
7 all of these issues come up and we're all concerned
8 about them, sometimes we must slow down and reflect on
9 what is really important. Jim Keeler, we are thrilled
10 to have you back. But I am sad to acknowledge this
11 morning we lost one of our heavy equipment mechanics at
12 Ocotillo Wells, Todd Ramberg. Todd was young, in his
13 mid thirties, and died of cancer. And so just a
14 reminder to all of us to keep in mind that our health
15 and our families and the people we love are very
16 important. Our condolences to everybody at Ocotillo
17 Wells.

18 (Returned at 10:57 from break commencing at 10:38)

19 //

20 **AGENDA ITEM IV(D) - Public Comment**

21 CHAIR WILLARD: Public comments on BLM and U.S.
22 Forest Service and the Deputy Director reports, we will
23 do that right after we conclude the 11:00 a.m. Open
24 Public Comment period.

25 KAREN SCHAMBACH: Karen Schambach, PEER, but I'm

1 actually going to speak as an individual, so I won't be
2 very long. I have more of a question than anything
3 else. I hear there's been complaints about closures on
4 the Eldorado. Since I live up there, I haven't been
5 able to use my driveway in about two weeks because
6 there is a foot of snow on it. And they closed it
7 several days after they had eight inches of rain, and I
8 think probably the problem up there is that they based
9 the closure on a critically dry year, which happens
10 very few years. So they're always going to end up
11 extending it. Maybe it's something that other forests
12 should think about, be a little more realistic about
13 the expectations they give the public. How anybody in
14 their right mind can be complaining about the closure
15 is beyond me. There is low elevation snow that's been
16 cold and sticky. It's been rainy, and there is
17 probably not a dry road in the whole forest. So I just
18 find it really kind of absurd that anybody is
19 complaining about that.

20 JERRY FOUTS: Jerry Fouts, from AMA District 36.
21 I'd like to represent myself and my granddaughter and
22 my family. Really, what I'd like to address is
23 Division, and maybe this isn't the place to do it, but
24 I'll do it anyway. I'm also an acting battalion Chief
25 with the fire department that has a \$57 million budget.

1 We're trying to do the best we can with a limited
2 amount of funding right now, so we've got to get really
3 creative about the way we do things. And we've been
4 talking about this for several years, and I would hope
5 that the Division would actually look at this because
6 I'm sure their funding model has changed, too.

7 What we're doing is actually changing the way we
8 do business. We're creating a different staff model on
9 the people that we hire now. There was a time when we
10 could afford to hire paramedic firefighters and to have
11 all of the certifications and everything that we
12 needed, but they were safety employees, and they
13 required a tremendous retirement benefit, they required
14 a tremendous amount of certification, tremendous amount
15 of class time to keep those certifications.

16 So I guess what I'm coming at, I hope what the
17 Division will look at a staffing model for SVRAs on how
18 many rangers they really need, how many park rangers,
19 gun-toting, expensive park rangers they need. And
20 really what I'm talking about is personnel that are
21 appropriate for the use. Okay. Look at the statistics
22 of how many murders do we have in State Parks, how many
23 DUIs do we have in State Parks, and how many rangers do
24 we need in each individual State Park to take care of
25 that versus how many paramedics do you use, how many

1 medicals are in those State Parks at Carnegie and
2 Hollister. And maybe what we should be doing is not
3 hiring so many expensive rangers. Maybe what we should
4 be doing is hiring paramedics and EMTs, maybe on a
5 contractual basis, maybe we can get twice as many for
6 the same amount of money. And that's a really valid
7 point that we need to look at, doing more with less,
8 serving the customers for appropriate use. I don't
9 think we're doing that right now. And the side benefit
10 of that is maybe in some of the SVRAs, at the risk of
11 sounding really bad, I'll tell you what, the police
12 officers that go to work there and the park rangers
13 aren't doing the culture of motorcycling any favors.
14 What we need are people that are appropriate for the
15 use. They're turning some of these motorcycle parks
16 into their own private Nazi playground. I hate to use
17 that word, but that's how some of the users are
18 feeling. The guys drive up and down the road -- don't
19 get me wrong. I think that police use and police
20 presence are definitely needed because SVRAs have the
21 one percenters, like everywhere else. But do we need
22 every single person who walks through the door to be a
23 peace officer? I don't think so. I think that we
24 should have some kind of a decision-making process on a
25 case-by-case basis for SVRAs according to their

1 statistics on what is needed for peace officer
2 representation during the week and on weekends and
3 staff them accordingly. And look at EMTs and
4 paramedics and make sure that those park rangers are
5 EMTs; otherwise, why are we hiring them. Why are they
6 even there. Maybe they are all EMTs, I don't know.
7 But I know that very few of them are paramedics. We
8 can use those paramedic skills. We can use those
9 essentially lifeguards running around on vehicles in
10 the back doing what they need to do. So that's where
11 I'm at. So thank you very much for your time.

12 RANDY JORDAN: Hello, I'm Randy Jordan from
13 Sun Buggie Fun Rentals. I'm a vendor at Oceano.
14 First, I want to say that we don't have any extra
15 rangers at Oceano. It's just about right. Being
16 there, it looks good. And the rangers at Oceano are
17 real polite. My comments today are relating to vendor
18 issues only, and I want to thank you for your time in
19 allowing me to speak today. I want to thank staff for
20 their time in explaining things to me.

21 I have given you a brief synopsis of what my
22 concerns were. At the last meeting I was here to
23 support the RFP that's coming out for bid, and I have
24 some concerns with the RFP. And I realize that you've
25 already voted to send the RFP out to bid, so I don't

1 know if you have any jurisdiction or authority over it
2 anymore, but in any event I have some issues with it.

3 Over the past ten years, there have been a
4 litany of things that have happened that have caused it
5 never to evolve where the children that rent the ATVs
6 have physical training before they ride, the vast
7 majority of them. I'm sure some do, but the vast
8 majority don't have any physical training in a
9 certified program. First, there was ASI, but that
10 really didn't happen. You know, they really weren't
11 required to do it before they rented an ATV. And then
12 Parks developed an admonishment, which is to educate
13 the parents that they were supposed to have the ASI
14 license, which really still didn't give kids the ASI
15 license.

16 Now there is observation of an Oregon license,
17 and you don't have to be a resident of Oregon the way
18 it works. You can be a resident of California, show up
19 to rent an ATV, sit down at your computer or your
20 Blackberry, pass the Oregon test, get the piece of
21 paper and walk in and rent the ATVs for kids. And the
22 result is there is no training for the kids. Safety
23 training for kids in the vendor program has turned into
24 a shell game with no shells for the kids.

25 So I really don't see in the program if you want

1 to eliminate adolescent injuries, if you really do want
2 to draw a line in the sand and say State Parks is here
3 for safety, I don't see how you're going to do it
4 because I watched these various methods of how it was
5 supposed to happen, not happening. So that's that one.

6 General liability insurance, I understand that
7 the new RFP does require general liability insurance.
8 My question with regards to it is it's basically a
9 million dollars worth of general liability insurance,
10 which is the same thing that the guy that sells flags
11 has. And it may be the industry standard where it's a
12 touring operation or in some other facility, what that
13 general liability insurance is supposed to do is the
14 person that rents the ATV hits a member of the general
15 public is not party to the contract, that's what that
16 insurance is for. That's my understanding of it. And
17 you might want to think about the limits being set at a
18 million dollars because it's pretty light for that use.

19 My other concerns for general liability
20 insurance is that I understand currently that as the
21 contracts don't require it, that Parks doesn't actually
22 have the certificates from the vendors. But several of
23 the vendors, Mr. Zilke told me, one has insurance and
24 has always had it; another one has the ability to just
25 make a phone call and transfer it from the other state.

1 And you really should require that they have general
2 liability insurance because you have an at-risk sport
3 in a mixed-use facility going on every day right now
4 with no insurance coverage for the general public if
5 there is an accident.

6 And last thing is the -- I understood at the
7 last meeting they were going to consider RUEs and UTVs.
8 They come in a wide variety. They come at a maximum of
9 25 miles an hour, at a maximum of 75 miles per hour.
10 If you put an inexperienced renter on a vehicle that
11 goes 75 miles an hour on a load that weighs 2,000
12 pounds, you're going to have catastrophic accident out
13 there. Right now they're riding ATVs. You're going to
14 put them in something that's much faster, much larger,
15 much heavier than a four-wheel drive. You really
16 should consider whether you're going to put them in a
17 high-speed vehicle like that.

18 Is that my whole four minutes?

19 CHAIR WILLARD: Yes.

20 KAREN SANDERS: Hi, I'm Karen Sanders. I'm with
21 Friends of Jawbone, Friends of El Mirage. I want to
22 thank you for allowing us to be here today. Over the
23 last few years, Friends of Jawbone and Friends of El
24 Mirage has been awarded close to \$400,000 for ground
25 operations and visitor services. Thanks to the OHV

1 fund, we've been able to provide jobs for 24 full- and
2 part-time paid staff at Jawbone, Dove Springs, and at
3 El Mirage. She's passing out a document that we had
4 created by a company that we work with that shows the
5 total length of fence that we have erected in that time
6 period, over ten-and-a-half miles of fence, close to
7 250 route miles. And as Ed and I were looking over
8 this document, we realized there were a few routes that
9 had not been included in the report. So that's what
10 we've been doing with the money.

11 Over the Thanksgiving riding time, Thanksgiving
12 weekend, I'm going to sort of augment the BLM report --
13 BLM issued 48 citations for various offenses. They
14 arrested two people. They wrote citations for
15 off-route riding, 18 for registration, four for drug
16 and alcohol use, two DUI arrests, and 16 OHV, one
17 fireworks, and two other. There were some warnings
18 that were written, which I wish they would have
19 actually given them a ticket because they probably
20 deserved it, but that's where we stand with that.

21 Basically we were able to coordinate with local
22 law enforcement, with BLM in getting efforts better
23 coordinated to ticket these people who are riding
24 illegal off-route. We've also gotten air patrol. We
25 have a Cessna 150 that flies to monitor the trails, to

1 monitor the illegal riding, and we feel like that's
2 been a deterrent. We've also got a joint use agreement
3 with the California City Police Department in having a
4 helicopter go up. We feel that's also very effective.
5 I wanted to thank you for your help, thank you for your
6 concern, and for your hard work. We appreciate it. We
7 appreciate the opportunity that we have to help manage
8 this sport. Thanks.

9 DAVE PICKETT: Good morning, Commissioners,
10 happy holidays to all of you. Looking forward to 2011,
11 and as we move forward with this program coming up on
12 40 years, I would like to see at Commission meetings of
13 the future more updates on progress within SVRA units.
14 What I'm trying to say is how can we keep the public
15 informed of progress of things such as acquisitions
16 that are in process, or old acquisitions moving forward
17 to getting them open, things along those lines, follow
18 up on our Trust Fund -- or trust is not exactly the
19 right word for it considering it's turned into a slush
20 fund, things like that, what are we doing as a
21 Commission, what are we doing as a program to educate
22 the legislators of these funds that are outstanding.
23 They seem to disappear and fall by the wayside. We're
24 sneaking up on 20 years plus on the old monies that
25 were taken. Anyways, more information along those

1 lines would be appreciated.

2 And also with the current elections and the new
3 regime that will take place here in this state, what
4 are we going to be doing or what is the Commission
5 feeling on the Deputy Director's position, for example.
6 How can we support, if we can legally, and the process
7 of that. I think many members of the OHV community are
8 very happy with what has happened in the last six,
9 seven years and the direction this program has taken.
10 I would like to see that continue. A lot of old stuff
11 that was not completed has now been completed and
12 brought up to speed and more current. I just hope
13 somebody will take the time to read some of this stuff
14 that will be presented shortly. Thank you very much.

15 ED WALDHEIM: Good morning, Ed Waldheim, the end
16 of the year, unbelievable. You know, it's been
17 interesting, a full circle being done from being out
18 the advocate in 1978 when Nixon passed the Executive
19 Order that created the California Desert Plan, to
20 getting on the Commission, to working on grants, and
21 now working on the ground and doing what Daphne Greene
22 has told me to do a million times, get the stuff on the
23 ground. It's delightful to be able to do that with the
24 opportunity with Karen. Aren't you happy that I don't
25 have to talk. Karen gets to do it. I get to have the

1 fun now. It's fantastic.

2 We're doing everything on the ground, 100
3 percent of the work on the ground. As you know, I
4 don't get paid for absolutely nothing that I do since
5 1978. It's been totally pro bono. The job has been
6 good to me. I have a great son that runs my company,
7 so I've been be able to do that.

8 But with it also comes the turmoils of where
9 we're going and so forth. So the next year, the next
10 grant cycle, I'm going to try to concentrate and help
11 the OHV staff, which I've been doing with the OHV
12 leadership meetings with six national forests with the
13 BLM in Southern California. Every quarter we get 30,
14 40, yesterday had close to 60 people at the meeting at
15 the Riverside office, fantastic. Cleveland National
16 Forest, I have to go step back again. Jan McGarvey's
17 team called me today and said she doesn't want to do it
18 anymore because she cannot get the Cleveland National
19 Forest to cooperate and work with her. So I have to go
20 back down there and take over that leadership role
21 again, and see if I can develop some other leaders that
22 can help us with that.

23 Our leadership meetings with the Forest Service,
24 forest supervisors and district rangers are key to
25 helping. The OHV staff is always there, either on the

1 phone or in person. And it's incredible the work that
2 we've been able to do by doing these meetings. So I
3 will continue to be doing that. I'm also going to
4 start having -- probably try to see if we can put in a
5 grant for a staff person to be on the ground in Arroyo
6 Flats in the Angeles National Forest, probably to work
7 with one or two staff people from CTUC to work in the
8 Los Padres National Forest to work in the Mt. Pinos
9 Ranger District because Suzy says I have nobody to work
10 on trails. I have nobody to work on trails. So I'm
11 going to see if I can develop a partnership with the
12 state in putting a grant to put somebody on the ground
13 to work on the trails. That's what we're going to do.
14 We're really good at that. We know how to do that. I
15 know how to do stuff on the ground, trust me. I know
16 how to do it because I've been doing it. And Karen now
17 gets the headaches trying to figure out everything I've
18 been learning for the last 40 years.

19 There is hope out there. We've just got to keep
20 working very hard. We've got to work harder than ever
21 before to make sure we retain our opportunities and get
22 the people to understand they must stay on the
23 designated trails, period. That's the biggest problem
24 we have in front of us. I hope the next grant cycle we
25 really emphasize on the off-route travel to protect our

1 resources. The open ends and open area, that's a
2 playpen, who cares. That's a social issue. It's the
3 resources I'm concerned with, our real opportunities
4 that occur that we have to protect.

5 And we have the new group coming up, Randy Banis
6 is on that, who is working on the digging up of the
7 renewable resources, the windmills, the solar panels,
8 and everything. The map that they put out now shows
9 everything in blue called the conservation
10 opportunities. Guess what, that's all of our limited
11 use areas, all our riding areas. Now they have it
12 under resource opportunities, so our challenge is
13 tremendous with Randy Banis working on the committee,
14 and Daphne knows about that. We're keeping her in the
15 loop on that one. We've got a lot of stuff to do.

16 I wish everybody a fantastic holiday. Thank you
17 for a good year, and, gentlemen, thank you for doing
18 good things.

19 COMMISSIONER SLAVIK: Do you have any suggestion
20 from your personal experience about the Bean Canyon PCT
21 situation?

22 ED WALDHEIM: Supervisor Don Maben, he's
23 retiring. And I think Pete Parra, and Zack Scrivner,
24 an aide to Assemblywoman Jean Fuller, went neck to
25 neck, and I don't know what the result was. I think

1 Pete probably won it. But Maribeth Garrison, she put
2 up signs, and we agreed to help in Kern County. These
3 signs went up that says, "No off-road riding in this
4 area and go to Jawbone." She put 11 signs up, county
5 signs; ten of them have been stolen. It is a sad
6 situation in that private property owners, they own
7 160 acres and they ride on their acreage, but then they
8 go and ride on that acre, and then they go over and
9 ride on that acre. That's our problem. It's local
10 people riding on their property and then going out.
11 There is no riding any place in that area, period, end
12 of discussion. And we just can't get it through the
13 people's head. I wish I had the money to put a sign on
14 the highway, "No off-road riding in these areas. Go to
15 Jawbone or go to California City or Palmdale
16 Lancaster." I tried to get the money from Kern County,
17 but they didn't give it to me.

18 We've just got to get the message out. We put
19 in a grant to order a trailer for \$10,000 to go into
20 the movie theaters, a spot in the movie theater
21 announcements in Los Angeles and in San Bernardino
22 counties. I don't know if we're going to be successful
23 to get that grant or not.

24 Paul, there is no riding into those area,
25 period. Get over it. What happened 50 years ago is

1 50 years ago. You used to ride down on New York Avenue
2 in La Hacienda. Those days are over. People have to
3 get over that. That's my biggest challenge that people
4 get over it. Help us preserve what we have. We can't
5 open up any more trails if they don't stay on existing
6 trails that we have today. That's our biggest
7 challenge. Law enforcement is 100 percent our
8 downfall. We are not putting our resources in law
9 enforcement in the proper way. We are not working
10 smartly. We're not using a good helicopter, we have a
11 volunteer in a helicopter and one cop down in the
12 bottom with some helpers out there. We're not doing
13 that.

14 COMMISSIONER SLAVIK: You hit on something, and
15 Loren may be able to address this, a sign at the east
16 and west approaches to that area, a big sign on the
17 road, on the pavement where the people coming from L.A.
18 or wherever they're coming from, if they see that sign,
19 they can identify that's not a place they can ride.

20 ED WALDHEIM: The problem I have is that those
21 advocate, those people who want to ban motorcycles. I
22 don't want to ban motorcycles. If I own 160 acres, I
23 want to be able to ride on my 160 acres, period.

24 COMMISSIONER SLAVIK: That's got to be only two
25 or three people out there.

1 ED WALDHEIM: That's where your problem is
2 coming from the PCT because they're going to somebody's
3 place.

4 COMMISSIONER SLAVIK: People we had arrested
5 were all from out of that area.

6 ED WALDHEIM: That's where they start from.

7 CHAIR WILLARD: Thank you.

8 JOHN STEWART: Good morning, Deputy Director and
9 Commissioners, John Stewart, national resource
10 consultant for California Association of Four-Wheel
11 Drive Clubs. As we step into the new year, there's two
12 issues that I would like to see more information being
13 put forth through the Commission in the form of
14 informational and education. Number one, is air
15 quality and PM10, and we know that through Oceano Dunes
16 and throughout Imperial County there are places where
17 OHV communities are going to be severely impacted
18 because of air quality issues. Then another is water
19 quality. We already know that Eldorado, the Rubicon
20 Trail and Carnegie are subject to water quality
21 challenges. This is something that should be on the
22 agenda for education and informational purposes as we
23 move forward.

24 Lastly, I'd like to talk about somewhat of a
25 small measure of success. Almost 20 years ago, there

1 was a lawsuit involving the Sequoia National, what is
2 now the giant Sequoia National Monument. And over the
3 years there have been major challenges in trying to get
4 a management plan developed for that area. Almost four
5 years ago, Tina Terrell, the supervisor for the Giant
6 Sequoia National Monument/Sierra Sequoia National
7 Forest, pulled together a group of signors from the
8 mediated settlement agreement and created a
9 collaborative stakeholders group in order to work
10 toward a new monument plan. Friday, tomorrow, will be
11 the final close day of the comment period for that
12 management plan.

13 What is significant is that this management plan
14 and the stakeholders group for this management plan
15 developed two of the six alternatives that were
16 considered and open for public comment. One of those
17 alternatives that was created by the stakeholders group
18 is that it is the preferred alternatives for management
19 as it moves forward. And also out of that, the
20 stakeholders realized that their job did not stop with
21 the development of the management plan, and, in fact,
22 it would extend past to actually help the Forest
23 Service manage or implement the plan once it was
24 finally signed. So out of that, the stakeholders
25 formed a 501(c)(3) nonprofit corporation called the

1 Giant Sequoia National Monument Association, which in
2 September signed a challenge cost-share agreement with
3 the Forest Service for a five-year term in which the
4 Forest Service is committed to providing \$10,000 per
5 year to help the association move forward and implement
6 the management plan. And through this, the association
7 is committed to bringing along volunteer assistance and
8 seeking grant funding in order to move towards
9 improving the recreational opportunities within the
10 Giant Sequoia Monument and the surrounding Sequoia
11 National Forest area.

12 And it's issues like these in which
13 collaborative actions and collaborative processes do
14 work, and it's a great thing to see that this is one
15 measure of success that has come up. Thank you.

16 //////////////////////////////////////

17 **AGENDA ITEM III - PUBLIC COMMENT REGARDING REPORTS**

18 CHAIR WILLARD: We'll now take public comment on
19 the Deputy Director's report, the BLM report, and the
20 U.S. Forest Service report.

21 COMMISSIONER VAN VELSOR: Can I say something
22 about this set of comments? I just want to refer back
23 to the comments made by Randy Jordan, and we also -- or
24 at least I received some information from him, I don't
25 know if the other commissioners did, as well, that

1 provided more details on what he mentioned today. And
2 the concern I have is with safety, and he raised that
3 point and he raised that point in the information that
4 he sent that there's concern about child safety. And
5 I'm wondering if we couldn't have an opportunity at our
6 next Commission meeting or another Commission meeting
7 to hear a little more about that and just what the
8 situation is, if there's something that needs to be
9 investigated in more detail.

10 DEPUTY DIR. GREENE: Certainly, I'm happy to put
11 it on the agenda. I didn't receive any of those
12 documents that apparently you did. I don't know if any
13 of the other commissioners received them. So I don't
14 know exactly, but, certainly, that aside, children's
15 safety, everybody's safety is of the utmost priority.
16 So I certainly would be happy to share with the
17 Commission what we're doing, what actions are out
18 there, and steps that we're taking, and would welcome
19 any additional suggestions that anybody may have.

20 COMMISSIONER FRANKLIN: It's unfortunate that
21 Randy has appeared to have left. I wanted to ask him
22 some questions but obviously is of great importance to
23 me, to the Commission, to the industry, to the state.
24 I would like to get more involved in this and have an
25 opportunity to hear directly from Randy exactly what

1 his concerns are. I think he points out a few things
2 that are reasonable that we should definitely take a
3 look at, and I'd like to work with the Division and the
4 state on trying to find some middle ground for him, at
5 least find out where we're going.

6 CHAIR WILLARD: Perhaps we can have a
7 subcommittee of Commissioner Van Velsor and
8 Commissioner Franklin to work with Mr. Jordan. If you
9 want to have it as a business item for the next
10 meeting, then we can certainly do that. Is that okay?

11 Moving on to the public comment for the reports.

12 DAVE PICKETT: Dave Pickett, District 36. On
13 the BLM report, I was looking at the directive from
14 Mr. Abbey on BLM, and I'm a little concerned. And I'll
15 read this, what's in print: My clear directive is if
16 our field offices cannot fulfill or complete all of the
17 required steps in authorizing an event, then no permit
18 will be issued.

19 Now, through the years, dealing with BLM by
20 specific areas for permitted events, we have -- when I
21 say, we, District 36 clubs, have had situations that we
22 can't get your permit done because we don't have enough
23 staff, or that position has been vacant for six months
24 because our budget was cut. This comment from the
25 national director spooks me a little bit because it's a

1 door to me that says we don't have the staff, we can't
2 issue you a permit. So I would like clarification on
3 that from BLM if we can get that.

4 There was also another reference to cost
5 recovery comment again requiring companies to
6 compensate the BLM for processing and administering
7 permits that take up more than 50 hours of staff time,
8 et cetera. Obviously, that's going to put it over
9 50 hours, and then the dollar sticker starts go way up.
10 Since he cited the word "companies", I'm going to be
11 viewing that as a professional promotor and not a
12 nonprofit or a club in this arena. District 36 uses a
13 lot of BLM land in and out of this state, usually with
14 good success long-term. But as I said many times
15 before, the cost has become so prohibitive in some
16 areas that they're withdrawing. This is frustrating.

17 On the Forest Service report, Ms. Mick made a
18 comment about communications about wet weather
19 closures, emergency snow closures, rain, et cetera.
20 The Eldorado, via Jon Jue and that particular ranger
21 district, has had an effective program of sending out
22 e-mail alerts, specifically to District 36 and many
23 others on the list, trying to get the word out as
24 quickly as possible that the area is closed because of
25 moisture saturation contents exceeding soil standards.

1 He's also effective in getting news back to us about
2 when the trails are reopened.

3 I think this can be implemented all the way
4 across Region 5, because they've got a pilot that's
5 been working for years. So the communication problem
6 is out of region, not some individual forests. If
7 Eldorado can do it, why can't the rest? We've got a
8 million plus green stickers, and most people that have
9 a green sticker registration have an e-mail. Do an
10 outreach program. Find out who's coming, and go to
11 DMV, and get these records and contact these folks. So
12 there is a process that can be created and implemented
13 with not too much work.

14 But I'm hearing the same communication problems
15 on this podium that I've been hearing for years. No
16 excuses. Start getting it done. That's my comment.
17 It will stop this resource damage that Mr. Waldheim was
18 talking about, the tools are out there, just put a task
19 force together and start making it work. Thank you
20 very much.

21 ED WALDHEIM: Ed Waldheim.

22 Forest Service, I would like to mention that in
23 the Forest Service report, Region 5 doesn't necessarily
24 know what's happening on the ground in some of these
25 forests. Jody Noran is moving from the Angeles

1 National Forest as the supervisor in San Bernardino
2 National Forest. January 7th, we will have a meeting
3 there. We'll be touring Baldy Mesa. Mr. Slavik, would
4 you come to Baldy Mesa?

5 COMMISSIONER SLAVIK: Been there, done that.

6 ED WALDHEIM: But I would like to also say that
7 Friends of Jawbone, together working with the CTUC and
8 CORVA, who is our newest branch of CTUC, Larry Baker
9 was instrumental in making it happen. Ralph Pantry had
10 about a 100-foot long four-by-four now. A rock pile
11 for four-by-fours to go on trials now do in Rohnert
12 Flats. We're trying to promote that. It's only taken
13 us 15 years to move those boulders from one side of
14 recover to the other side. We finally got it. I
15 personally had the packer go down there, and we
16 accomplished that. Now, we're going to start working
17 on the obstacle course at San Gabriel Canyon. We had
18 to take the packers away, put it up in Jawbone, finish
19 our job. That's working fantastic.

20 Mr. Chairman, I need you to please send a
21 personal invitation to Randy Moore, Region 5 boss, to
22 come to this meeting. It drives me nuts. Here we are
23 one of their biggest customers that he has, millions
24 and millions of dollar, and we're going to go with hat
25 in hand begging to go into his meeting? I don't think

1 so. You are an appointed Commission by the Legislature
2 by the Governor's Office, he needs to come and talk to
3 you. Cost recovery, what Nancy did the other day, was
4 a farce because all she did was listen to us. She took
5 no notes, and went back to her script, and went back
6 home. Nothing changed. Up here in Northern California
7 these clubs are getting killed. So I think we should
8 demand that he comes to these meetings. He needs to
9 come here, period. There is no excuse. We're the
10 customer, he needs to come here.

11 As far as BLM cost recovery, the meeting that
12 Karla and Jim presented is a complete different meeting
13 than what we went to yesterday. It absolutely drives
14 me crazy. They were reasonable here, what they
15 presented to you. Talking about the pendulum,
16 Mr. Chairman, the pendulum has not gone to the other
17 side, it's flown off way over to Alaska. It's gone.
18 They have gone so off kilter in reacting to what
19 happened at Barstow, it drives me nuts. Yes, the
20 regulations are there. Yes, we should have been doing
21 things. But don't lump all of us into the one incident
22 and making us do things that's impossible to do.

23 They want me now to have a medic every 25 miles.
24 They want one event per field office, one event per
25 field office. No more horse enduros, no more

1 motorcycle events, no more poker runs, only one.

2 I only have one copy, and Daphne Greene has one
3 copy. Just give it to Gary, please. That is a sheet
4 that they have come up with the permits. They're
5 cancelling permits left and right. It is totally
6 unreasonable, Mr. Chairman and Commissioners. If these
7 OHVers racers are not given the opportunity to race,
8 what they love to do, in the open areas where you can
9 do anything you want, guess what is going to come?
10 They're going to be all over the place because these
11 are good riders. They love racing. So what are we
12 doing now? We're penalizing them because of one
13 activity on a sport. Yes, we don't want to see people
14 die. It's very unfortunate. But most of the
15 District 37 events do not have spectators. Dual sport
16 has no spectators. Cal 4-Wheel has no spectators.
17 Enduro Horse Riders have no spectators. Don't lump us
18 into the same category.

19 So I would highly suggest that the Commission or
20 the staff really get with the staff down there, who is
21 making all of these recommendations, and somehow get
22 together with the staff in Sacramento in being
23 reasonable about this thing. It's totally out of
24 control, so we definitely need your help on that.
25 Thank you.

1 KAREN SANDERS: Thank you, again. Karen
2 Sanders, Friends of Jawbone. I just wanted to comment
3 on the Pacific Crest Trail issue in Jawbone Canyon. We
4 have installed 22 gates on the PCT. It does run
5 through Jawbone, and it's something that my crew was
6 very cognizant of. We're again working with law
7 enforcement to make sure that they're fully aware of
8 it. As far as Bean Canyon goes, Commissioner Slavik,
9 you know, Jawbone/Dove Springs is only about 30 miles
10 away. I think the suggestion to have some sort of
11 billboards and some sort of sign directing people to
12 Jawbone/Dove Springs or Spangler Hills, which is not
13 that much further away, that would be helpful in
14 alleviating the problem in Bean Canyon.

15 We have two open riding areas in Jawbone; 8,000
16 acres in Jawbone, 5,000 acres in Dove Springs, plus
17 over 200,000 acres of designated trail riding, and
18 there are some pretty good trails. So I think that
19 would definitely be a solution, or at least the right
20 direction to head.

21 Also, as far as your comment of 45 people being
22 a lot of folks in one area, we had about 20,000 people
23 in Jawbone over the Thanksgiving holidays, and our
24 neighbor in California City had 100,000 people out in
25 the desert. So I think 45 is really kind of a drop in

1 the bucket compared to what we experience in our areas.
2 Thank you.

3 JOHN STEWART: Good morning, Deputy Director,
4 Commissioners. I have some comments that are going to
5 encompass both the Forest Service and the BLM. And
6 specifically there is a thread common to both of them.
7 At the core of it is special recreation permits. In
8 one hand, the Forest Service is talking a lot about
9 cost recovery, and the BLM is looking at permit
10 processes. I want to submit that these are both
11 interrelated, and they cannot be addressed separately.
12 They need to be addressed as a cohesive, consolidated
13 function.

14 I'm encouraged with what Karla presented about
15 the risk assessment matrix. That sounds like a good
16 step in the right direction. But care as to not create
17 undue requirements on individuals or recreation has got
18 to be included, and it does also look closely at the
19 concept of we have recreation clubs, and we have
20 promoters involved. They are two separate, distinct
21 entities the regulations really do not differentiate
22 between. Under promoters and promoted events,
23 competition events, there is an assumption that, yes,
24 there will be spectators. Under recreation with clubs,
25 there are no spectators. These are actually people out

1 enjoying public lands. So the concepts of recreation
2 and competition have got to be looked at closely for
3 the difference, and this is part of where, yes, there's
4 room within that risk matrix to come up with something
5 reasonable. Also, looking at concepts of multiyear
6 permits, that have got to be looked at.

7 Now, when all of this is said and done, yes, the
8 permits have got to have a safety plan. Just hoping
9 those safety plans, as they come up, do not add an
10 undue cost or burden, even though Karla indicated that
11 they do not intend to change their regulations. By
12 looking at these operating safety plans, they could
13 inadvertently change the regulations and put an undue
14 cost or burden, which would be troublesome.

15 In 2003, I began arguing, pushing then Field
16 Manager Linda Hanson to look at the five field offices
17 in the California Desert District to come out with a
18 consolidated view of recreation permits. That resulted
19 in the team being put together. I was part of that
20 team that drafted and worked on the current handbook,
21 the BLM touts as being their guide for statewide
22 recreation events. Karla indicated this will not
23 change. Good. I believe we did a good job of
24 developing it then. Now it's a matter of tightening it
25 up and looking at how it can be implemented and worked

1 effectively.

2 I would like to offer up, if the BLM is looking
3 at their permitting process, then it is also behooving
4 that the Forest Service look at their permitting
5 process in conjunction, and it's also incumbent to look
6 at what the National Parks Service is running with
7 their permitting processes so that these three federal
8 agencies, working off the same basic laws, the same
9 basic requirements, all have terminology and
10 definitions that are consistent across there just to
11 avoid the problems of difference of interpretation and
12 communications. Having something that is
13 understandable by everyone and something that does
14 address the fact that recreation is a non-spectator
15 event. And recreation is out there for the fun and
16 enjoyment with friends and families on public lands.

17 JERRY FOUTS: Jerry Fouts. Commissioners,
18 Jerry Fouts at AMA District 36 and my granddaughter.
19 You know, I spoke to you at the last meeting about my
20 dealings with the BLM, people on the ground. And I
21 went to one of my favorite riding areas the other day,
22 and I guess as part of the Sierra conservation plans of
23 the BLM that's been out for quite some time that
24 identified probably two dozen different areas from
25 Yuba City all the way to Madera, they finally closed

1 down the riding area that I've gone to for 40, almost
2 50 years now. We call it Dogtown. It's called the
3 Date Flat staging area out of the Plumas Stanislaus
4 National Forest. And they finally fenced it off. And
5 the thing that makes me crazy is that the Forest
6 Service just built a brand-new pit toilet up there,
7 tens of thousands of dollars. The area is now closed.
8 It's fenced off. And, you know, when I talked to the
9 BLM, and they weren't very helpful on the ground. In
10 fact, they were less than helpful.

11 I guess the point I would make is this: That's
12 a combination of forestland, BLM, private property.
13 It's a patchwork of stuff that nobody even really gives
14 a hoot about. I guess that's part of the problem. But
15 now it's closed. Now it's closed off, an area that my
16 granddaughter could do, my son, that I've ridden on for
17 years. It was family recreation that is now closed.
18 And, yeah, it's had some issues, but nothing that
19 couldn't have been overcome by grants from OHMVR, by
20 some people on the ground, by some conversations.

21 And the worst thing is the method that the BLM
22 used to get their information together is surely
23 suspect. I talked to them on the phone. Oh, yeah, we
24 did scoping, we did this, we did that. I've got news
25 for you, I've been involved in that place for 40 years,

1 I've been a congressman for 15 years, I didn't hear
2 about a word about it, not from anybody, not from
3 anybody I knew. I don't know where they're doing this
4 thing. I don't know where they're getting their
5 information. I suspect they're advertising in the back
6 of the Oakdale Reader, the legal section of the Oakdale
7 Reader, in a rag that nobody reads. I suspect that the
8 information and the way they're getting their
9 information out is for their open agenda that they want
10 to close the place down. I've talked to them before.
11 If they want to get ahold of me, I have a green
12 sticker. I have a registration with DMV. They can get
13 ahold of me any time they want. If they want to do a
14 mailing of 50 miles within my ZIP code, they can do it.
15 They have the ability to do it. They chose not to tell
16 me about it, and now it's closed.

17 So, you know, what's going to happen now, it's
18 closed off because it's a patchwork of some private
19 property owners, BLM, Sierra National Forest,
20 Stanislaus Forest. What's going to happen now is it's
21 going to turn into the private purveyance of the pot
22 growers and meth lab guys that have used that place for
23 years. And the only reason they didn't do business
24 there before is because I was there. I told somebody
25 about it. It's my land. Those guys that own those

1 five, ten, 20 acre parcels, or maybe 60 acre parcels in
2 there, now have two and three thousand acre parcels.
3 That's their own property now. The gates are closed.
4 It's all theirs. I don't get to go there anymore, and
5 I've seen the meth labs. I've seen the pot there. We
6 turned something that's family activity into a total
7 illegal activity under the umbrella of the BLM. That's
8 just crummy. That's not what this country is all
9 about. That's not what we're all about. We're good
10 folks, and we deserve better than that. Thank you.

11 BRUCE BRAZIL: Good morning, Bruce Brazil,
12 California Enduro Riders Association. Just two short
13 topics. One is the Pacific Crest Trail and the
14 intrusions. And at least one of the motorcycle
15 websites since, I guess, last Easter when a big law
16 enforcement collaboration took place, there's been a
17 few different discussions. And one of the things that
18 was brought up amongst some of the posters is the lack
19 of signage. A few of the people admit, yeah, I was
20 riding along this trail for a while, and then they
21 found a sign that says they're on the PCT. So the
22 concept that was brought up earlier about better
23 signage, good. Folks, you know, they get on there,
24 they just didn't know. I'm not saying that's all the
25 offenses, but.

1 And the second, OHV grants process update.
2 Unless I'm mistaken, there is still no minimum score
3 that is required of the people requesting our grants
4 money, minimum score that they would have to meet
5 before they get funded. And somebody getting a real
6 low score 10, 15, 25, 30 points or something, that's
7 pretty weak. In school, you get under 50 percent or
8 whatever, you're failed, you're out of there. So
9 hopefully maybe next year's process, next round, that
10 can be instituted. Thank you.

11 //

12 **AGENDA ITEM IV(A) - Draft 2011 Report**

13 CHAIR WILLARD: First business item is the draft
14 2011 Report, which per statute is due January 1st,
15 2011. I think in front of us now today we have the
16 third draft that we're to review and hopefully, if it's
17 the Commissioners' pleasure, to approve and adopt it so
18 that Division can then submit it to the Governor and
19 the Senate and other agencies that we're required to do
20 so. Deputy Director.

21 DEPUTY DIR. GREENE: At this time, I'm going to
22 turn it to Connie Latham for a brief overview of all of
23 the work. I would like to thank everyone in advance.
24 A lot of work went in in the last five weeks trying to
25 address all of the comments that were made at the last

1 Commission meeting. I'm hopeful we've succeeded in
2 doing so. We certainly will find out.

3 OHV STAFF LATHAM: Connie Latham, OHV Division.
4 Again, good morning, Commissioners. It's just so
5 unusual to be presenting so early in the day.
6 Hopefully everyone is awake this time.

7 On that note, I would really like to thank the
8 Commissioners, as well as the many folks that provided
9 input on this document, comments, because they were
10 instrumental in getting us where we are today, and I
11 think we have a document that I think truly paints a
12 good picture of our program and what we've been doing
13 the last six weeks or so.

14 I also want to give another thanks to the BLM
15 and Forest Service staff, Kathy, Keaton, Jim, Mike
16 Ahrens isn't here. They responded to the comments over
17 the last five weeks, as well, in order to add more
18 detail to those summaries as were requested by
19 yourselves. So thank you to them. It was definitely a
20 collaborative effort to be where we are today.

21 There were a number of items that were
22 identified at the last Commission meeting that we've
23 addressed in Draft III. We'll see again that it's
24 expanded once again. We've added, we've expanded, and
25 we've edited quite a few of the summaries. We hope

1 that this will reflect a better flow in the document.
2 So as I've already mentioned, I hope it really paints a
3 picture of where we've been.

4 What I'd like to do is point out some of the
5 highlight changes that were made. I don't want to go
6 step by step through the document since we've done that
7 a couple of times; just highlight some of the main
8 things that might stand out to you.

9 One member asked to put captions on some of the
10 pictures, we've done that.

11 On page five under program funding section,
12 we've expanded the detail there on the loans and the
13 transfers to the General Fund, so we put a lot of
14 effort there. Also, you'll see I believe we've
15 expanded our charts, as well.

16 On page 10, we've added a new section here on
17 the general planning efforts and the status of the
18 General Plans and the SVRAs. So, again, there's a
19 chart in that bottom right-hand corner that lets folks
20 know what the status of those individual SVRAs are.

21 On page 11, we've addressed visitation and also
22 the effects of the current recession on the visitation
23 in the SVRAs. I think we've put a lot of effort into
24 that and folks are happy with it.

25 Then if we move to the actual report

1 requirements, page 49, we start with report requirement
2 one, the strategic planning process. You'll see there
3 that we've expanded information in that summary to kind
4 of give you a little bit of a flavor of how we're
5 addressing the strategic plan that's already been
6 approved this last spring, give you an idea of how
7 we're actually addressing the objective of the
8 individual goals in the plan. The intention is not to
9 really update the status of the strategic plan as far
10 as implementation in this report.

11 Moving on to page 95, we have added the overview
12 of the Grants and Cooperative Agreement Program. That
13 was requested by the Chair, yourself, I believe. And I
14 know that you mentioned probably upfront somewhere, but
15 again as we looked at that flow, you know, and how it
16 paints the picture and moves through time, we felt it
17 best to be in this location.

18 And then on page 99, again, at the request of
19 the Commissioner, I believe, Mr. Van Velsor, we
20 expanded the summaries of the BLM and Forest Service,
21 added more detail of the condition of their resources.

22 Then if we move to page 160, this is where we
23 provided, also per Commissioner Van Velsor's comments,
24 a little bit more detail on the Habitat Management
25 Program, the review that UC Davis assisted us in. So

1 you'll see details added there, as well. So other than
2 just little expansion, editing here and there, those
3 are the key areas.

4 I think what I'll do now is just ask if there
5 are any questions. That pretty much concludes my
6 presentation, unless there is something else.

7 DEPUTY DIR. GREENE: I was just going to also
8 add that I think of particular interest to the Chair,
9 we actually also added, on page 128, an update about
10 the Round Valley Snow Park. This was a snow park that
11 we began, had been identified by the Chair a number of
12 years ago, an area of conflict. So we have been moving
13 forward with that. Also, tried to give an update on
14 the status of the PCT, we tried to enhance that. And
15 also provide some additional information, charts on
16 local law enforcement, nonprofits, and those sorts of
17 things.

18 OHV STAFF LATHAM: I'm sorry, Chair, if I may,
19 one last thing here. Also, Commissioner Lueder brought
20 up at the last Commission meeting the executive summary
21 and conclusion. We did add conclusions and kind of the
22 next steps of where we are going from here.

23 As far as the executive summary, we want to make
24 sure we have the final document. And an executive
25 summary will be added to that final document, so it

1 does flow. If we start moving things around again,
2 then it may change the contents of that.

3 DEPUTY DIR. GREENE: We're working with the
4 subcommittee on that.

5 CHAIR WILLARD: Okay. First of all, I want to
6 commend you and all of the staff that helped you on
7 this. This turned out to be much more than I thought
8 it was going to be. Clearly, it does a great job in
9 meeting the legislative requirement. I think it goes
10 way beyond that, which is a good thing, and it gives
11 the reader a really good not only overview but a lot of
12 detailed information on the program. I wish that I
13 would have had this five years ago when I started to
14 get involved in the program. It would have been a
15 great resource for me to learn a lot about what happens
16 with the OHV program.

17 I specifically like a lot of the new charts that
18 convey important information. Specifically on page
19 nine, this was a real eye opener. There is the summary
20 of diversion loans from the OHV Trust Fund, staggering
21 numbers. I didn't realize it added up to just about
22 \$200 million that unfortunately the users of the
23 program have lost, and that's funds that could have
24 been put back into the program. So I think that one
25 chart says a lot.

1 But other than that, I'm very, very pleased with
2 this, and I think it's ready to move on. I do
3 understand that we still want to have an executive
4 summary, which will be included in the final document,
5 and that's going to be strictly a restating or a
6 summary of what's in here. There will be no new
7 material because we're going to hopefully look at this
8 and adopt it today. But it's not 100 percent complete
9 in that it will have the executive summary, which is
10 just a summary of what's in the document. Plus I will
11 be writing a cover letter transmittal letter to go with
12 it. So I just wanted my fellow Commissioners to know
13 those two items still need to be done.

14 Commissioners, any other comments or questions?
15 And then I think what I'd like to do is after we have a
16 little bit of time to discuss it, we'll open it up to
17 the public for their comments, and then we will come
18 back and deliberate on the item itself.

19 COMMISSIONER LUEDER: Mostly I have questions,
20 clarification on a couple of things.

21 On page nine and ten where we talk about the
22 loans, does Division have a plan to track this now that
23 it's been put in writing so that we don't lose sight of
24 how much money has been loaned, and also so that it's
25 not a surprise to the Governor, future legislators, the

1 Resources Agency, as well as the Parks Department?

2 DEPUTY DIR. GREENE: We've been tracking it all
3 along. I will commend Fish and Game for borrowing and
4 returning. That's the way it should work, and thus
5 they're in green, as you can see, at the top of the
6 chart. Certainly, at the same time I think that we all
7 have to recognize, in this state we've got a
8 \$25 billion deficit, and so that has to be of great
9 concern to us as we go into the future budget cycle,
10 this year as well. But certainly we track it.

11 There is language, as we indicate, within some
12 of the budget acts that indicates the repayment dates.
13 Certainly we intend to follow up on those, as well. So
14 we will be bringing forth. And support from all of you
15 would help as well when those due dates start to come
16 in so we can ensure the fund is paid back.

17 COMMISSIONER LUEDER: If I can make a
18 suggestion, in the future, if there is a future loan,
19 that when that occurs, that a letter is issued by the
20 Deputy Director basically acknowledging that there is a
21 loan and that it be publicly noticed so that the
22 balance prior to the loan is noted, along with what the
23 new loan amount is, and when it's supposed to be repaid
24 by statute or by specific line item in the budget.
25 Just a suggestion.

1 DEPUTY DIR. GREENE: Duly noted.

2 COMMISSIONER LUEDER: Moving on to the general
3 plan statistics. On page ten, I see that several of
4 these have been amended and several of them have been
5 in progress. I'm wondering just generally how does
6 this compare to the State Parks Department as far as
7 them updating their general plans?

8 CHIEF JENKINS: Right. There's a number of
9 general plans throughout the State Parks system that
10 are a result of the SVs or older. There's also a lot
11 in the State Parks systems that never had a general
12 plan and still don't have a general plan. What we need
13 to keep in mind when we're looking at the general plan
14 and history of when they've been updated, when they've
15 been done, across all parks in the State Parks system.

16 A general plan today is only required when
17 you're doing a major project that's going to
18 permanently change your land use. And so there are a
19 lot of units in the State Parks system that just don't
20 have any plans to change from what they have been doing
21 since they have been in existence, and so they don't
22 necessarily need to update the general plan. There is
23 no new property. There is no new development
24 contemplated. There's no new campgrounds being built.

25 In the SVRAs, those original general plans were

1 done years back. Traditionally we do general plans
2 about every 20 years in parks that expect to see
3 change, that have had land added, et cetera. So when
4 we look at our record, our history in the Division of
5 general plans, we're actually somewhat better than the
6 department at large because we tend to be more focused
7 on facilities at our parks, so there is a greater need.
8 So we have a lot more general plans.

9 If you look at the SVRAs that have general plans
10 versus the percentage of general parks, we're superior
11 in that sense. But most importantly when we're looking
12 at this is the fact that several years ago we made a
13 commitment as a Division to do all of our general plans
14 because all of those parks needed to be intensively
15 managed because of the extensive recreation that
16 occurs. That's the key to take out of this section
17 that we tried to communicate in the report, is that we
18 as a program, Division and Commission, are trying to
19 update all of our general plans right now.

20 COMMISSIONER LUEDER: Page 13, effects of the
21 recession, and I see the graph as related to job loss.
22 But I note if you look at job loss versus decrease in
23 attendance, that although we've seen a decrease in
24 attendance, it hasn't been exactly proportional to our
25 job losses. So job losses have actually gone down

1 6.3 percent roughly, and our attendance has only gone
2 down around two percent. And I think the moral of the
3 story is that from the people I know that are out of
4 work, which I know a lot, they still find a way to get
5 out and recreate because that's a very important
6 activity for them. And I think it should be noted that
7 the statistics, what they show, but also that
8 recreation is still a very important activity to
9 families and those that are out of work trying to get
10 along. So that's one quick comment on that.

11 Getting back to page 77, where we start talking
12 about cultural resources and the chart that shows
13 cultural resources and inventories when they were done,
14 I had the same similar question: How does this compare
15 to State Parks as a whole?

16 CHIEF JENKINS: I don't have the numbers on my
17 fingertips for State Parks, and a while I know from my
18 personal experience from the districts that I managed
19 before I came into the Off-Highway Vehicle program,
20 it's hard to keep up on these cultural surveys just
21 because of staffing issues in many cases. Once again,
22 when we recently looked back at our entire program,
23 when we were looking at our staffing, one of the
24 commitments we made at the time was to commit more
25 resources to our archaeologists. That's why in short

1 order here, we will be up to date on all of our units.
2 And not knowing exactly where State Parks are on the
3 rest of the units, I think it's fairly safe to say
4 there are very few districts that can say all of their
5 park units are up to date on that. So once again,
6 we're not trying to keep up with State Parks. We're
7 looking at our program as a separate issue. We have
8 our own pressures and influences that are quite
9 different than the rest of State Parks, and we felt it
10 was important to make sure that we had 100 percent
11 compliance of getting these all current.

12 DEPUTY DIR. GREENE: If I may, too, I think
13 recently State Parks did a survey in collaboration with
14 Sac State. There were 26 parks that were surveyed, and
15 of those Oceano Dunes and Hollister Hills SVRAs were
16 surveyed. On the question of the importance of history
17 to the visitors to the park, 70 percent of the visitors
18 said they wanted to learn more about the history of the
19 parks in the areas in which they were riding. And I'll
20 tell you, that sent a rumble throughout the State Parks
21 system, everybody calling and saying we had no idea
22 OHVers care about history.

23 So it came right at the same time with our
24 interpreters coming on board, with the commitment to
25 the cultural resources, national resources, and where

1 we know that we still have gaps but trying to identify
2 those. I think in the cultural program there really is
3 that commitment that we have exquisite resources and
4 need to highlight those for people to be able to
5 understand where we've come from and where we're going.
6 So it just was interesting to see some of those
7 responses.

8 COMMISSIONER LUEDER: One more comment on that
9 particular section. On page 79 at the bottom it says:

10 "Evaluating significant cultural
11 resources. Public Resources Code
12 Section 5024 mandates that all state
13 agencies do this."

14 I think that's important to move or repeat to
15 the very first portion of this section back on page 76,
16 so that it's clear that it's not just us that's
17 required to do this, but it's all state agencies. So
18 that's just a minor little thing, but I think it makes
19 it a little more clearer.

20 Moving on to the habitat monitoring system on
21 page 160, as I read through this, I'm just noting that
22 we are in the second generation of this system. As I
23 understand it, the first generation was created many
24 years ago; is that correct?

25 DEPUTY DIR. GREENE: 1988 was the Garamendi bill

1 that passed that required certain protection measures
2 be put in place.

3 COMMISSIONER LUEDER: So the second generation
4 is to update that to be more useful for staff and to
5 better chronicle their resources?

6 CHIEF JENKINS: Right. To summarize essentially
7 what's in the report, we had extensive conversations
8 with the researchers over at UC Davis asking them to
9 help us boil this down into something more easily
10 digested. What are you saying in the study? And the
11 core of what they were saying was that the old
12 monitoring system that was done in the '80s was
13 designed based on the state of science at the time, and
14 it's designed more for broad application to a species
15 over broad landscape. It wasn't necessarily perfectly
16 fitted to the SVRAs in answering management concerns.
17 What they said was they needed a better system. As the
18 environmental scientists surveyed the units what they
19 found was when they tried to apply the monitoring
20 system that was created in the '80s, they were finding
21 that it didn't answer the questions that they had. And
22 so when they were trying to answer questions about
23 should we do certain activities in the park or allow
24 certain actions, et cetera, the monitoring systems
25 didn't give answers they needed. So they created place

1 by place their own monitoring systems that could try to
2 give them the information they needed. So you'll see
3 in that report where it says they were not consistently
4 applied, that's the reason, the system wasn't well
5 suited to do what it was intended to do.

6 So what the recommendation is is that we create
7 a habitat monitoring system that directly is designed
8 upfront to answer those questions the managers have.
9 So the new system should provide a lot more consistency
10 across the board from all of the areas and be designed
11 to actually answer the questions that management needs
12 answered to make decisions.

13 COMMISSIONER LUEDER: My last comment is that I
14 do appreciate all the effort that was put into this
15 report. I think staff and management did a humongous
16 job of getting this thing to where it is today over the
17 last five or six weeks, so I thank you for that, and I
18 think it's an excellent report.

19 COMMISSIONER VAN VELSOR: I, too, would like to
20 compliment you on the report. Well done. I think it's
21 a well-written comprehensive overview of the OHMVR
22 program. It provides a real thorough description of
23 the programs, the projects, the activities, and I think
24 it gives a good overview of the natural and cultural
25 resources and what we're actually seeing in the areas

1 where we're managing off-road vehicle recreation. I
2 like the way that they used examples throughout to
3 demonstrate some of the issues and challenges that
4 we're facing, some of the successes. I think that was
5 really valuable to point out here where we really are
6 finding ways that we're achieving our objectives.
7 Also, I think it's really positive the way you pointed
8 out some of the areas where we're seeing a gap in some
9 of the resource capabilities, where we're not achieving
10 some of the objectives that we would like to. So I
11 think that's really valuable to demonstrate where we
12 feel we have been successful and where we feel we need
13 to improve. And I think you've done that well.

14 I like the additional information on the habitat
15 monitoring system because I think that points out why
16 we aren't able to provide as much information as I
17 would like to see. And I think all of us would like to
18 see, from the standpoint of the actual resource
19 condition. And as I indicated early on in this
20 process, I felt that there just wasn't enough
21 information out there about condition of the resources.
22 And as a result of the additional work you've done on
23 the report, I think it's clear why we don't have that
24 information. It's been a lack of capacity, in some
25 cases the monitoring system was just not adequate to

1 provide the information that we really needed in order
2 to establish condition and trend. And I think it's
3 really positive that we have modified and improved on
4 that monitoring system, and it looks like in the future
5 we're going to be able to establish a much better
6 understanding of the conditions especially on SVRAs.

7 I do think it's necessary to work more closely
8 with the Forest Service and the BLM so that we can also
9 get good condition information from them on the trails
10 in the areas that they're receiving funding from us
11 for. But overall I think it's a really good report,
12 and I think it provides a good sense of what the
13 program is and where we're headed and the important
14 things that we hope to accomplish with our work.

15 STAFF LATHAM: Thank you very much. Again, when
16 they say it takes a village, this document definitely
17 took the Division and the efforts of many, many people.
18 So kudos to all those.

19 COMMISSIONER SLAVIK: I also would like to thank
20 you for all of the work you put into this. And as I
21 listen to these comments here, one of the words that
22 comes up to me, this seems to be an honest report. You
23 didn't mince words with some of this stuff. And like
24 Commissioner Van Velsor said, there are gaps and people
25 can see these gaps here, and hopefully that they can

1 react to these things positively with prudent things.

2 But one of the things that I would like to see,
3 I wrote the word "press release". I think the Division
4 needs to do a press release -- or maybe it needs to
5 come from the Commission, since this is our report.
6 But as I was thinking about that, it came to me that we
7 need to do a press launch, a very serious large-scale
8 press launch of this report and maybe at the Capitol
9 and possibly at each SVRA for the local medias around
10 the SVRA.

11 You know darn well that many of the attacks that
12 we end up defending ourselves against come from locals.
13 They have no idea of some of the things that are
14 involved here, and I think we need to let the world
15 know about that. And I don't know if you have the
16 budget to do those kinds of things. You spent a lot of
17 money getting to this point. I think we need to tell
18 the world about it.

19 STAFF LATHAM: Good point.

20 COMMISSIONER SILVERBERG: First, I'd like to, as
21 my fellow Commissioners have done, thank staff for the
22 countless hours, late nights, very late nights that
23 have gone into this report. So thank you so much for
24 that effort.

25 Interestingly enough, the one thing that I found

1 through the report is that in the way the SVRAs are
2 depicted, there's a lot of photos in there that shows
3 the users. And I thought that that was really
4 important because the users here, which are primarily
5 families, are depicted in, like I said, some of the
6 SVRA pictures, but not really at all when it came to
7 looking at the BLM and the national forests. Now,
8 there is one picture in there that shows a rider coming
9 out of the national forest shot. I think that's on
10 page 112. And out of BLM and national forest pictures,
11 that's the only one where you saw an individual rider.

12 I was thinking that as important as it is to
13 talk about the national resources and their conditions
14 and so forth, it's also very important to show who are
15 the users, who is out there, how is it affecting them,
16 as much as how they are affecting the lands involved.

17 So I would just say that if it was depicted
18 better about the families that are involved in this, I
19 think it's important for that to really come through
20 the report.

21 COMMISSIONER VAN VELSOR: I do have a comment on
22 procedure at this point. If we are intending on
23 approving it today, what additional comments can we
24 make? For example, I've got several editing comments
25 that I think would be worthwhile adding. Those are not

1 changing the substance in any way, too many thes and
2 ands and that type of thing, so.

3 CHAIR WILLARD: It would be real simple for us
4 to have a motion to approve the documents the way it is
5 and then vote on it, but there have already been a
6 number of comments made that I think are going to
7 require some editing. So, counsel, how would we, as a
8 Commission, basically say, we like what we see, let's
9 address this, approve it. But you know we've also
10 discussed some minor tweaking that we would like to see
11 happen. How would we do that?

12 ATTORNEY LA FRANCHI: I think you can pass a
13 resolution that approves the report, subject to the
14 language you were just using, edits and that sort of
15 thing, that don't change the substance or don't change
16 the overall tenor of the report. And I think you would
17 be fine with that, and then adding the executive
18 summary and that sort of thing, I think that should be
19 fine.

20 DEPUTY DIR. GREENE: As a reminder, the
21 Commission had approved the second draft of the
22 strategic plan. We went back, and there were a number,
23 as indicated, late nights. So we recognize there's
24 some editing. I think, Commissioner Van Velsor, staff
25 and the Division thinks somehow you're my long lost

1 twin because I value those tracked changes that you do
2 provide on some of those nitpicks.

3 Certainly we will work with the subcommittee,
4 but the intent isn't to change anything, but it is to
5 make sure that it's improved upon. I think there is a
6 law enforcement chart about the locals that actually
7 should be moved. I don't know where off the top of my
8 head. It's on the bottom of one of the pages, and it
9 actually needs to move onto the other side of the page
10 and be incorporated into the actual information about
11 the local law enforcement, so things like that. I
12 speak on behalf of the Division, we would never make
13 any wholesale changes or do any big additions. And
14 we'll be working with the subcommittee, certainly.

15 CHAIR WILLARD: When it comes time we'll have to
16 wordsmith on the motion to get this right. But
17 basically I think what we're going to want to do, at
18 least what I'm going to suggest, we approve it subject
19 to some of these minor changes and just general
20 cleanup.

21 COMMISSIONER SLAVIK: Connie or maybe Daphne,
22 can you tell us what you view the final report to look
23 like, if it's different than that.

24 STAFF LATHAM: It will be very similar to what
25 you're seeing here. The layout is not going to change.

1 I will work with yourselves on any little editing,
2 because I've got a list already that we'll again commas
3 here and ands there that need to be replaced.

4 The Deputy Director mentioned there is a chart
5 out of place. We will add the executive summary and
6 the message, if you will, from the Chair, and have a
7 cover page on this document; otherwise, I believe it
8 will look like this. So the headers, I think that's
9 what you're getting at, would be similar to what you
10 see now.

11 COMMISSIONER SLAVIK: There were two or three
12 abbreviations in here that I didn't see in the back,
13 and I lost them at this point, but there's a couple
14 that I wasn't familiar with that didn't show up back
15 here. And so if there's questions of that, I don't
16 know if you can do a search on that or what?

17 STAFF LATHAM: Yes, we can.

18 COMMISSIONER SLAVIK: The last thing I would
19 have, is it possible to put tabs for the sections.

20 STAFF LATHAM: It's interesting you brought that
21 up because as you can see, that's the only way I can
22 work with this document is to tab it. I was thinking
23 we could at least tab possibly the report requirement
24 areas or key elements. I'm not sure how that would
25 work, if we can do that, but it's something we

1 certainly could look into.

2 COMMISSIONER SLAVIK: A picture of a wildflower
3 or something might be nice, too, rather than a blank
4 white cover.

5 STAFF LATHAM: No, we'll put something there.

6 COMMISSIONER SLAVIK: That's why I'm asking the
7 question. What is it going to look like?

8 DEPUTY DIR. GREENE: It's the same as the
9 Strategic Plan. With the Strategic Plan, if you
10 recall, you never saw what we put on the cover before
11 and all of that. So it would be something similar.
12 Again, we can, if you would like, work directly with
13 the subcommittee so that you can take a look at that.

14 In terms of hard copies, what we are finding now
15 in terms of everybody recognizing the impacts to the
16 environment, most people are going to websites. So
17 once it becomes final on the website, when you go to
18 that table of contents, it will direct you right to
19 that direct section. So all of those inner workings.
20 Tabbing does drive the cost up, so we need to be
21 cognizant of that or not, whether or not you feel
22 that's important. Certainly, we can look at it, but of
23 course, yes, the cover will change.

24 COMMISSIONER SLAVIK: I'm thinking if this is
25 laying down in some legislative staff room or

1 something, that they're going to pick it up, making it
2 as easy to read as possible. If they're interested in
3 habitat monitoring, they'll see that tab, they're going
4 to open it up.

5 CHAIR WILLARD: If there aren't any other
6 comments from the Commission, I'd like to open it up to
7 public comments. And then after that, we'll deliberate
8 on the item.

9 DAVE PICKETT: Dave Pickett, District 36,
10 Motorcycle Sports Committee. Awesome job. This is a
11 very comprehensive document, easy read, easy to find
12 everything, not much fluff. I appreciate that.

13 I would suggest to executive summary because
14 unlike the federal healthcare bill, I would actually
15 like our legislators to read this.

16 Page 188 I think has probably the strongest
17 statement in the entire document, paragraph two: Only
18 by working to bring disparate communities of interest
19 together to combine their efforts to the common cause
20 of caring for the environment and recreational
21 opportunities found there can the program continue to
22 be successful.

23 I think this document is a huge step towards
24 that, working together. I don't often agree with
25 Commissioner Van Velsor on his comments, but his

1 comment about this document was right on the money.
2 So, Stan, I appreciate your candid comments that you
3 made. They were not negative and I believe staff
4 listened to every single thing you had to say and
5 implemented where appropriate. So I want to say thank
6 you for those comments. We can work together as long
7 as everybody works together.

8 Earlier Chair Willard mentioned page eight, I
9 believe. I brought it up during public comment, and
10 this is something really important to myself and my
11 organization and the members that we represent, the
12 loans. You can see the money that we're talking about
13 here, and I mentioned the word trust. There is no word
14 trust in trust fund in this state. And I would like to
15 see every single Commission meeting for the future
16 address this with follow-up letters to the appropriate
17 folks within the legislature that we're not going to
18 let go. We want our money back and just like before
19 back in the '80s some of us sued the state and as
20 pointed out here, we won. We're still waiting for a
21 lot of our money, but at least we won. This is huge
22 bucks, three annual budgets at the current rate
23 authorized to the Division. We need to stay on top of
24 that.

25 State Parks itself continues to borrow money.

1 There was, in years past before pretty much any of you
2 were sitting there, questionable transfer of payments
3 over to State Parks to help bail them out. I think the
4 election earlier this month pretty much lets State
5 Parks know we're not happy with the way they're running
6 things.

7 But as far as this document, kudos again to the
8 staff. It tells it like it is. It's an easy read.
9 Commission members, you all made great comments, and
10 I'm just going to leave it at all. Good job. I am
11 proud to carry this report to any legislator that's in
12 this state. Thank you very much.

13 ED WALDHEIM: Thank you, Commissioners. Staff,
14 you did a great job. You listened to everybody sending
15 comments in.

16 Page 101, thank you. You finally included --
17 (Inaudible) BLM. You did a great job covering that
18 because, remember, it's the one thing that was pointed
19 out, we should have a picture of all the opportunities
20 that take place in the federal agencies, didn't really
21 capture that, and perhaps we can pull up a past chart
22 of the visitors and how many millions of visitors we
23 have in the public lands besides the ones that we have
24 in the SVRAs. The numbers are staggering. Remember I
25 say 80 percent of the opportunity is in the federal

1 agencies, and we haven't described that. Remember,
2 also, that the state legislature doesn't like giving
3 money to the federal government. They are anti federal
4 government. And here we are giving to the federal
5 government. Why? Because it's land in California that
6 they happen to be managing for our citizens. That
7 point needs to be made very, very strongly. It's a
8 good start the way you have it there.

9 Thank you, Ms. Greene, for putting in the loan
10 things and taking the time to really dwell on that
11 thing. Finally, you've got it on paper.

12 So there is only one thing we're missing. I
13 gave my report to Teri Raml yesterday, the last report
14 I have is 1999. I have no other reports to where we
15 have spent the money, where and who has it, and we need
16 to get that. It's a big mistake. If any of you ask
17 me, I want to know about Barstow, how much money did
18 they get that from. They have no idea. I know exactly
19 how much we got from 1999 to the beginning. But nobody
20 has a clue how much money we've given to anybody except
21 last year, maybe the year before, but that's it. And
22 Ms. Greene has promised me for the last 15 years,
23 right? So it's on record, please, put somebody on this
24 to get that recorded. It's history. It's very, very
25 important. Accountability is important. Why should I

1 continue giving money to an agency who doesn't give me
2 anything for my money. But right now they're getting
3 away scot-free. I have no way of tracking that. So,
4 anyway, that's something for the future. But thank
5 you, staff. Thank you for really doing a good job.

6 JOHN STEWART: Good afternoon, Deputy Director,
7 Commissioners, John Stewart, California Association of
8 Four-Wheel Drive Clubs. Yes, it's an awesome job, and
9 it's very good leafing through. I can see a couple of
10 three points where just a little clarity might be in
11 order.

12 If you look on page 11, SVRA visitation and
13 charts says all State Parks attendance and then there
14 is a paragraph that talks about State Parks units, and
15 then it drops into individual SVRAs. It's unclear as
16 to whether that is State Parks in total or is it just
17 the SVRAs.

18 STAFF LATHAM: I'm sorry, would you point that
19 out specifically there?

20 JOHN STEWART: Page number 11, that chart, it
21 talks about all State Parks attendance. The question
22 is is that all State Parks attendance or is that SVRA
23 attendance.

24 STAFF LATHAM: It is all State Parks.

25 JOHN STEWART: But what I'm saying, within the

1 SVRA visitation is the lead-in paragraph, and the first
2 two paragraphs it seems to talk all State Parks, and
3 drops into the SVRAs. It really does not indicate what
4 the SVRA attendance is and what the usage within the
5 SVRAs is. There is a lack of clarity. And, yes, the
6 charts on the following page, it just does not quite
7 follow through with a good clear definition.

8 And then when you look at the dollar values for
9 the amount of grants provided, it looks like the Forest
10 Service has consumed a rather large chunk of the OHV
11 Trust Funds over the years, and yet I'm kind of
12 disappointed that the Forest Service has a small
13 description of what it's using the money for, what is
14 recreation opportunities. So it seems like the Forest
15 Service is getting a large chunk of money for very
16 little opportunity.

17 And sticking with the Forest Service if you look
18 on page 110, the section of water quality management,
19 the first sentence says: The Organic Administration
20 Act of June 4th, 1897 that created the national forests
21 established a primary purpose, of course, to secure
22 unfavorable conditions to the water. I'm kind of
23 uncomfortable with that particular statement because
24 saying a primary purpose alone indicates by omission
25 that is the only purpose. There were other purposes

1 the Forest Services were established, not just for
2 quality of water but for other purposes. And either
3 the other purposes should be listed there -- it's the
4 title of the law itself -- or say that this is one of
5 three or four or five other purposes and just not
6 singling out that as the only one.

7 And other than that, I'd still like to see a
8 better description of the attendance at the individual
9 SVRAs and with the SVRAs' proximity to the major
10 metropolitan areas, just to put a clear definition to
11 the legislators here is where the opportunities exist
12 within relation to the major metropolitan areas. Just
13 having San Diego, Los Angeles and San Francisco as dots
14 on the map has no real impact as to what the
15 populations are around there that these SVRAs service.
16 Other than that, it's an awesome job, and thanks.

17 KATHLEEN MICK: Kathleen Mick, U.S. Forest
18 Service. Again, as mentioned before, the Division did
19 a good job.

20 I will say, though, that I do think that there's
21 a couple of things, one, that we did provide some
22 pictures and some additional captions that I think the
23 report could benefit by having those put in. And it
24 could be maybe the Division didn't have time to get
25 that because we were kind of going back and forth at

1 the ninth hour and they probably needed to get this
2 printed and given to you. So I'm sure those will be
3 added later.

4 And then also we did provide some additional
5 narrative, but we did allow the Division the
6 opportunity to just clip our narratives as they saw fit
7 to work within the report. So if there's a feeling
8 that somehow we didn't do our due diligence in
9 providing information, that's just not accurate. But
10 we allowed the Division to put in what they thought
11 would fit and flow with what they were trying to
12 express in a pretty comprehensive document. I think
13 they did a good job, however, if there is some feeling
14 that there needs to be more explanation of what type of
15 opportunities we do provide, we're happy to do that.

16 I do think it's important that the one picture
17 that we do have shows use that we make sure that we let
18 everyone know that is Don Amador coming off of the
19 trail, and we did let Connie know. Make sure we
20 highlight that on the record.

21 And then also in regard to what Mr. Stewart
22 said, the comment is that in the water quality section,
23 the Organic Act, it does use the word "a" which is, it
24 is a primary purpose, not the primary purpose. But if
25 somehow that needs to be restated, I imagine we could

1 figure out some wording. In the water quality section,
2 which was on page 110.

3 We did state that securing favorable conditions
4 of water flow is a primary purpose, not the. We just
5 assumed that "a" meant one, and we didn't go on to the
6 other ones because it didn't have anything to do with
7 the water quality section. If that needs to be
8 rewritten, we can work on that.

9 And just, again, there's some picture captions I
10 think that could be benefitted, and I think also I
11 agree with, of course, Daphne and Commissioner Van
12 Velsor in that there are a couple of typos, page 101
13 where it actually references the Forest Service in
14 regard to some BLM litigation, and we'd prefer the BLM
15 being referenced on that litigation about the milk
16 vetch. I think it's just a typo.

17 It would behoove the Division on the task of
18 editing this. There's lots of thes, thens, ands and
19 all of those nitpicky things some of those grand
20 grammatorians done care for. I think either taking it
21 over and reading it out loud and seeing how it sounds
22 to the ear, not just to the head would be good;
23 otherwise, some professional editing might help it a
24 little bit.

25 But otherwise, I think it's a good job, and I

1 think at least for the Forest Service that we're fairly
2 accurately represented, although I would have liked to
3 have seen a little more information as comparison to
4 what's incorporated with the SVRAs. Thank you.

5 CHAIR WILLARD: Okay. So I think I'd like to
6 take a stab at a motion, and then we can discuss it.

7 ATTORNEY LA FRANCHI: Counsel, I was sitting
8 here scratching something out if you would like.

9 CHAIR WILLARD: Yours is probably going to be
10 better than mine.

11 ATTORNEY LA FRANCHI: Let me just give it a
12 shot, and I'll walk through it fairly closely. The
13 motion would read something like this:

14 Resolved: That the Commission adopt and approve
15 the Draft Number Three 2011 Report in substantially the
16 form as presented subject to: The inclusion of an
17 executive summary; nonsubstantive edits; and edits to
18 reflect member and public comments from this meeting.
19 Further resolved, delegate to the Chair, based on input
20 from the 2011 Report Subcommittee -- I think there was
21 a subcommittee working on that -- final approval of the
22 edits and authority to sign the report transmittal
23 letter.

24 So that should give you coverage.

25 CHAIR WILLARD: That's great.

1 So I will so move.

2 COMMISSIONER LUEDER: Second.

3 CHAIR WILLARD: Discussion.

4 COMMISSIONER SLAVIK: The point that Tim made
5 about input from the audience, it seemed to me that was
6 rather broad, and there were some things that were
7 brought up that could influence the report more, add
8 more text.

9 ATTORNEY LA FRANCHI: It was my thought that the
10 process would include a judgment by the subcommittee,
11 with final approval by the Chair, how you wanted to
12 reflect those public comments in the final edits.

13 CHAIR WILLARD: That makes sense to me. There
14 were a lot of comments we heard today both from
15 Commissioners and the public, some of those were
16 excellent, some of them may be more appropriate to be
17 included.

18 So I think we need to have a motion that allows
19 for consideration of all of the comments, and then at
20 some point some filters are going to have to be done,
21 and then someone is going to have to say that, yes,
22 that's it, which is ultimately the Chair, the way I
23 understand the motion. That makes sense to me.

24 COMMISSIONER SLAVIK: As long as it fits within
25 the time constraints.

1 ATTORNEY LA FRANCHI: Got to get this done by
2 Christmas Eve or Christmas morning.

3 COMMISSIONER VAN VELSOR: I would just add, too,
4 I believe you said, Tim, in your motion that there
5 would be no substantive changes, and that's the key.

6 CHAIR WILLARD: That's the keyword.

7 Call for the vote.

8 All those in favor?

9 (Commissioners simultaneously voted.)

10 CHAIR WILLARD: Motion so passes. Excellent.

11 DEPUTY DIR. GREENE: Mr. Chairman, if I may, I
12 just would like to take the opportunity to thank all of
13 you, to thank the public for their comments, and also
14 the efforts on behalf of the SVRAs. As this document
15 is very fluid, I think all of us said we actually look
16 forward to 2014, and this is sort of a sick thing to
17 say. In the original draft we started off with close
18 to 200 pages; we went down to 50; we went back to 200.
19 I think it did give us an opportunity to do a good
20 self-examination. Our strategic plan is looks forward,
21 but this report looked back and provided us the
22 information and window into ourselves, as Commissioner
23 Van Velsor said, of where are the gaps and where are
24 the strengths.

25 And one of the things I would like to highlight

1 for a moment, one of the gaps that were also identified
2 in the U.S. Davis report was how do we gather the data.
3 And that was something that we identified in the
4 Strategic Plan. So it was something interesting the
5 Strategic Plan had caught before that actually UC Davis
6 report. It is very difficult for all of us to capture
7 as much data we have now. We are a data-rich society,
8 but unfortunately bureaucracy works at a snail's pace.
9 So as we're trying to get approval for IT contracts,
10 contracts for GISs and for everything else that we do,
11 it's just really interesting to see how this report
12 often mirrored the Strategic Plan. I know that all of
13 us look forward to implementing those changes we've
14 identified in the 2011 Report that needs to be changed,
15 that we can start to look at how we do capture that
16 data so that we can be prepared in 2014 to be able to
17 identify those issues that need to be addressed.

18 But it really has been quite a journey. We will
19 continue to work with BLM and Forest Service. The one
20 thing I would just say on the Forest Service, Kathy,
21 I'm not sure that you're aware, we took verbatim. So
22 we've need to work together that we got that language.
23 We didn't want to modify BLM or Forest Service
24 language, but that is an area that I will say I want to
25 work toward for the future, the Division needs to work

1 toward, which is UC Davis looked at our HMS program.
2 We now need to look at the HMP program and how we deal
3 with the Forest Service and BLM. We need to get that
4 program changed, as well.

5 But on the whole, this was a good journey, and I
6 thank you for the approval and the vote of confidence,
7 and thank you for all of the Division staff who worked
8 tirelessly on this document. Thank you to everybody.

9 //

10 **AGENDA ITEM IV(B) - 2011 Commission MEETING DATES**

11 (After lengthy discussion with informal input
12 from the public, the following motion was made.)

13 COMMISSIONER LUEDER: Make a motion for 2011
14 Commission meetings to be held April 5th and 6th,
15 May 24th and 25th, September 15th and 16th, and
16 November 30th and December 1st.

17 COMMISSIONER SLAVIK: Second the motion.

18 COMMISSIONER FRANKLIN: Just want to make it
19 duly noted that the third meeting in September would be
20 a possible conflict for me, just so we know that and
21 it's noted.

22 CHAIR WILLARD: Let's just make it either the
23 15th or the 16th to be determined. Can we do that? So
24 I'll amend the motion so that the third meeting,
25 September 15th and 16th, it would be either of those

1 days to be determined as the date approaches. That's
2 the amendment to that date.

3 COMMISSIONER FRANKLIN: Duly noted again, those
4 dates don't work for me. I don't want to get into the
5 same problem this year.

6 CHAIR WILLARD: Does anyone have any public
7 comment on the calendar?

8 All those in favor?

9 (Commissioners simultaneously voted.)

10 CHAIR WILLARD: Motion passes.

11 Call for motion to adjourn.

12 COMMISSIONER FRANKLIN: Motion to adjourn.

13 COMMISSIONER SILVERBERG: Second.

14 CHAIR WILLARD: All those in favor?

15 (Commissioners simultaneously voted.)

16 (Meeting adjourned at 1:04 p.m.)

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