

2007-03-24 OHV final

STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

REGULAR MEETING

Saturday, March 24th, 2007

9:01 a.m. to 3:49 p.m.

held at

Riverside Convention Center  
Victoria/Deanza Room  
3443 Orange Street  
Riverside, California

Commissioners Present: Anderson, Brissenden, McMillin,  
Spitler, Thomas and Willard

Commissioners Absent: None

Reported by CHERYL L. KYLE, CSR No. 7014

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CHAIR BRISSENDEN: We'll bring the March 24th meeting of the Off-Highway Motor Vehicle Recreation Commission to order in Riverside, California.

First order of business is the Pledge of Allegiance. And if I can have Jim Keeler, who is already standing, lead us in that.

(Pledge of Allegiance conducted.)

CHAIR BRISSENDEN: And those of you who are unfamiliar with this Commission, we have typically seven commissioners. We're missing one who is supposed to arrive later. But on my very right is Mark McMillin from San Diego; next to him is Gary Willard from Palo Alto slash Bear Valley -- Belmont, sorry, didn't mean to slight Belmont. And then Paul Spittler from Stanford, and Judith Anderson from -- I can never get your town.

VICE-CHAIR ANDERSON: Montrose.

CHAIR BRISSENDEN: Montrose, just to the east of us. And while I'm on the subject of commissioners, we want to note the resignation of Mike Prizmich, and we will miss his voice in light of his representation of law enforcement and his sense of the low Sierra and just his good sense of humor and well-being. So wish

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him well in his new pursuits.  
We will then move to the approval of the agenda.  
Does the Deputy Director have any changes?  
DEPUTY DIR. GREENE: Thank you, Chairman

5 Brissenden. If I may, we would like to withdraw the  
6 approval of the minor capital outlay projects for  
7 today.

8 CHAIR BRISSENDEN: So we will strike Item B  
9 under New Business, and that will be deferred to a  
10 future meeting, and I sense our future meeting is  
11 September, as I recall.

12 DEPUTY DIR. GREENE: That is correct.

13 CHAIR BRISSENDEN: So does that create some  
14 issues?

15 DEPUTY DIR. GREENE: That would be  
16 September 13th, 14th, 15th is what we have highlighted  
17 for the time being. We may bring them up at that time,  
18 I'm not sure. It really depends on the continued  
19 discussions with the Department of Finance.

20 CHAIR BRISSENDEN: Do the Commissioners have any  
21 proposed changes or reordering of the current agenda?

22 VICE-CHAIR ANDERSON: Did you have more of a  
23 time certain for the closed session?

24 CHAIR BRISSENDEN: Well, we are without counsel,  
25 so I would -- I know at the outset we will have the

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1 Division's counsel, department's counsel Brad Torgan  
2 present. Do you have flight arrangements that you need  
3 to meet that we should move this up?

4 What's the pleasure of the Commission? Do you  
5 want to do it at the very end so we don't hold up the  
6 people in this massive audience that we have?

7 COMMISSIONER McMILLIN: Let's rock and roll and

8 then find out where we are.

9 COMMISSIONER SPITLER: I would suggest that we  
10 start with the closed session, get it over with.

11 COMMISSIONER THOMAS: That sounds like a great  
12 idea.

13 CHAIR BRISSENDEN: We now welcome Hal Thomas  
14 from Sacramento, our sixth Commissioner. Thanks for  
15 making it down at such an early hour.

16 COMMISSIONER THOMAS: Aloha Airline thanks you,  
17 too.

18 CHAIR BRISSENDEN: You ended up on the wrong  
19 island.

20 COMMISSIONER THOMAS: Believe me, I wanted to  
21 keep going.

22 CHAIR BRISSENDEN: So it's been suggested that  
23 we move the closed session. Do we have a room for that  
24 closed session?

25 DEPUTY DIR. GREENE: I believe it would be in

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1 here, and that the audience would just step outside,  
2 maybe go across the hall.

3 CHAIR BRISSENDEN: Okay. Without further ado,  
4 we will move to a closed session, and I will buy the  
5 coffee for those remaining outside.

6 VICE-CHAIR ANDERSON: As soon as we finish  
7 approving the agenda.

8 CHAIR BRISSENDEN: As soon as we finish  
9 approving the agenda, thanks. My Vice-Chair is guiding  
10 me here.

11 So any other changes? So do I have a motion for  
12 approval with those particular changes.

13 VICE-CHAIR ANDERSON: I'll move that.

14 CHAIR BRISSENDEN: It's been moved.

15 COMMISSIONER McMILLIN: Second.

16 CHAIR BRISSENDEN: Second. All those in favor?

17 (Commissioners simultaneously voted.)

18 CHAIR BRISSENDEN: Opposed? Motion carries.

19 (Meeting adjourned to closed session at 9:09.)

20 (Closed session concluded at 10:14)

21 (Break taken in proceedings.)

22 CHAIR BRISSENDEN: We bring the Commission back  
23 to order.

24 We came out of closed session where we ratified  
25 extension of the contract with the law firm of Bill

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1 Yates and Associates, if that's the correct term. And  
2 we also appointed a subcommittee of Commissioners  
3 Spittler and Anderson to be the legal subcommittee to  
4 deal with the law firm.

5 So having said that, I apologize for that  
6 lengthy closed session and thank you for sticking with  
7 us. It looks like we didn't lose too many people, and  
8 we gained some pictures. Is that correct that this is  
9 BLM's display from yesterday?

10 CHIEF JENKINS: Yes, those are the posters that  
11 Jim Weigand had prepared.

12 CHAIR BRISSENDEN: So Jim Keeler is here, and  
13 maybe you'll have a brief moment -- I don't think you

14 have a report today, but you'll have a brief --

15 JIM KEELER: I don't have a report. I was  
16 scheduled on the public session to mention those.

17 CHAIR BRISSENDEN: They are mentioned, and we  
18 will also go into that during the brief discussion of  
19 the tour yesterday.

20 In Item 3, we're moving to approval of  
21 transcripts. Deputy Director Greene informed me that  
22 she really didn't expect us to approve these today --  
23 it's voluminous. It's more novels that I wish to read  
24 in a short time. Do I have any suggestions or  
25 corrections that at least could be noted at this time

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1 before we -- Commissioner Spittler.

2 COMMISSIONER SPITLER: I think in light of the  
3 pending litigation, it's probably in our interest to  
4 approve these as quickly as possible.

5 CHAIR BRISSENDEN: Okay. Do we have any  
6 suggested changes before we approve these as quickly as  
7 possible? Any discussion?

8 VICE-CHAIR ANDERSON: I have kind of a  
9 procedural question. I noticed in reading through a  
10 few of them, and the instances were rare, but in the  
11 grants approvals occasionally we missed the grant  
12 number, and you had to read through the minutes to try  
13 to figure out which grant it was quite a ways, and then  
14 cross reference it. Is it possible to insert that  
15 grant number into this?

16 CHIEF JENKINS: I think what you're saying is

17 during the discussion that day we didn't actually bring  
18 up the grant number until later on so you have to read  
19 down through the transcript to find what we are talking  
20 about?

21 VICE-CHAIR ANDERSON: Yes. Normally the staff  
22 member read -- at the beginning of the discussion, the  
23 staff presented the applicant, and occasionally the  
24 Chairman failed to note the number of the grant that we  
25 were considering, and it was rare. But I don't know

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1 procedurally what you do about trying to put that in so  
2 that it's of use to staff and the public to insert that  
3 number.

4 DEPUTY DIR. GREENE: Commissioner Anderson,  
5 correct me if I'm wrong, I believe that occurred in the  
6 November 9th meeting -- or the November 3rd meeting,  
7 there were a couple of instances. It was in that  
8 subcommittee. I can look, and we can make sure we go  
9 back. I know that in both the December and  
10 January meetings the grants staff did highlight that  
11 prior to the start of each grant. I think it's back in  
12 the November meeting, and we can go back and look at  
13 that.

14 VICE-CHAIR ANDERSON: That could be. I don't  
15 remember exactly which one it was, and there weren't a  
16 lot of instances.

17 DEPUTY DIR. GREENE: It was in the very  
18 beginning. It was that first November 3rd meeting.

19 CHAIR BRISSENDEN: Any other comments, suggested

20 changes? I guess I would need to hear from  
21 Commissioner Spitler. I know that you wanted to move  
22 these forward for legal reasons.

23 COMMISSIONER SPITLER: Yes, unless there is some  
24 reason not to approve them, I would move approval of  
25 the minutes.

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1 VICE-CHAIR ANDERSON: Since I did read most of  
2 them, nearly all, I would second that.

3 CHAIR BRISSENDEN: Okay. Under any discussion?

4 I just had two minor changes that I noticed. I  
5 can do that off-line, unless you want them currently.  
6 Go to page 141 of September 8th, it was just a word  
7 change. Line 23 should be reduction rather than  
8 introduction.

9 And then line 25, it should be discouraged  
10 rather than encouraging.

11 With that, all those in favor?

12 (Commissioners simultaneously voted.)

13 CHAIR BRISSENDEN: Opposed?

14 COMMISSIONER THOMAS: Abstain. I didn't read  
15 them yet.

16 CHAIR BRISSENDEN: Motion carries.

17 Move on to reports, Deputy Greene.

18 DEPUTY DIR. GREENE: Chairman Brissenden,  
19 members of the Commission, welcome. It's nice to have  
20 everybody here today. A couple of items I would like  
21 to highlight.

22 First and more foremost, for those of you who

23 were able to attend the tour yesterday, I would like to  
24 say thank you to BLM and all of the staff that helped  
25 us throughout this. In particular I want to give

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1 thanks to Mona Daniels. Mona, if you'd raise your hand  
2 for us, please. Mona took this on and just worked  
3 tirelessly, so I really appreciate it. Jim Keeler and  
4 Jim Weigand, certainly; and then John Kalish, as well.  
5 John is not here today. But really would like to thank  
6 everybody. I think it was a very informative tour.  
7 Also would like to thank the members of the public who  
8 joined us because I think any time we can get out on  
9 the ground, it certainly puts a face with all of the  
10 materials that commissioners read, all those volumes,  
11 and to be able to actually get out on the ground and  
12 put the pieces to the puzzle is extremely helpful. So,  
13 again, thanks to BLM for all their assistance and  
14 partnership in that day yesterday.

15 Another issue which is of concern to the  
16 Commission was in the Governor's budget you will see  
17 \$1.7 million in there for the budget change proposal  
18 for the Restoration. This was on the guidance from the  
19 Commission that we move forward working with other  
20 State Park units in the system, other than SVRAs, who  
21 may have opportunities where Restoration dollars could  
22 be applied. And so we will be moving forward with that  
23 in the budget. I don't expect any changes; you never  
24 know. But that is good news as we move forward there.

25 In terms of the regulations, we went through the

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1 45-day public comment period. We went through the  
2 15-day public comment period. We've had those  
3 responses to comments. Everything should be submitted  
4 to the OAL on Monday, and OAL will then have a month to  
5 approve those.

6 Insofar as many of you may have heard in terms  
7 of legislation, there are a number of bills out there  
8 pertaining to OHV recreation, five in particular --  
9 actually six. One in particular, which is the  
10 Steinberg bill, SB 742, we would like to bring to your  
11 attention. The other four, which are spot bills, with  
12 the exception of AB 4928, Garcia would address State  
13 Parks' ability to perhaps get grant funding and  
14 approval through the Commission, that process.

15 But really the primary bill right now which has  
16 the most attention is the Steinberg bill, SB 742. The  
17 Division and the State Parks, we are at the table in  
18 some of those discussions. We've been welcome as are  
19 members of the off-highway vehicle community, members  
20 of the environmental community, law enforcement -- so  
21 there's lots of interesting discussion that is going  
22 on.

23 And then finally, just like I had mentioned at  
24 the prior meeting. On April 11th and 12th, the  
25 California Biodiversity Council we'll be hosting. This  
11

1 council is made up of 40 different resource agencies  
2 throughout the state, has been in existence since 1981  
3 in an effort to foster collaboration, cooperation  
4 amongst different resource agencies. They have decided  
5 this year to have a conference -- the chairs are Mike  
6 Poole, Director of BLM and Mike Crisman, Secretary of  
7 the Resources Agency -- to highlight attention at this  
8 conference on OHV recreation and how do we work with  
9 OHV recreation and also balancing biodiversity in  
10 California. So we're very pleased that they've  
11 obviously chosen to work with us on this particular  
12 conference. There will be a field trip tour on the  
13 11th. We will visit a county park and a State Park, so  
14 Santa Clara County Park.

15 CHAIR BRISSENDEN: Can you restate those dates?

16 DEPUTY DIR. GREENE: Sure, April 11th and 12th.  
17 So on the 11th, the tour will visit Metcalf, Santa  
18 Clara County Park, a small facility which the  
19 Commission has supported in the years past which gets a  
20 huge amount of use in Santa Clara, San Jose area, and  
21 then we'll head down to Hollister Hills. There will be  
22 a dinner that evening, and the following day is the  
23 conference.

24 The conference will highlight a number of panels  
25 and highlight OHV recreation. Obviously the

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1 partnership we have with the federal agencies is  
2 extremely important. We will be highlighting that  
3 partnership early in the day on the 11th, and then

4 certainly they'll be active participants in the panel  
5 on the 12th. So we're delighted to be moving forward  
6 with that process and thank everybody who has been  
7 involved in that.

8 And lots of other things, but I think those are  
9 the highlights. So any questions, more than happy to  
10 take.

11 CHAIR BRISSENDEN: Commissioner McMillin.

12 COMMISSIONER McMILLIN: Thank you. Thank you,  
13 Daphne. On the April 11th and 12th, I would like to  
14 receive some information. You've stated that we're  
15 invited, but we need information on this. Is it on the  
16 website?

17 DEPUTY DIR. GREENE: The final agenda is not yet  
18 on the website. As soon as the agenda is finalized,  
19 you will be getting a physical invitation.

20 COMMISSIONER McMILLIN: Just a location, we need  
21 to make a room.

22 DEPUTY DIR. GREENE: San Jose in the Wyndham  
23 Hotel. I can follow up with you, Commissioner, on  
24 Monday. If you would like, we can make a link for you,  
25 and staff will go ahead and give you a call and provide

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1 you that information.

2 COMMISSIONER McMILLIN: Okay. Then I also want  
3 to thank the BLM for the tour. It was very  
4 interesting. I wish that Hal and Paul would have been  
5 there, somewhat being the fathers of the desert  
6 riparian deal, to be out there and give us your opinion

7 on what we were seeing, would have been helpful as we  
8 go forward with this policy. And it was very, very  
9 interesting. Thank you very much for everybody who  
10 attended.

11 CHAIR BRISSENDEN: Questions of Deputy Director?

12 VICE-CHAIR ANDERSON: Yes. Ms. Greene, do you  
13 have the dates yet for training for grants applicants?

14 DEPUTY DIR. GREENE: Let me double check. I  
15 mentioned to you yesterday -- my apologies,  
16 Commissioner Anderson -- I will double check it at the  
17 break to be able to give you. I know that we had  
18 spoken about that. Let me see if I can give you a  
19 confirmed date.

20 VICE-CHAIR ANDERSON: Thank you.

21 CHAIR BRISSENDEN: Any other questions or  
22 comments? Thanks, Daphne.

23 Moving on to unfinished business, we have  
24 discussion of the Commission tour and desert riparian  
25 habitats as it pertains to the desert riparian policy

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1 adopted by the Commission at its December 2005 meeting.

2 Just as a prelude to that, I would also echo  
3 comments of Commissioners and Deputy Director Greene to  
4 thank the BLM, in particular Mona Daniels and Jim  
5 Weigand. I was enthralled with Mr. Weigand's  
6 description of the plants of the desert. Actually, I  
7 think I still remember several names of plants.

8 Whether I can identify them is something else again.

9 COMMISSIONER SPITLER: Name them.

10 CHAIR BRISSENDEN: Cheese brush, ironwood, smoky  
11 something or other, and Palo Verde.

12 VICE-CHAIR ANDERSON: Very good.

13 CHAIR BRISSENDEN: Am I going in the right  
14 direction, now?

15 VICE-CHAIR ANDERSON: Yes, you are.

16 CHAIR BRISSENDEN: I think there were some other  
17 comments Commissioners would like to make and also get  
18 into the substance of some of what we saw and what we  
19 hope to see to be able to define this policy.

20 Commissioner Thomas, did you want to --

21 COMMISSIONER THOMAS: Did you see any water?

22 CHAIR BRISSENDEN: There were a few drops from  
23 the sky and also we had a wonderful tour of an unusual  
24 habitat that was preserved with water running through  
25 it as a result of the San Andreas Fault, of all things.

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1 CHIEF JENKINS: So perhaps I could give just a  
2 brief overview for those that weren't able to be on the  
3 tour yesterday?

4 CHAIR BRISSENDEN: I'm sorry.

5 CHIEF JENKINS: I said maybe I can just give a  
6 brief overview of what happened for those that weren't  
7 there. Maybe that will help move things along.

8 So just can't emphasize enough, by the way, how  
9 much help BLM was on hosting the whole thing, opening  
10 up their building, supplying the water and vehicles.  
11 And staff and Mona and Rick and myself spent a lot of  
12 time ahead of time. Rick LeFlore also put a lot of

13 time in on this. Anyway, it was just a great  
14 collaborative effort, I must say.

15 Yesterday, the weather cooperated. We had been  
16 out the day before pre-touring and ended up with a lot  
17 of rain, and a windstorm, and dust storm. And so it  
18 was quite a relief to get the weather we had.

19 The tour started in a dry wash, and we started  
20 out in Box Canyon, for those familiar with the area  
21 over there, which was a large dry wash that goes  
22 through the mountains there with an actual paved road  
23 running through the bottom of the dry wash.

24 Interesting to see that as a beginning point.

25 We ended up in Salt Creek, a lot of desert

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1 woodland type habitats. At the end of the day, we kind  
2 of made a very large loop and ended up indeed there at  
3 the oasis where we got to see some open water flowing  
4 through the desert, which was quite interesting to see.  
5 I learned a new term myself about the -- I wrote it  
6 down so I wouldn't forget, the Mesquite Bosque that was  
7 up there on the top of the hill actually where the  
8 water percolates to the surface. It was a learning  
9 experience for myself, as well. And then going into,  
10 of course, the Palm Oasis was a spectacular change of  
11 scenery from what we had been seeing out there in the  
12 desert.

13 At the end of the day, I know that I heard some  
14 comments from some members of the public that, wow,  
15 that was great because we really saw kind of the

16 contrast between areas where there is not year round  
17 permanent water and areas where there is actually open  
18 water or water close under the ground that's there year  
19 round. We also heard other comments from people about  
20 I just did the entire loop, and I'm still as confused  
21 as ever. The best we can do on an event like that is  
22 to get out on the ground, see the actual landforms,  
23 then I think that facilitates discussion like we may  
24 want to go into subsequently about it.

25 We have the policy that we proposed here. We 17

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1 have now looked at some of the actual landforms, given  
2 that those were not in any sense comprehensive but  
3 representative perhaps of the types of things that  
4 you're going to find out in the desert.

5 I don't know if you wanted any staff to talk  
6 more about the desert riparian or where we are going  
7 from there, or if you just wanted to take off on a  
8 discussion, however you wanted to handle it from here.

9 CHAIR BRISSENDEN: What's the pleasure of the  
10 Commission? Commissioner Anderson.

11 VICE-CHAIR ANDERSON: I'll start. Some of the  
12 non-riparian discussions that we had were quite useful,  
13 I thought. Difficulties in preventing intrusions in  
14 the wilderness, which is an enforcement issue that we  
15 deal with all the time, I thought were useful. There  
16 was a range of different options presented, different  
17 techniques that might be used. It was useful to see  
18 the increase in the level of technology, in restoration

19 from seven years ago to last year, and to note the  
20 effectiveness of the money that we're spending on  
21 Restoration grants.

22 My only kind of question might have been that it  
23 might have been easier if we had reversed the order of  
24 the tour so that people could see kind of the extreme  
25 of what a lot of water running through the desert looks

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1 like first, and then gradually as it gets drier and  
2 drier where, you know, at what point do you -- is  
3 there -- I don't think there is any disagreement about  
4 what's obviously open desert terrain and no evidence of  
5 water and open water. And the question is in between  
6 those, the gradations. Perhaps, it's all or none.  
7 Perhaps, it's underground, it's flowing underground and  
8 comes up in unexpected places. How do you deal with  
9 some of those kinds of questions? Because people were,  
10 that I heard, still asking, well, you know, is this  
11 riparian? Which is a fair question. It might have  
12 helped if they had seen the riparian first, but we  
13 certainly did see the range from -- or the extremes of  
14 the two.

15 I was quite pleased with all of the questions  
16 that we got from the public. I thought they were  
17 really quite engaged in the process and in trying to  
18 help us resolve questions.

19 CHAIR BRISSENDEN: Commissioner Willard.

20 COMMISSIONER WILLARD: Well, I also wanted to  
21 thank staff and BLM for setting up the field trip. It

22 was very informative. I think I was most impressed by  
23 the restorations that we saw. It was really  
24 fascinating to stare at a hillside and then to be told  
25 that that was recently restored. Because looking at

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1 it, you just -- you couldn't tell. So it's really good  
2 to see our funds going to use in such an excellent  
3 manner because it really did eliminate all previous  
4 signs of OHV activity on the hillsides we saw. I  
5 thought that was great.

6 I also appreciated Jim Weigand's very concise  
7 authoritative discussions that a layman can understand  
8 when looking at certain topographical geological sites  
9 and what they mean and what happens there. So I  
10 thought that he did an excellent job. He really  
11 knows -- at least from my perspective as a layman, it  
12 seems like he really knows what they're doing. They  
13 seem to be very concerned with protecting the very  
14 sensitive and fragile desert environment, and I think  
15 they're doing a good job.

16 CHAIR BRISSENDEN: Thank you. Other comments?  
17 I do have a number of comment cards on this particular  
18 subject. We could go to that for further discussion,  
19 and that might prompt some other thoughts on the  
20 subject.

21 COMMISSIONER SPITLER: Are we on the point where  
22 we are talking about the desert policy?

23 VICE-CHAIR ANDERSON: We're on the tour.

24 CHAIR BRISSENDEN: Well, the line item says

25 discussion of the tour as it pertains to desert

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1 riparian policy. So did you have further comment on  
2 that? Okay.

3 So there were several comment cards on this  
4 subject, and I need a time certain. I think we're five  
5 minutes from public forum; is that correct, Mardi?

6 OHMVR STAFF STALLCOP: Yes.

7 CHAIR BRISSENDEN: Dave Van Voorhis -- this is  
8 not roll call, by the way. You can step forward if you  
9 had a comment card on the riparian policy. And then  
10 right behind Dave, will be Jason Fried, and then  
11 Ed Waldheim.

12 DAVE VAN VOORHIS: My name is Dave Van Voorhis.  
13 I represent the Friends of Juniper Flats. Juniper  
14 Flats is a mix of private and public lands about an  
15 hour north of here. And the public lands have an OHV  
16 route network which includes single track. But I'm  
17 here to talk about riparian and what's happening in  
18 Araster Canyon.

19 The OHV Commission had designated funds for  
20 restoration in this area. I'm sorry to report it's all  
21 been destroyed. Despite having a legal single track  
22 open route network, the restoration has been destroyed.  
23 The sensitive riparian area of Araster Canyon, as we  
24 said here, is being chewed up by motorcycle riders who  
25 like the sticky dirt. They like the wet earth, and the

21

1 place is being ravaged.

2           And I would really like to see the OHV  
3 Commission dedicate more funds, more enforcement, and  
4 adopt a very strong riparian protection policy. This  
5 is an area that has running water today, despite having  
6 only two inches of rain last winter. It was a site of  
7 ancient habitation. There is a lot of cultural value,  
8 a lot of sensitive -- it's the center of life for all  
9 desert wildlife, sensitive, threatened, and  
10 nonthreatened. And it's really appalling to see  
11 motorized recreation just chew this place up. You  
12 know, I don't know what else to do but come here and  
13 tell you what's happened up there.

14           VICE-CHAIR ANDERSON: Could you help me out?  
15 I'm not quite sure where Araster Canyon is.

16           DAVE VAN VOORHIS: It's in the Juniper subregion  
17 of the California Desert District.

18           VICE-CHAIR ANDERSON: Okay. Juniper Flats?

19           DAVE VAN VOORHIS: Yes.

20           COMMISSIONER WILLARD: What agency oversees it?

21           DAVE VAN VOORHIS: It's the Bureau of Land  
22 Management.

23           COMMISSIONER WILLARD: It is BLM land.

24           DAVE VAN VOORHIS: We've been documenting and  
25 reporting this for the last three years.

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1           COMMISSIONER WILLARD: And there is a legal

2 route that goes through the canyon?

3 DAVE VAN VOORHIS: There are legal route  
4 networks, yes. What we're finding is some of these  
5 off-roaders are armed. They're even shooting up the  
6 route designation markers. It's in the middle -- there  
7 is a cattle grazing allotment, as well. They're  
8 clipping the fences so they can ride illegally. There  
9 just seems to be a very defiant element within the  
10 off-road community that does not want any restrictions  
11 on where they can ride and where they can't ride.  
12 We're in pretty close proximity to Johnson Valley and  
13 Stoddart Valley and whatnot, so there are ample  
14 opportunities.

15 I came here to inform the Commission what's  
16 happening in the Juniper subregion of the riparian area  
17 from illegal and irresponsible OHV use.

18 CHAIR BRISSENDEN: Thank you. Any further  
19 questions? Commissioner Thomas.

20 COMMISSIONER THOMAS: Perhaps staff can tell us  
21 what programs they have that would be proactive in  
22 resolving this matter?

23 DEPUTY DIR. GREENE: Thank you, Commissioner  
24 Thomas. Certainly we know -- and Commission Willard,  
25 just for your own edification, Juniper Flats is part of

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1 the BLM. It sits right on the northern edge of the  
2 San Bernardino Mountains, so National Forest lands.  
3 There was a fire there, Mike Ahrens, three years ago?  
4 Longer than that; time flies. There was a fire there

5 which, as it went up through the San Bernardino  
6 Mountains, exposed that northern side of that area.  
7 And so it very definitely has been problematic.

8 This is an area where -- we were just talking  
9 about with the San Bernardino County Sheriff the other  
10 day. This is an area where there needs to be that  
11 comprehensive law enforcement discussion and actual  
12 implementation on the ground by those agencies where we  
13 recognize that this use is going on within Juniper  
14 Flats.

15 I believe the speaker is correct; there have  
16 been some individuals out there who are angry, who  
17 don't like the entire designated route system, and it  
18 is a challenge. At the same time, the need to have  
19 legal routes that go from that Juniper Flats area and  
20 where people are living up through that -- up onto the  
21 San Bernardinos, it makes sense to have those  
22 designated routes so you don't have that illegal use.  
23 The challenge is how do you get people to stay on those  
24 routes.

25 In our discussions with the sheriff the other

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1 day, it was saying that we need to start bringing in, I  
2 believe, the Forest and BLM and the sheriff together  
3 and having those discussions, and come up with a plan,  
4 and then bring in the recreation community as well to  
5 figure out how, in fact, we're going to come to some  
6 resolution in this area.

7 CHAIR BRISSENDEN: Commissioner Thomas.

8           COMMISSIONER THOMAS: Other than talking about  
9 it with other agencies, do you have any actions that we  
10 propose to reduce the conflicts that have been  
11 identified?

12           DEPUTY DIR. GREENE: Commissioner Thomas, I  
13 don't know that I've got -- I can't pull the grant off  
14 the top of my head, but I believe there was a grant  
15 this year by San Bernardino to deal with some of those  
16 issues. I know in particular there was the education  
17 grant that I don't believe was funded. But, again, I  
18 don't have those in front of me. So, yes, through the  
19 grants process, there were applications that were being  
20 put forward to try and help address some of these  
21 issues.

22           COMMISSIONER THOMAS: Yes, but as I remember,  
23 the grant applications were scored so low they weren't  
24 funded, even before the Commission did its magic. So  
25 outside of the grants program, are there any actions

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1 that the staff is proposing?

2           DEPUTY DIR. GREENE: I think at this time, as I  
3 said, perhaps discussion right now. We need to bring  
4 the people together. So, yes, the Division has made --  
5 is beginning that outreach to get those parties  
6 together to come up with a plan and to actually get on  
7 the ground. But I can't just say get out on the  
8 ground, without having the discussion and figuring out  
9 where there are some problems, what are the barriers  
10 that thus far have prevented that collaborative effort

11 of the agencies and everybody involved, to be able to  
12 comprehensively address this issue.

13 COMMISSIONER THOMAS: My suggestion is that  
14 there are programs outside the grants funding that are  
15 within the purview of the Commission -- I'm sorry, the  
16 purview of the Division's powers that could be used to  
17 assist these communities.

18 DEPUTY DIR. GREENE: Do you have any suggestions  
19 in particular? Because obviously I'm not understanding  
20 you correctly as to what you're looking for from us.  
21 We're trying --

22 COMMISSIONER THOMAS: I'm not looking for  
23 anything. The people of Juniper Flats are looking for  
24 something. They're looking for relief from what they  
25 identify as a problem. I believe that one of the

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1 duties of the Division is to reduce those same  
2 conflicts that were identified and perhaps, either  
3 through direct funding or through adding to our own law  
4 enforcement staff, or to actually creating and  
5 supporting legislation that would penalize these angry  
6 people with forfeiture; but none of which has been done  
7 in the seven -- or six years I've been on this  
8 Commission.

9 DEPUTY DIR. GREENE: And I do appreciate that,  
10 and I think that similar to what we saw with Friends of  
11 the Rubicon, and how we've been so successful in this  
12 year when we had all of the parties coming together and  
13 talking about what changes have occurred on the Rubicon

14 Trail as the result of getting people together, as I  
15 said, we simply -- the first contact that we had on  
16 this was on Wednesday.

17 COMMISSIONER THOMAS: No, this has been three  
18 years these guys have been in front of us. So we need  
19 to do something. I've beaten the horse, but, anyway,  
20 that's the issue. We need to do something.

21 CHAIR BRISSENDEN: So before us next on public  
22 comment is Jason Fried, and this is with regard to the  
23 riparian policy.

24 JASON FRIED: Thank you very much. First, I  
25 wanted to thank the BLM for putting together such a

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1 great tour yesterday. It was a very interesting tour.  
2 One of things that I did notice on the tour was we  
3 really didn't see very much riparian areas. There was  
4 a lot of desert washes, which water goes through them  
5 from time to time. And there is an issue with desert  
6 washes if off-road vehicles go through them, which is a  
7 separate discussion than I think what the desert  
8 riparian policy should be.

9 OHMVR STAFF PEREZ: Please state your name for  
10 the record.

11 JASON FRIED: Jason Fried, California Wilderness  
12 Coalition.

13 One of the things that we did that I did notice  
14 is that we saw one riparian area that didn't have any  
15 off-road vehicle use in it. There are numerous places  
16 across the desert where there are riparian areas that

17 have off-road use in them. We should have been able to  
18 visit at least one of them.

19 One of them, a perfect example, as has been  
20 discussed, is the Juniper Flats area. There is a  
21 riparian area that has off-roading that goes through  
22 it. You should have been able to see the damage that  
23 occurs when off-roading goes through very sensitive  
24 desert riparian areas where there is water flowing.  
25 It's not a lot of water. It's sometimes a very small

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1 amount, but that small little bit of damage can cause a  
2 lot of headache for the local vegetation and the local  
3 animals in the area when they're used to having a  
4 stream and then all of a sudden it gets diverted and  
5 things start changing, and it causes problems in the  
6 area.

7 I would like to encourage you to come back and  
8 let's go see some desert riparian areas that have  
9 off-road vehicle problems. I don't have the list with  
10 me today, but I could probably come up with ten or  
11 fifteen places across the desert that would show that.

12 A couple of examples of potential future problem  
13 areas is the BLM and the Parks Service are looking at  
14 Surprise Canyon as a possible area where off-roading  
15 could occur in a riparian area. The BLM and Forest  
16 Service are looking at Furnace Creek. Those are two  
17 perfect examples of riparian areas that would be  
18 affected by off-road vehicle use.

19 I don't want to get into the debate today of

20 whether or not you agree or disagree with whether or  
21 not off-roading should be occurring in those areas.  
22 I'm just bringing up those places you could go and see  
23 and see the damage that could be occurring and see  
24 areas that don't have it currently and see what goes on  
25 there and get a better comparison of how do you come up  
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1 with a riparian policy, because there is one that is  
2 needed for the desert.

3 Desert water is a very scarce commodity in the  
4 area. As you saw throughout the tour, we saw one  
5 little area outside of the canal where they are  
6 concreting it in and flowing water through it. It's a  
7 very rare commodity across the desert. We need to make  
8 sure we are protecting those areas. And I would  
9 encourage you to move forward and put together a policy  
10 that can be enforced and has some teeth behind it  
11 because we do need to protect those areas. Thank you  
12 very much.

13 CHAIR BRISSENDEN: Thank you. Ed Waldheim.

14 ED WALDHEIM: Thank you. State your name,  
15 please. Ed Waldheim. For the public record, speak  
16 clearly and loudly, and that's what the new notice says  
17 here.

18 Commissioners, Ed Waldheim. This policy, we  
19 need to concentrate focus of why we're doing this  
20 thing. It started off that Mr. Hal Thomas walked up in  
21 Furnace Creek, was in the water, he got upset because  
22 how can you possibly have a motorcycle or a quad going

23 on this trail. This is where this all started out  
24 with. Let's make sure we understand where this all  
25 started out with.

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1 The broad picture was pasted that all of a  
2 sudden we've got to protect the riparian washes in the  
3 whole desert, and this is where I objected so  
4 strenuously, and I asked, when I was on the Commission,  
5 please, do not pass that. We have laws in place to  
6 protect those areas. Each agency, they are under their  
7 own rules and regulations to protect the very issues  
8 that you are talking about.

9 I find it ironic that you as Commissioners now  
10 are trying to take care of the whole world. You can't  
11 do that. You just don't have the resources. You don't  
12 have the time. You don't have the influence. You  
13 should focus on what things we really can do. The BLM  
14 and the Forest Service has rules and regulations coming  
15 out of their ears that deal with these very issues.

16 I have a picture up here of a meadow in the  
17 Sierra National Forest, if I may pass it on to you.  
18 This is a beautiful pristine meadow. It was gorgeous.  
19 A rancher brought his cows in with grazing rights, and  
20 he put all this herd of cattle in this beautiful meadow  
21 for two weeks while he's rounding the herd together.  
22 That wasn't OHV. Those are cows. So this is something  
23 that is taking place everywhere.

24 Now, can we minimize and can we make sure we cut  
25 down the effect of OHV, of course, we can do that. And

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1 even in the area that you hiked, when the EIS comes  
2 out, we probably will only have a single track trail.  
3 But to have a blanket statement, no riding in the  
4 washes of that, it's just pulling things totally out of  
5 context. And I think this Commission, with the money  
6 that you provide to the agencies, we can get there, and  
7 we don't really need a policy.

8 The Commission needs to get out of micromanaging  
9 the federal agencies or the SVRAs. That's their job.  
10 That's the BLM's job and the Forest Service's job. Our  
11 job is here to make sure that we have the adequate  
12 funding to do the job that they need to do or help them  
13 to do the job they need to do.

14 I would strongly urge you to look at the  
15 pictures yesterday of what is a wash. And Mr. Willard  
16 has a copy of the picture I made for him last night.  
17 If he wants to share it with you, you can see it for  
18 those of who didn't get to go yesterday. It's very  
19 clear what is a wash and what is a riparian area. It's  
20 night and day. Those few areas that we have, of  
21 course, we protect them, do everything we can do.  
22 Let's not get off the tangent. Thank you.

23 CHAIR BRISSENDEN: Thank you. Tom Tammone.

24 TOM TAMMONE: Tom Tammone. Yes, I thought the  
25 tour was very interesting, and did a good job of

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1 showing which was -- defining what a riparian area was,  
2 not washes that are everywhere. We don't want to close  
3 the whole desert. We want to stay within the intent  
4 that the Legislature had for this program, to provide  
5 legal OHV opportunity.

6 Look at it from a financial standpoint, there  
7 are areas where we might decide because the trail is so  
8 sensitive that it's just not worth to maintain an area  
9 for a short time through such a sensitive habitat, and  
10 it would be less expensive to simply just ride around  
11 it. But with respect, the matter is we're keeping eyes  
12 on the dollars and looking at that from that aspect,  
13 don't really need to do it through any kind of a blank  
14 policy.

15 We have a lot of hard choices. We have a money  
16 crisis, especially when it comes to the C and E.  
17 Category looking at the fuel tax survey, we're just  
18 going to have to make some hard statements and say,  
19 we're only going to support what was within the intent  
20 of the Legislature, that is, arriving out of legal OHV  
21 opportunity. We can't defend the world. You just look  
22 at the numbers. We just don't have the money, and I  
23 think with the glut of Restoration money gathered over  
24 the years, we've really been reaching far and wide  
25 finding places to spend it. We don't have that

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1 anymore. We need to just look at what the original  
2 intent was and say if there is legal opportunity there,  
3 we will provide whatever we need for it, and we will

4 follow the guidelines that are already established  
5 through the WHPPs, the other processes, through the  
6 NEPAs, and through the federal government. We don't  
7 need to go putting in a whole other layer of  
8 legislation. Thank you.

9 CHAIR BRISSENDEN: Thank you. Any further  
10 public comments? That's the final person on the cards  
11 that I have. Pleasure of the --

12 This is on the desert riparian policy; is that  
13 correct?

14 AUDIENCE MEMBER: I was following up on a  
15 comment regarding enforcement, not on the agenda.

16 CHAIR BRISSENDEN: We're not in public forum as  
17 of yet. This is directed to the tour and the desert  
18 riparian. Thank you.

19 Any comments from Commissioners in terms of  
20 direction to staff with regards to a desert riparian  
21 policy? Commissioner Thomas.

22 COMMISSIONER THOMAS: Mr. Chairman, are you  
23 speaking now to the staff report? How would you have  
24 us proceed? There is a staff report there and a series  
25 of discussions and issues raised. Do you want to

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1 address those?

2 CHAIR BRISSENDEN: You're referencing a staff  
3 report on them?

4 COMMISSIONER THOMAS: Yes, there is a staff  
5 report. In my book it was the second tab, Desert  
6 Riparian Policy.

7 CHIEF JENKINS: I think you're referring to the  
8 materials in the binder. Those are materials that have  
9 previously been provided, and we put them in there so  
10 that should the discussion go in any direction  
11 surrounding the policy and whatnot, the Commissioners  
12 wouldn't have to pull out many different binders.

13 COMMISSIONER THOMAS: It does say meeting  
14 documents. I understand it's providing material. I'm  
15 just wondering, Mr. Chairman, how would you like to  
16 proceed because we can talk about the staff report,  
17 talk about some of the elements in the staff report;  
18 however you wish.

19 CHAIR BRISSENDEN: I would suggest that the  
20 maker of the motion in 2005 might want to go forward  
21 with what you would like to see today.

22 Am I echoing here? It's very echoey up here,  
23 but I do have some comments about what we saw  
24 yesterday, as well, or didn't see.

25 COMMISSIONER THOMAS: My comments are more on 35

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1 the text of the report. I would be happy to follow  
2 after people finish talking.

3 CHAIR BRISSENDEN: I would definitely like to  
4 see those areas which we didn't get to see which were  
5 desert riparian washes which were affected by water. I  
6 fully understand what a wash is. I do have some  
7 concern about the grading of trails in washes where  
8 more defined roads should be in place, rather than a  
9 10-lane road through a desert wash. I think that that

10 kind of definition probably is outside of this  
11 particular discussion. But I, too, as the speaker from  
12 California Wilderness Coalition, think that there is  
13 probably 10 to 20 different sites that we can preview  
14 in terms of this particular policy which could give us  
15 further insights as to the impacts of OHV use in desert  
16 riparian areas.

17 DEPUTY DIR. GREENE: Chairman Brissenden, I  
18 appreciate those comments, and I certainly think that,  
19 as we had highlighted in our previous meeting, that  
20 there are a variety of different definitions. And I  
21 think that's some of the struggle that we're having in  
22 trying to get to the specificity of what is it exactly  
23 that the policy looks at.

24 At one point in time in the 2005 discussion,  
25 there was the discussion about washes and the worry

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1 that many people had of was the Commission suggesting  
2 that every wash within the California desert be closed  
3 to OHV use. As we looked at trying to set up the tour,  
4 certainly a place like Juniper Flats, certainly a place  
5 like Furnace Creek, obviously were difficult to get to,  
6 but certainly not out of the question because those are  
7 areas of concern. And I think, Commissioner Thomas, I  
8 had mentioned to you at one point in time, what was  
9 that in particular that; was the desert riparian policy  
10 trying to get specifically at issues of Furnace Creek?

11 So I think yesterday was a start, where it is  
12 very difficult within the desert, obviously large

13 distances, between trying to highlight a variety of  
14 different examples. I think perhaps yesterday there  
15 was some discussion in understanding that perhaps  
16 washes are not included, but I don't really know. So,  
17 again, we're looking for some of that specificity in  
18 the discussion.

19 Again, we can take a tour, another tour, more  
20 than happy to do it, to go to places like Furnace Creek  
21 or Juniper Flats recognizing that those do have  
22 examples of running water. But I know also BLM had  
23 highlighted at one point in time an ephemeral stream,  
24 and is that something that the Commission was looking  
25 at. So I think yesterday was the first step in the

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1 process. I don't know that we're going to come to that  
2 specificity today. But certainly if we can help  
3 whittle it down a little bit, I think that would be  
4 helpful, and that's where yesterday was the first step.

5 CHAIR BRISSENDEN: Commissioner Thomas.

6 COMMISSIONER THOMAS: Does the Commission intend  
7 to act on anything today? In other words, for  
8 instance, we have a number of issues that were raised  
9 here. Does the Chair want to have a straw vote on some  
10 action or are we just here to discuss --

11 CHAIR BRISSENDEN: I think it would be fair to  
12 give the Division direction, but I'll look for comments  
13 from Commissioner Spittler and Commissioner Anderson.

14 COMMISSIONER THOMAS: I have a number of  
15 comments, but I want to target them to what you intend

16 to do.

17 CHIEF JENKINS: If I may make one suggestion  
18 that Rick LeFlore was just pointing out to me, there is  
19 at the end of those documents a new document that you  
20 hadn't seen before, I believe. It was in there before?  
21 It's on page seven, which has a list. It's entitled at  
22 the top of the document, "Analysis" on page seven and  
23 eight, ten outstanding issues that the staff or  
24 Division had.

25 And so one possibility may be to have a

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1 subcommittee of the Commissioners to sit down with some  
2 Division staff and work through those issues, at which  
3 point that might give us more to then come back and  
4 then have more full discussion at a future Commission  
5 meeting. Or if you would like to dig into these things  
6 now, we're more than happy to do so.

7 CHAIR BRISSENDEN: Mr. Thomas, do you have some  
8 thoughts on this? Then Commissioner Spittler.

9 COMMISSIONER THOMAS: It's really our choice on  
10 how we want to proceed today. On one hand, we can  
11 address some of the staff's concerns. I think they're  
12 very simple and can be addressed easily. That's my  
13 view. I'm prepared to explain why. But it depends on  
14 the procedural posture you want to take. In other  
15 words, do we want to instruct the staff today? Do we  
16 want to address some of these issues by conversation?

17 I don't want to talk the issue to death as a way  
18 of preventing its implementation. I mean that's the

19 classic bureaucratic approach is, my God, I can't reach  
20 a conclusion because there's too many issues. I  
21 actually don't think we have that problem here. I  
22 think it's water, plants, and wildlife together make up  
23 habitat, and it's not very complicated. But, again,  
24 it's up to you. How do you want to proceed?

25 CHAIR BRISSENDEN: Well, I'm looking for

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1 guidance, as well. So why don't you proceed with those  
2 simple suggestions to staff with comments prior to that  
3 from Commissioner Spittler and, I think, Commissioner  
4 Anderson might weigh in.

5 COMMISSIONER SPITLER: I think having a  
6 discussion about this amongst the whole Commission on  
7 some of these nuanced questions is really not the best  
8 use of our time or the public's time or the staff's  
9 time, and it's probably not likely to result in getting  
10 definitive answers today. This really seems to me to  
11 be an issue that needs to be worked out between the  
12 staff, and primarily amongst the staff, and in  
13 particular a subcommittee of the Commission who can  
14 make recommendations back to the full Commission that  
15 we can take action on. For us to try to wordsmith and  
16 go through some of these questions I think is not  
17 really appropriate. So I would suggest that we appoint  
18 a subcommittee, if we haven't already. I thought that  
19 we had done that.

20 VICE-CHAIR ANDERSON: I thought that I was on  
21 it.

22 COMMISSIONER SPITLER: I thought we had done  
23 that. I'm not sure why the staff hasn't been working  
24 with the subcommittee. It seems like the staff should  
25 be working carefully with the subcommittee to answer

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1 the questions, bringing them back to a full Commission  
2 only after the staff and subcommittee have carefully  
3 considered them and made recommendations to the full  
4 Commission. So that would be my suggestion.

5 VICE-CHAIR ANDERSON: In the past, Mr. Spitler,  
6 it was a subcommittee of one; me, I think.

7 COMMISSIONER SPITLER: I think Commissioner  
8 Thomas has obviously some interests in this issue, as  
9 well, and would be appropriate to -- if not be a full  
10 member of the subcommittee, to at least solicit his  
11 views on it.

12 Maybe I can just put the question to staff.  
13 Have you been working carefully with the subcommittee  
14 to resolve some of these questions?

15 RICK LeFLORE: Yes, we have. And one of the  
16 outcomes -- Rick LeFlore, State Parks Superintendent  
17 for OHV Headquarters.

18 Yes, we're actually comfortable with how we've  
19 worked with Judith. And one of the major outcomes of  
20 that was in fact to hold a desert tour in which we  
21 could actually go out and see the breadth of issues  
22 involved with trying to pin down what such a definition  
23 would be. So this was actually a key piece of work in  
24 this regard.

25 COMMISSIONER SPITLER: And are you comfortable 41

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1 continuing your outstanding work with the subcommittee  
2 to resolve some of those questions that you've posed to  
3 us in your analysis on page seven?

4 RICK LeFLORE: Yes, we would more than welcome  
5 working with folks of your choosing in a subcommittee  
6 to do this. But as you can see, with these ten points  
7 that we have here, it would be difficult to do this in  
8 a public setting like this. We do think it would be  
9 something where we would withdraw and we could go  
10 through these.

11 VICE-CHAIR ANDERSON: I would add to that that I  
12 think that we have -- in previous conference calls that  
13 we've had with Mr. Weigand and staff and consultants,  
14 that we have pretty well set a direction for a  
15 definition for riparian. That among the various  
16 options that we have chosen, we just have not brought  
17 that specific recommendation back to this body yet.  
18 But we are moving on that, and some of the --

19 I think the tour certainly was helpful in  
20 answering the Division's question and giving  
21 clarification to the public from page seven issue four.  
22 I couldn't quite speak to the Commission on number  
23 five, but I'm working on it. So I think that we  
24 discussed yesterday off-line with some of the BLM staff  
25 that were on the tour about the difficulty or ease with  
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1 which they might be able to provide desert riparian  
2 botanical areas or desert riparian areas in need of  
3 special attention where there appears to be either  
4 emerging wetlands or wetlands which might become  
5 riparian areas, existing riparian areas. And we are  
6 not talking about providing a list of areas inside  
7 Wilderness designations because we shouldn't be having  
8 conflict of off-road vehicle use and wetlands certainly  
9 inside Wilderness areas. So we're talking about the  
10 areas that are outside of Wilderness and outside  
11 perhaps of the -- we might note that an area like  
12 Dos Palmos is certainly an important riparian area, but  
13 that because there isn't any -- unless there is planned  
14 OHV use in the immediate area, that we would need to  
15 protect that area, but it might not be of special area  
16 of concern for existing use or immediately threatened,  
17 shall we say, that it's not in danger of immediate  
18 threat, at least I wasn't aware of anything that would  
19 lead to that. There might be questions about --

20           People who were on the tour were aware that we  
21 drove alongside a canal, and the newly constructed  
22 Coachella canal sits alongside the old Coachella canal  
23 which leaked. And the leaking waters that came out of  
24 that certainly enhanced riparian valleys down slope  
25 from that leakage. What effect does that have on

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1 designated routes or having routes within those leak

2 areas, who's got the responsibility for maintaining  
3 those, those are kind of open questions. So there were  
4 some areas of concern, and certainly there was the  
5 remnant of some old riparian areas that were  
6 immediately next to the old canal where there had been  
7 leakage, and they were obviously drying up because the  
8 old canal is now dry.

9 So I think we're moving in the direction of  
10 being able to design some parameters for identifying  
11 areas.

12 CHAIR BRISSENDEN: So I would suggest these  
13 subtleties and complexities be addressed by the  
14 subcommittee. I know that I have two Commissioners who  
15 want to weigh in. Paul Spittler would be first and then  
16 Commissioner McMillin. Then I'm going to suggest that  
17 the subcommittee address this.

18 You're passing? Commissioner McMillin.

19 COMMISSIONER McMILLIN: Okay. We have the  
20 desert riparian policy, whether we like it or not,  
21 until we get rid of it. I want to make sure, as we  
22 throw this back to the subcommittee, that we just --  
23 from yesterday or from experience, that we make sure  
24 that it's not the intent of this to apply this in dry  
25 desert washes. And I was with Jim Weigand, and I think

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1 one of the many definitions is from the California Fish  
2 and Game, and there was two or three other ones, and he  
3 said most of them all either require water. To be  
4 desert riparian, you have to have either aboveground

5 water some of the time in washes and stuff or a  
6 significant amount of underground water which then can  
7 be determined by the willow trees and other trees.  
8 Other than that, 75 percent of the areas that we were  
9 in yesterday were not considered to be desert riparian.

10 I also think the tours could be expanded to  
11 other areas. I'm in favor of, you know, having this  
12 policy as long as the intent is to keep OHV users out  
13 of sensitive wetlands. I'm all in favor of that. But  
14 to take this and hopefully not roll it into every wash  
15 that would have water above the ground in a 500- or  
16 100-year storm, I hope is not what becomes of this, as  
17 we try to fine tune it.

18 CHAIR BRISSENDEN: Commissioner Thomas.

19 COMMISSIONER THOMAS: Commissioner McMillin has  
20 got it right. It's water. It's water. It's a desert,  
21 folks. It's about water. And the definition in our  
22 staff report talks about water, talks about structures  
23 near water, talks about distribution near water. It's  
24 about water. It's a very clear definition. That's why  
25 I've always been mystified at the, quote, confusion

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1 that seems to be emerging because water in the desert  
2 is not very confusing. It's either there or it's not  
3 there. It's either on the surface or it's below, and  
4 you can see it because there's a willow tree there.  
5 And that's how you tell in a desert where water is.

6 CHAIR BRISSENDEN: You have another comment?

7 COMMISSIONER THOMAS: Let me give some comfort

8 to members of this Commission that might feel that this  
9 would be a source of overreaching. If you read the  
10 policy, and that's why we always start with policy,  
11 desert land, riparians land should be conserved,  
12 restored, and protected. That's the policy.

13 OHV recreation should not be expanded,  
14 encouraged, or maintained in fragile desert riparian  
15 landscape. The modifier was intentional. It means  
16 that you can have fragile and nonfragile. That's a  
17 judgment call, but it allows the implementer of the  
18 policy to use discretion. And that's what good  
19 government is about is exercising discretion, and  
20 reasonable people would agree.

21 Finally -- not finally, but third, there's the  
22 policy of this Commission -- remember, this Commission  
23 doesn't do much except for grants and talk -- is that  
24 we will not grant money to activities inside these  
25 areas. And finally we will maintain a list. And so

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1 the list becomes the vehicle by which you talk about  
2 fragile or nonfragile water, the existence of water,  
3 and that list is your valve. You can open it or close  
4 the valve depending on how the facts are.

5 So my suggestion is that we go ahead and ask the  
6 staff to begin to use the -- save a few committee  
7 meetings here, that they use the Fish and Game  
8 definition and begin to establish a list. And if the  
9 list is short, then there would be fewer people to be  
10 upset; and if it's long, then we can talk about it.

11 CHAIR BRISSENDEN: I have Commissioner Willard  
12 and Commissioner Anderson wishing to speak.

13 COMMISSIONER WILLARD: I guess I better throw my  
14 two cents in on this. And this is all about where we  
15 apply our monies, and we give our monies to other  
16 agencies, and other agencies have to obey the law, and  
17 there is a whole lot of law that pertains to what you  
18 can and can't do in various types of topography, and  
19 riparian is covered quite well through all of the laws  
20 that currently exist. So I was a little, I guess,  
21 puzzled by where this was coming from, what was the  
22 genesis of this, why are we here, was there something  
23 that happened? But I guess I don't really need an  
24 answer to that.

25 Yesterday was really informative for me. And as  
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1 you said, Commissioner Thomas, it's all about water.  
2 But I think the problem lies in that water comes and  
3 goes in the desert, and sometimes water is there and  
4 you can't see it, but it really is there. And I agree  
5 wholeheartedly that water is one of the most important  
6 resources that exists in the desert. By definition  
7 it's rare. It's a desert. And plants and animals need  
8 it to survive.

9 And certainly any OHV activity that interferes  
10 with any species' ability to survive, we've got to  
11 question that and deal with it. So I'm there. I'm  
12 with you on that. I think where staff is wrestling  
13 with is how much water, when and where, and the

14 riparian thing just isn't really well defined or there  
15 are numerous definitions.

16 Now, what I learned yesterday is I came up with  
17 my definition of riparian, and that is if you see  
18 water, it's clear you have a riparian area, and it's  
19 flowing, and it's flowing all the time. And flash  
20 floods are not included in that. There may also be  
21 riparian areas that exist but you don't see the water,  
22 but the water is underneath the surface and that's  
23 evidenced by the types of plants that are growing  
24 there. So maybe that is a riparian area.

25 But according to the conversations I had with

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1 various BLM staff, those are very limited areas and  
2 that they know about them and they try to deal with  
3 them appropriately. And Judith was in the car with me,  
4 and we talked most of the day about this. And I think  
5 we have an understanding of where we are going with  
6 this, and I'm fine with it. Looking forward to seeing  
7 what the subcommittee comes up with.

8 CHAIR BRISSENDEN: Thank you.

9 Commissioner Thomas.

10 COMMISSIONER THOMAS: Again, you got it just  
11 right. It's a limited area. There is only a limited  
12 amount of water that's out there, and it's a short  
13 list.

14 CHAIR BRISSENDEN: Okay. So the Chair would  
15 like to take the prerogative to reappoint and  
16 re-encourage Judith Anderson and Mark McMillin as the

17 subcommittee, and Hal Thomas as an alternate for the  
18 subcommittee.

19 Hal, if you could submit that short list of what  
20 you perceive as identified riparian areas?

21 COMMISSIONER THOMAS: I'll give you the  
22 proposal. I'll write it up and send it to you.

23 CHAIR BRISSENDEN: Without further ado, I thank  
24 the subcommittee.

25 COMMISSIONER McMILLIN: The unduly appointed

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1 committee?

2 CHAIR BRISSENDEN: Do you concur?

3 COMMISSIONER THOMAS: We're going to agendaize it  
4 for the next meeting?

5 CHAIR BRISSENDEN: It will be on the next  
6 agenda. I can appoint the subcommittee. So are you  
7 willing to accept this responsibility, Commissioners  
8 McMillin and Thomas?

9 COMMISSIONER THOMAS: Absolutely.

10 COMMISSIONER McMILLIN: I'll give it a shot.

11 CHAIR BRISSENDEN: Thank you all three.

12 RICK LeFLORE: Division staff looks forward to  
13 working with all of you on this.

14 CHAIR BRISSENDEN: Thank you. We do have public  
15 forum, which we skipped over. It was at 11:00. It's  
16 now what time, 11:30. We have a suggested change.

17 COMMISSIONER SPITLER: I just had one question  
18 for staff before we move on to the next issue. I  
19 appreciate very much all of the good work that staff

20 has done on this issue. I know it's not easy from  
21 watching the Supreme Court grapple with this question  
22 of what is innavigable water. Numerous times it's not  
23 a hundred percent intuitive. I guess my question,  
24 though, is:

25 We passed this policy 14 months ago, and there's  
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1 been a lawsuit that was thrown out by the court, and  
2 here we are today. And I'm just wondering kind of what  
3 the timeline is moving forward, and when do we kind of  
4 see this getting to the point where it's actually  
5 resolved and implemented?

6 CHIEF JENKINS: It sounds like we're getting  
7 very near to being able to sit down and give final  
8 resolution as far as with the subcommittee, and the  
9 examples that we've seen and the clarity that we've  
10 gained. So I think, assuming that we can come very  
11 quickly to the actual policy, then the next step would  
12 be in order to incorporate that into the Grants and  
13 Cooperative Agreements Program, then we will have to  
14 include that in the regulations that govern that  
15 program and so then the next time that we go back out  
16 to the Office of Administrative Law for an update, and  
17 we plan on doing that year by year to incorporate  
18 changes as needed, then that would hit not this grants  
19 cycle that's coming up, but the cycle after that, is  
20 when that would then be incorporated.

21 COMMISSIONER SPITLER: When you say not this  
22 grants cycle coming up, meaning this will be

23 implemented in the grants cycle beginning in 2008, the  
24 2008/2009 grant cycle?

25 CHIEF JENKINS: That would be correct.

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1 CHAIR BRISSENDEN: Thank you. Public forum.  
2 That is to address items not on the agenda, so we'll  
3 start with Ed Waldheim, followed by Jason Fried,  
4 Narvell Conner, Tom Budlong, and Jim Keeler. And then  
5 I have a couple of others.

6 ED WALDHEIM: Ed Waldheim, president of CORVA.  
7 I wasn't at the last Commission meeting, and I'm glad I  
8 wasn't there. Probably I would have said things that I  
9 would have regretted. It is absolutely incredible that  
10 this Commission provided no money for Operation and  
11 Maintenance for next year, except \$300,000 for  
12 Mendocino National Forest. You claim to be  
13 conservationists, preservationists, environmentalists,  
14 but I will tell to you that your actions are doing  
15 exactly the opposite, and I, for the life of me, cannot  
16 fathom exactly where the heck you guys are coming from.  
17 Have you lost it totally? Are you so un-informed of  
18 what your actions are causing out on the public lands?  
19 I just don't get it.

20 I provided you a book, and I autographed it for  
21 you. Please review it. This book has been handed to  
22 every legislator in California on Lobby Day. And in  
23 it, it starts -- Tom Brennan gave me the book, and he  
24 autographed it for me. I didn't even know it existed.  
25 And in this book it tells you you have to manage the

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1 sport. And if you don't manage the sport, you have  
2 chaos. And what you gentlemen and lady have created up  
3 there is chaos. You either did it deliberately or you  
4 didn't know what the heck you were doing. You cannot  
5 cut off the money stream for Operation and Maintenance  
6 the way you did. We have no money for running  
7 tractors, cleaning restrooms. We have no money to run  
8 the Jawbone station. Barstow Field Office got zero,  
9 nothing. We have a moral and legal obligation to fund  
10 the money for the El Mirage OHV area. You have a  
11 memorandum of understanding to do that. The BLM did  
12 not want that area, but you took it on, and the  
13 memorandum was there, and you zeroed it.

14 I gave you the sheet for the in lieu funds in  
15 the back. Instead of writing it up every time, I got  
16 tired of doing it, I wrote it down in the back.  
17 Mr. Spitler, turn it around if you want to look at the  
18 back. The first column is the fee for the Green  
19 Sticker. The second column is where we are now. The  
20 third column is what I would like to do and what we  
21 should do.

22 And the circle shows you -- I love my circles --  
23 80 percent of the OHV funds, Green Sticker funds of the  
24 grants should go to O&M; five percent for Restoration  
25 and Conservation; and 15 percent for Law Enforcement.

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1 If we do everything in that 80 percent, the rest never  
2 happens. You will have no soil problem. You will have  
3 no WHPP problem. You won't have any problem. But if  
4 you don't give it to us, everything falls apart.  
5 That's my message.

6 CHAIR BRISSENDEN: Thank you.

7 COMMISSIONER THOMAS: I have a question for  
8 Mr. Waldheim. Ed, you're pretty harsh in assigning  
9 blame, but don't you think that the regulatory changes  
10 that changed the allocation system and changed the  
11 ratings and our ability to move money around inside the  
12 buckets has something to do with the outcomes of why  
13 the last two years? And before you answer, you told us  
14 that when you were on this Commission, and now you've  
15 seen the results of your prescient advice, and you  
16 really can't blame us.

17 ED WALDHEIM: Mr. Chairman and Mr. Thomas, in  
18 all due respect, if the Commission were a benevolent  
19 Commission, then your statement is correct, as you and  
20 I fought very hard not to have the regulations. But  
21 this Commission is not benevolent. This Commission has  
22 taken upon itself to change things, and you forced us  
23 to have to sue you.

24 That's why we are in court. You can't change 93  
25 grants and kill 33 O&M grants and think that you can

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1 get away with it. The resources out there are going to  
2 be impacted. I'm on the ground. I'm on the tractor.  
3 I'm at the site. I know what I'm talking about. The

4 trails that I groom get used. In a week, it looks like  
5 I didn't do anything. So I need to go back the very  
6 next week. But I don't have any money to do it. And  
7 what do I do when I groom the trail, I relieve the rest  
8 of the resources from being impacted because the people  
9 are creatures of habit. They hate going over bad  
10 trails. They will make a new trail. So by managing  
11 the resource, we are protecting the resources, and you  
12 took every tool away from us to do that.

13 COMMISSIONER THOMAS: Did we take that tool  
14 away? The Commission took that tool away?

15 ED WALDHEIM: Yes, sir. Thirty-three grants  
16 which you annihilated.

17 COMMISSIONER THOMAS: Which fell below the cut  
18 line, 33 grants.

19 ED WALDHEIM: Because you gave Region Five  
20 \$2 million that you should never have given to them.  
21 Had you left that \$2 million, we could have stowed it  
22 away, but you insisted of giving Region Five the money  
23 where the federal government could have taken care of  
24 it. You compromised our O&M. The very thing that we  
25 have to manage our BLM land, you compromised us with

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1 that. And that's what killed us.

2 CHAIR BRISSENDEN: Thank you. Jason.

3 JASON FRIED: Hi, Jason Fried, California  
4 Wilderness Coalition. First of all, I wanted to thank  
5 you all for coming down here. I've been following this  
6 issue. I've been with the California Wilderness

7 Coalition since May of '05, and excluding the  
8 subcommittee grant hearings, this is the first full  
9 committee hearing that I've had down here, and I want  
10 to thank you for doing that.

11 And my comments today are more to encourage you  
12 to do this more. It is my understanding from talking  
13 to folks that two-thirds of all off-road vehicle  
14 recreation occurs in Southern California areas, and a  
15 third occurs in Northern California, which begs the  
16 question, why are there always so many more meetings in  
17 Northern California than there are in Southern  
18 California. And so I would like to encourage you to do  
19 this more. It is something that is definitely needed.  
20 I think if you did this more, you would get larger  
21 crowds down here than you will up there.

22 On that note of larger crowds, it would also be  
23 good to know that these meetings are actually going to  
24 occur down here more than ten days, two weeks before  
25 the meeting actually occurs. There are a lot of folks

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1 that I work with that are currently out at a  
2 restoration project that's going on this weekend. And  
3 so most of them are out there instead of coming here  
4 because we had already planned that. And I'm sure that  
5 there are other events going on that folks, if they had  
6 known that this was occurring, would have been able to  
7 be here. I realize that you were trying to figure out  
8 where you were going to be touring and where you were  
9 going to be seeing, but all you would have needed to

10 put up on the web pages is Southern California location  
11 to be determined. If you would have put that up a  
12 couple of months ago when you were planning and  
13 figuring out that, yes, you're going to be doing this  
14 tour, that would have made it a lot easier. It was  
15 never on the website that way. I check the website on  
16 a regular basis, and it was listed as being -- didn't  
17 list the location. It never said Southern California.  
18 It just said, "Meeting location TBA," which most people  
19 in Southern California assumed it's going to be a  
20 Sacramento meeting because that's where the meetings  
21 usually occur.

22 And maybe it was something that was in a comment  
23 that was done in a Northern California meeting that you  
24 guys discussed it, but those comments don't necessarily  
25 trickle down to us that live and work down here in

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1 Southern California. So it would be good to make sure  
2 that it's up on the website that those things are  
3 occurring, and there is better communication with  
4 folks. Because I'm willing to bet you would have had a  
5 lot of people here willing to speak on these issues had  
6 they known in advance that the meeting was going to be  
7 a Southern California meeting. Thank you.

8 CHAIR BRISSENDEN: Thank you. Going to the  
9 reaffirmation, we did talk about that in September.  
10 I'm not certain quite why they didn't get noticed  
11 there's a meeting here on those dates. So staff did  
12 know.

13 Narvell Conner next, followed by Tom Budlong,  
14 and Jim Keeler.

15 NARVELL CONNER: My name is Narvell Conner. I  
16 have about three things to talk about, so I have to go  
17 fast.

18 One is as far as the closed session is  
19 concerned, if you're going to change the agenda and  
20 have a closed session at the very beginning, it would  
21 be nice to get that on the agenda initially. And then  
22 I don't have to get up at four o'clock to get down here  
23 and stand out in the hall for three or four hours -- or  
24 two hours, I guess, an hour and a half, whatever it  
25 was. So that would be appreciated if that would be

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1 ironed out and be something better.

2 I'd like to read off of one of the little  
3 paragraphs off the agenda -- or off of the website, I'm  
4 sorry. It says: The Commission wants to hear the  
5 views of the OHV community and others about what is  
6 happening in riding areas. The Commission welcomes  
7 your thoughts on ways to improve OHV recreation, where  
8 you feel grant money should be spent, or any problems  
9 you may see along with this suggestion -- your solution  
10 to them.

11 So with that, I'd like to make a couple of  
12 comments in reference to yesterday when we made our  
13 tour around. I appreciate the time and effort that you  
14 all put into that. That was a very good time. And we  
15 saw where some of our OHV money is being used. I

16 appreciate that. And we have other areas that we need  
17 some money, as well. Cities and counties are in dire  
18 need for money to support the projects that we already  
19 have. Things that are going on out there and some of  
20 the pictures that I showed you last time of the sink  
21 holes, of trees falling over across the trail. And  
22 when a tree falls over, we call it a widow maker. If  
23 somebody is under that and it falls, the spouse is a  
24 widow. It's very simple as to where it goes.

25 So I want to say that a lot of those things that <sup>59</sup>

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1 are there are opening cities and counties, and the law  
2 enforcement and different places, to some very serious  
3 lawsuits, even the Commission could be put into those  
4 categories when they fail to give money to areas where  
5 these can be corrected. We need some money in those  
6 areas.

7 On the paper that came out today, it says that  
8 the population in California is going to change  
9 drastically in the next 20 years. I should have  
10 brought that up to read it, but I failed to bring it  
11 up. But, anyway, it says in the year 2020, a lot of  
12 OHV is going to increase. And the population of the  
13 older community is going to change. As more and more  
14 areas are closed to all forms of motor access, I call  
15 it the sick, lame, lazy and elderly are being  
16 discriminated against. And as you recall, I'm falling  
17 into that category pretty quickly from our last  
18 meeting.



22 increased pressure, especially these areas next to  
23 Los Angeles, these areas that are not supposed to be  
24 used by OHVers are becoming de facto open areas. And  
25 they really look like a mess. You can't catch these

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1 guys. They're too quick, and there are not enough  
2 cops, and there never will be enough cops. You just  
3 plain cannot have that many policemen out there and law  
4 enforcement officers out there to catch these guys.  
5 And also you don't know who they are because they have  
6 no license plate on them.

7 Now, I understand the Commission doesn't have a  
8 lot of authority to do the kind of things that I would  
9 suggest, but one of the things that maybe you can do  
10 is -- I haven't been aware that there's been a real  
11 scientific analysis of what motivates these people to  
12 do these off-road business. We all have our ideas  
13 about it. I have ideas about it, but it's very  
14 difficult for any of us to be either objective or  
15 scientific on the subject. And we could very well go  
16 out to the scientific community and get anthropologists  
17 and sociologists to try to analyze this problem for us,  
18 identify what motivates people not to do what the laws  
19 and regulations and policies say. And with that kind  
20 of information, we can be a lot more intelligent about  
21 designing solutions to the problem.

22 You people do have money in OHV grant money that  
23 you can use with discretion, and I would suggest that a  
24 good use of it would be a good scientific definition of

25 the problem, rather than relying upon our opinion and 62

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1 our own personal experience, which I don't trust well  
2 enough to spend money designing a solution for.

3 At the same time, we can do an awful lot with  
4 respect to law enforcement. The fine, according to the  
5 people who I work with in BLM Ridgecrest, is something  
6 like \$150. It's an equivalent to a Disneyland ticket.  
7 In many cases it's considered the price of a ticket to  
8 do riding. And if you look at the equipment those  
9 people come up with, it really is a small amount, an  
10 insignificant amount. We can increase that fine  
11 amount. We can also do impoundment of the vehicle,  
12 which is not only expensive, but is a major hassle for  
13 these guys and we'd get their attention. It would be a  
14 little more --

15 CHAIR BRISSENDEN: Can you wrap up, please?

16 TOM BUDLONG: The other thing I have is we have  
17 a Green Sticker program. There is no way of looking at  
18 a bike and telling what the Green Sticker number is.  
19 And even though bikes have big placard places where  
20 they can put racing numbers, we can put Green Sticker  
21 numbers, and then people like myself, I'm not a law  
22 enforcement officer, could testify that I saw this bike  
23 going here at this time, and we can do more to do that.  
24 Any questions?

25 CHAIR BRISSENDEN: Thank you. Any questions? 63

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1           COMMISSIONER THOMAS: Yes, I've got a couple of  
2 comments. Mr. Budlong, correct?

3           TOM BUDLONG: Yes.

4           COMMISSIONER THOMAS: First of all, the  
5 Commission doesn't have discretionary funds. The  
6 grants come to us from outside parties that seek money  
7 for certain activities. So if people aren't asking, we  
8 can't generate expenditures ourselves.

9           Secondly, I think we can shortcut the scientific  
10 study on how to control speeders or scuff law  
11 violations. If you talk to any DA who has done work in  
12 any county, and there are 58 counties, there are  
13 probably four or five DAs in the counties that have  
14 done misdemeanors for most of their career, you'll find  
15 that the equation is generally: The risk of loss is  
16 not high enough, and the gain by violating the law  
17 seems more attractive than the risk. It's pretty much,  
18 and you articulated that when you said, 150 bucks is  
19 the price of riding. So I think everybody knows that  
20 it's a matter of making the risk of loss higher so that  
21 the gain doesn't look so good.

22           Now, there are a couple of ways to do it. We  
23 had a Law Enforcement Committee, and we came up with  
24 some real easy answers: Forfeiture: Get caught, you  
25 lose your machine; increased fines for repeat

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1   violations; license plates to identify violators. None

2 of those suggestions have been, A, supported by this  
3 administration or, B, been put through the Legislature  
4 successfully. So the reality is until the  
5 administration and Division decide that they want to do  
6 those things, it's not going to happen. That's my  
7 view.

8 TOM BUDLONG: Yes, I'd like to see motivation  
9 for citizen compliance be perhaps more, other than if  
10 you do this you're going to get busted and it's going  
11 to hurt you a lot. Certainly, just ordinary citizen  
12 compliance within the world we live in is easier to  
13 keep our society under control. Look at our actions  
14 right now, and there is no citizen compliance. I would  
15 like to see it be more than just, you know, it's going  
16 to hurt you a lot if you don't comply.

17 We don't do a lot of training on OHV riders as  
18 to ethical consideration. They're not even aware that  
19 the land is managed. We don't license the rider.  
20 That's a hole in our system. We license on-road riders  
21 in vehicles. We license off-road vehicles. We do not  
22 license those riders. We don't know who they are. We  
23 can't control them. If we license them, we can put  
24 them through a driver education course saying here's  
25 where you can ride and here's where you can't ride.

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1 Ridgecrest has some very complicated areas where  
2 it's a mix of wilderness, limited use area, open area,  
3 private property, signs, riparian areas. An off-roader  
4 could make a very good case saying, this is so

5 complicated, unless I really understand it the way  
6 people in this room pay attention to it, I don't know  
7 what to do. And an awful lot of people out there just  
8 plain don't pay that much attention to it. They come  
9 out once every one or two years. Like I say, some of  
10 them -- I met people out there just aren't aware that  
11 the land is even managed.

12 So citizen compliance, I would like to see it be  
13 not only just law enforcement is going to hurt you if  
14 you do the wrong thing, but knowing what the wrong  
15 thing is and why you don't do the wrong thing and get  
16 them on our side through -- because they want to be on  
17 our side not because they have to on our side because  
18 they're going to be hit hard.

19 CHAIR BRISSENDEN: Thank you.

20 TOM BUDLONG: Anyone else? Thank you.

21 CHAIR BRISSENDEN: Mr. Keeler, followed by Craig  
22 Chaddock.

23 JIM KEELER: Good morning, Commissioners. Jim  
24 Keeler, BLM California State Office. I wasn't really  
25 sure how to agendize these comments, so I have two very  
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1 brief ones that may have actually been in other topics.

2 First of all, I want to give my thanks to the  
3 BLM staff, but also to the Commission, the Division,  
4 and the public for actually coming out on the ground  
5 and seeing stuff I think it's a really valuable  
6 opportunity. I also didn't -- nobody else has  
7 mentioned that Kathy Dolinar and Eric Hollenback from

8 Ocotillo Wells participated in these tours. I have a  
9 feeling it brought us a little closer as agencies with  
10 similar issues to deal with. I'm hoping that that  
11 becomes a more valuable partnership. Thank you very  
12 much, Kathy, and thank you to Eric, as well.

13 So thank you all for attending, and I look  
14 forward to more of these kinds of tours. They're  
15 really hard on staff, but they bring so much attention.  
16 And also I think in a lot of ways, they bring light  
17 instead of heat, and I think that's kind of what we  
18 need to do to dig into some of these really difficult  
19 issues.

20 The other thing I wanted to do, my colleague,  
21 Dr. Weigand, was unable to stay. He had a funeral to  
22 attend today, so that's why he isn't here. But in  
23 preparation for this meeting, he created five really  
24 wonderful posters that kind of show in five different  
25 BLM desert field offices some of the riparian work we

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1 are doing that as a multiple-use agency, OHV is only  
2 one of many missions we have. And I think that in  
3 general that we are working very hard to improve  
4 riparian conditions throughout the desert. So these  
5 posters kind of demonstrate that. If people wanted to  
6 take home copies of some of that, I think Dr. Weigand  
7 had sent a CD of some of that material. But I would  
8 really request everybody that has chance to just take a  
9 look at some of the offices and some of the projects we  
10 have going. It's a really good display. So thank you

11 very much again.

12 CHAIR BRISSENDEN: Commissioner Anderson.

13 VICE-CHAIR ANDERSON: Yes, the previous speaker  
14 provided the Commissioners with photographs of a couple  
15 of intrusions into wilderness. The obvious question  
16 that arose in my mind was: Are these areas in which  
17 we've sponsored any restoration projects or are these  
18 on a pending list? And I'm catching you flatfooted, I  
19 understand that, but I didn't see these photographs  
20 earlier, so I couldn't warn you. But would you please  
21 check and then let us know if restoration is scheduled  
22 for these areas or not? I see Mr. Gartland has come  
23 up.

24 JIM KEELER: My guess is that from Kyoba and  
25 Golden Valley, both of these are areas we have done --

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1 in any case, yes, these are routes that were designated  
2 Wilderness that were already routes, and they have  
3 been -- we have tried many different ways of fighting  
4 these intrusions, including restoration.

5 In the Kyoba last year, we had two sting  
6 operations where we actually brought in law enforcement  
7 and caught people on those. We're doing everything we  
8 can. It's just some of these old intrusions, these are  
9 not brand new.

10 VICE-CHAIR ANDERSON: I understand that, and I  
11 was just wondering if it's an ongoing project or if it  
12 was new, or old.

13 JIM KEELER: These are ongoing problems.

14 AUDIENCE MEMBER: Can I answer some of those  
15 questions?

16 CHAIR BRISSENDEN: This is a public forum. I  
17 think that can be done off-line. We're already backed  
18 up as it is. Craig Chaddock.

19 CRAIG CHADDOCK: I'd like to thank the  
20 Commission for traveling down here. This is my first  
21 chance to speak to you. My name is Craig Chaddock from  
22 San Diego.

23 I would just like to generally state my support  
24 of vehicle access on public lands and comment on  
25 enforcement by closure. I feel it's imperative that

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1 roads and public lands be kept accessible for outdoor  
2 recreation. Public policy needs to stand up to the  
3 agenda that some have of sealing off an area every time  
4 an infraction or perceived infraction occurs. We live  
5 in a society of rules and regulations. While  
6 enforcement is expensive and sometimes difficult to  
7 administer across vast parcels of land, we cannot  
8 abandon our responsibilities by getting off routes for  
9 trails and curtail misuse. In the same way we do not  
10 destroy highways when a drunk driver takes a life, we  
11 should not deconstruct first roads used by thousands  
12 because a single quad left a track recently.

13 The rights and privileges of conscientious users  
14 should not be infringed upon based on the action of  
15 lawless users. Let's continue to pursue a reasonable  
16 land use strategy that balances the benefits and costs

17 to the public. Let's be realistic about our nation's  
18 resources and how they can be managed and shared among  
19 its citizens.

20 And while I just have a few minutes, I am  
21 definitely empathetic to all of the problems,  
22 especially enforcement, but, you know, a mini van can  
23 take away the right of way of a motorcycle, kill two  
24 people and get fined \$80. So we're all having problems  
25 with enforcement.

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1 COMMISSIONER SPITLER: Sir, can you address your  
2 comment to the Commission?

3 CRAIG CHADDOCK: In eight months, my riding  
4 group has hauled out 140 pounds of 37 cubic feet of  
5 trash from wilderness areas. We did it by foot, but we  
6 gained through access of public roads. And these are  
7 areas that you could not do by quad, you could not do  
8 by four-wheel drives. My motorcycles were out there,  
9 and they're good users. And we think with education  
10 and riding groups like ours, we can help achieve that,  
11 and we'd like to work with BLM. Thank you.

12 CHAIR BRISSENDEN: Thank you. Meg, I can't read  
13 the last name.

14 MEG GROSSGLASS: It's my husband's.

15 CHAIR BRISSENDEN: Followed by Randy Lazar and  
16 Robert Hoyt.

17 MEG GROSSGLASS: I want to talk about the --

18 CHAIR BRISSENDEN: Please state your name and  
19 affiliation.

20 MEG GROSSGLASS: Meg Grossglass with CORVA. I  
21 want to talk about -- this is about non-agenda times,  
22 about the possible geothermal exploration in the  
23 Ocotillo Wells SVRA, just real quick.

24 I do not think energy exploration is within the  
25 mission of the State Parks. I just don't think we want  
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1 to go down that slippery road. Once we start allowing  
2 energy exploration in our State Parks, where is it  
3 going to end? And it will have an adverse effect on  
4 the recreation, especially in Ocotillo Wells where -- I  
5 don't know if you all know, but five years ago we had  
6 330,000 visitors. In 2006, we had 1.9 million  
7 visitors. So definitely creates a safety hazard  
8 forcing people onto less lands. And there's also  
9 several sensitive species out there, two types of  
10 lizards. I can't think of what their names are because  
11 I forget them, and I know that the environmental  
12 scientist out there is worried about the pipelines that  
13 would go between the injection wells and the source  
14 wells. They'll fragment their habitat that they'll  
15 have. They will increase perching sites for the  
16 rafters.

17 So when it does rear its ugly head in front of  
18 guys, I would like for you guys to strongly oppose it.  
19 Thank you.

20 CHAIR BRISSENDEN: Thank you. Randy Lazar.

21 COMMISSIONER THOMAS: Just a question -- or  
22 point. When the time to raise its head arrives, if you

23 will write us a letter and be very specific about what  
24 you want, that would make sure we do something.

25 MEG GROSSGLASS: I believe we have already

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1 written a brief comment on the topic. I don't know if  
2 we have a copy to the Commission. I'll send you a copy  
3 of our comments to the draft EIS.

4 COMMISSIONER THOMAS: If you want something from  
5 us, be specific, and we will try to do it.

6 MEG GROSSGLASS: Okay. Thank you.

7 CHAIR BRISSENDEN: Mr. Lazar, followed by Robert  
8 Hoyt, and Dave Pickett.

9 RANDY LAZAR: Hello, my name is Randy Lazar.  
10 I'm a motorcycle enthusiast and president of San Diego  
11 Adventure Riders. We enjoy touring the back country on  
12 motorcycles while at the same time respecting the  
13 environment. We participate in the volunteer litter  
14 clean-ups and trail maintenance in the local and  
15 national forests, as well as a lot of off-road groups  
16 do.

17 We find it disheartening to know how much public  
18 land has been closed and how much more land is in  
19 danger of closing, while OHV use is growing and the  
20 population is growing. We feel the solution to land  
21 management issues is not closing the land off, but the  
22 land agencies should be managing the lands properly,  
23 including the use and allocation of the funds. Land  
24 management agencies should be doing that so the public  
25 has access to our public lands for the future

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1 recreation enjoyment of generations to come.

2           Once an area is closed off, how many people do  
3 you think really go use that land? I would venture to  
4 say that's not a large number. What good is the land  
5 if it's closed and nobody gets to use it? It should be  
6 kept open with proper management so future generations  
7 can use it for families and children. That's all I  
8 have to say. Thank you.

9           CHAIR BRISSENDEN: Thank you. Robert Hoyt.

10           ROBERT HOYT: Good afternoon, my name is Robert  
11 Hoyt, and I am the legislative officer for San Diego  
12 Adventure Riders and speaking as an individual today,  
13 but I would like to read some comments that I was able  
14 to get from a lot of our members, and I have my own  
15 comments at the end.

16           "I like to point out that riding off-road is one  
17 of the ways that my family gets together. I teach my  
18 children to be responsible in the outdoors. Every time  
19 we go out, we pick up trash, try to leave the area  
20 better than it was when we got there. I worry that  
21 when my kids have their own family, they won't be able  
22 to enjoy riding due to the land closures and  
23 mismanagement."

24           Chris Crawford writes, "Riding off-road is my  
25 family's replacement for football, soccer, swim,

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1 et cetera, et cetera. It's been a fantastic experience  
2 for me and my kids, and we try to be tree-hugging  
3 motorists to the greatest extent possible by leaving  
4 the area cleaner than we found it. Enough is enough.  
5 Closing more land off is not the answer. Education,  
6 proper management of resources is a better approach.  
7 Having two boys who are just getting primed to ride, I  
8 believe that the governing source to open trail, and we  
9 will keep them as we found them, if not better."

10 "I enjoyed riding off-road as a kid. When my  
11 daughter is old enough to ride, I would like her to  
12 enjoy that ride also. I would also like to see my  
13 grandkids do the same thing. I feel it should be a  
14 right, not a privilege, to use our public lands. I  
15 take great pride in teaching my daughter to be  
16 responsible in cleaning up after herself and others who  
17 are less thoughtful."

18 John Hughes writes, "It's interesting how we  
19 have to fight so hard to keep your public lands public.  
20 It seems like an endless battle against people who want  
21 the public land converted into wilderness areas and  
22 closed to adventure-minded people like me. I'm still  
23 interested in how many people who voted to close the  
24 recreation area actually enjoy them or have ever been  
25 to them. In San Diego County alone, there are several

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1 wildernesses that span thousands of acres that hardly  
2 anyone uses, only two small OHV areas are available to  
3 the rest of the county, one of which is partially

4 closed from a fire that started near a wilderness area.  
5 As a club, San Diego Adventures are currently adopting  
6 a trail of our own in the Corral Canyon area and will  
7 maintain this trail and keep it clean."

8 Cameron writes, "BLM will be in the best  
9 position to facilitate a balanced approach to land  
10 management. We have a balance viewpoint represented on  
11 this committee. Somebody who understands the  
12 requirements of sensible amounts of usage of trails for  
13 the public which BLM serves, combined with the  
14 appropriate environmental treatment. Simply working to  
15 closure prolongs the process because it attracts more  
16 protracted battles."

17 And a final comment, "I think both sides of this  
18 issue can work together and come to happy mediums.  
19 Instead of butting heads and wasting time and money,  
20 let's use this energy to work together. There's plenty  
21 of land available to meet everyone's needs."

22 As far as my comments are concerned, I've heard  
23 a lot of people talk about how they have photographs  
24 and such of the mismanagement or misuse of land and  
25 trespassing intrusions. One of the e-mails that I

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1 received from the fellow that's out at Corral Canyon  
2 cleaning that up, he says, "We've gone so far as to get  
3 these trails open, a certain number of trails open.  
4 The off-road community is continuing to work on these  
5 trails and open more trails as we go." What he  
6 actually said, anyone who finds these abusers going off

7 beyond the fence lines, to go ahead and grab them by  
8 the nape of the neck and shake them a little bit and  
9 let them know.

10 I think it might be in the best interest of the  
11 Commission to become more user friendly with the  
12 off-road community and enlist that type of help from  
13 the off-roader. Because you'll find that people are  
14 more than happy to grab the ones that are abusing it so  
15 that we can have our right to ride. Thank you.

16 CHAIR BRISSENDEN: Thank you. Dave Pickett.

17 COMMISSIONER McMILLIN: Can I make a comment?

18 CHAIR BRISSENDEN: Certainly.

19 COMMISSIONER McMILLIN: I want to thank the guy  
20 from San Diego coming up, but I agree wholeheartedly.  
21 We can't employ you to grab them by the neck, but I  
22 would encourage groups as yourself to work with local  
23 law enforcement and become their eyes and ears, kind of  
24 like what a senior patrol is to a lot of local police  
25 departments. I think as far as cleanliness in the

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1 desert, you read ASA, CORVA, San Diego Off-Road  
2 Coalition stuff, there are more and more clean-ups  
3 going on than ever before. And as witnessed by myself  
4 and others yesterday, the Box Canyon area that we went  
5 into, which is, because of the accessibility, high use,  
6 was extremely clean. And I think there was very little  
7 intrusion past those rocks into those areas. I agree  
8 there is lot of this intrusion that does go on, but I  
9 think for the most part, this is my comment, is I think

10 things are getting better out there. We don't close  
11 land. That's not our job. We're simply trying to  
12 employ the dollars that we have in our coffers as best  
13 we can.

14 CHAIR BRISSENDEN: Thank you. Dave Pickett.

15 DAVE PICKETT: Dave Pickett, District 36,  
16 Motorcycle Sports Committee. I have a couple of  
17 different comments. Many of them mirror what you've  
18 already heard this morning. I took the tour yesterday,  
19 and my compliments to all parties involved.

20 Mr. Thomas, Mr. Spitler, I really would have liked to  
21 have seen you there. I think it was important, and it  
22 was great to spend hours and hours talking with the  
23 other folks.

24 But Mr. Waldheim brought up some very strong  
25 statements. I tend to concur with those statements,

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1 and I ask later you review the transcripts of what he  
2 said. I'm very concerned about the direction of the  
3 program that it's going right now and the last grants  
4 hearings, specifically one grant, Southwest Region  
5 Forest Service. I'm having to face many riders in  
6 Northern California that are coming back and telling me  
7 that the Forest Service doesn't have the money because  
8 the Forest Service took the money away from them, and  
9 you guys made that decision. When you've got a grant  
10 that scores as low as that particular grant did, and  
11 more than gets doubled in its score, pushing it to the  
12 top and knocking 33 grants down, this creates a

13 problem. There is no money on the ground. And the  
14 clubs that come to me and say they can't have special  
15 events anymore because there is no funding. When the  
16 OHV coordinators and special rec permit people are  
17 saying, sorry, we don't have any money, when the Tahoe  
18 had its funds stripped up in the Sugar Pine area, there  
19 is a local group that went to the Forest Hill Chamber  
20 of Commerce, and they're doing fund raisers selling  
21 candy bars to raise money to give to the Forest Service  
22 to keep the trails open. Unacceptable.

23 This program is three-and-a-half decades old,  
24 and that particular grant, personally, I felt was  
25 instituted to harm the program, and I hold the four of <sup>79</sup>

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1 you who made that decision responsible. Thank you.

2 CHAIR BRISSENDEN: Thank you. Dave Van Voorhis,  
3 followed by Shannon Welch.

4 DAVE VAN VOORHIS: Dave Van Voorhis with Friends  
5 of Juniper Flats, but I'm speaking up here as an  
6 off-roader who enjoys the best of both worlds. I spent  
7 a lot of time in the remote back country accessing with  
8 my beat up 4-Wheel Drive truck, which is parked across  
9 the street -- you recognize it because it's got dents  
10 and a lot of dust on it. And I use these remote desert  
11 routes to access the wilderness areas. Contrary to  
12 popular opinion, they're not closed to the public. I  
13 do go hiking up into the canyons, and, you know, when I  
14 come crawling out at sunset, I like to see a good route  
15 marker designating the way.

16           So in a lot of ways I have to agree with the  
17 funding of some of the non-CESA programs. I think that  
18 for people to be responsible recreaters, they need to  
19 know what routes they're riding on. They need to be  
20 clearly designated, and I do support funding for these  
21 projects.

22           You know, it's a big wide world out there. I  
23 encourage people who believe wilderness areas are  
24 closed to public access to park their vehicles and take  
25 a hike on in to see what's in there because there are

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1   some pretty remarkable things to enjoy. I, too,  
2 observe wilderness intrusion by motorized vehicles. It  
3 is commonplace. However, you know, by better marking  
4 the legal trails the people can ride, I think it will  
5 help promote route compliance. Thank you.

6           CHAIR BRISSENDEN: Thank you. Shannon Welch.

7           SHANNON WELCH: Good afternoon. I'm with  
8 Rubicon Owners of California. I also work with the San  
9 Bernardino National Forest Adopt-a-Trail program, as  
10 well. What I wanted to address first and foremost is I  
11 do appreciate you guys being in Southern California. I  
12 would love to see you in Southern California more. I'm  
13 sure -- I know it's already been stated here, but  
14 letting the public know when you're going to be down  
15 here, when two-thirds of the usage does happen down  
16 here, will encourage more people to be here.

17           Secondarily, I was looking through the strategic  
18 plan update and looking at educational efforts, need

19 improvement, I'm wondering what is being done by this  
20 Commission right now when it comes to education. I see  
21 people bring up pictures of people, you know, riding  
22 off-road. We could bring up millions of pictures of  
23 people riding on road and on routes.

24 But what I have learned in the three years I've  
25 been off-roading is there is no education out there.

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1 Unless someone is willing to get out there to ask  
2 people what's going on and what's happening, they have  
3 no idea where they should be, where they shouldn't be,  
4 and it's not clear. There is very little signage. In  
5 addition to that, people can go buy a motorcycle, a  
6 dirt bike tomorrow and go ride it and have no clue what  
7 it is they are and aren't allowed to do.

8 I think as this sport continues to grow in  
9 California, which it is going to do, and as lands are  
10 going to diminish, I think one of the biggest things  
11 before this Commission is coming up with a way to  
12 educate people. What I see happening is I see  
13 off-highway vehicle users educating each other, but I  
14 don't see where it is being brought together under any  
15 kind of Commission such as this, in an education format  
16 that can be used for everybody and is universal, so  
17 people can see a sign and go, okay, I know what I'm  
18 supposed to do here.

19 What educational opportunities are there and is  
20 this an area we're going to be looking to improve upon  
21 in the near future? Because I can't even believe how

22 very little knowledge there is out there and how hard  
23 it is to get that knowledge. The more we can make this  
24 Commission accessible to the off-highway users, I think  
25 the more you find people do what they they're supposed

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1 to be doing out there. That's all I had to say.

2 CHAIR BRISSENDEN: Thank you very much. Tom  
3 Tammone is listed, but you have funding distribution,  
4 which is on the agenda. Did you have another subject  
5 that you wish to address?

6 TOM TAMMONE: Yes, several subjects. I was  
7 listening to all of the comments. First of all, I  
8 second what Megan said. My understanding is Parks is  
9 going to have something to do with a power storage  
10 project in the Truckhaven area. We have good relations  
11 with the Truckhaven area. From the testimony made last  
12 year, I would like to see it stay that way. And if  
13 there is any involvement, I want Parks to oppose it.  
14 We don't want nothing to do with that.

15 And as far as the funding, I have to agree with  
16 some of the comments from the last speakers, especially  
17 in some of the grants, that there are a lot of  
18 inconsistencies as far as how. I wasn't really  
19 thrilled the way Division scored the grants, but at  
20 least there was some consistencies -- (Inaudible) the  
21 Commission was supposed to do. The Commission totally  
22 changed it around. In some of the instances, they  
23 totally ignored many of the public comments or any of  
24 the evidence, basically went their own way.

25 It also appeared everything was pretty scripted. 83

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1 So I almost get the impression the Commission was out  
2 to prove to us that no matter what we do with this  
3 system, that we're going to score the grants any way  
4 they want them, anyway.

5 Less than two percent of the funds went to trail  
6 maintenance, and out of that maintenance fund, probably  
7 only half of that actually goes to trail maintenance.  
8 The other half probably goes to things like pumping  
9 toilets, which is good, too, but the whole point is no  
10 money is getting on the ground where it's supposed to  
11 go. We've totally lost track of the total intent of  
12 the Legislature.

13 And with the political climate in Sacramento, my  
14 last visit up there, I don't really think there is any  
15 way that we're going to avoid this program from  
16 sunseting at the end of the year. I'm very  
17 disappointed that the Governor's Office has not filled  
18 the seat. I don't see any excuse for that. We have a  
19 vacancy on the Commission. I understand that it was  
20 known a month ago that Michael Prizmich was going to  
21 resign the seat. And there's no reason why that seat  
22 couldn't have been filled.

23 And with that, all I can say, I give up. If we  
24 can't get this program back to the intent of the  
25 Legislature, I'll let them sunset, and I'll block any 84

1 intent from anybody to try to stop that. We have to  
2 get this program going again. We have to do what we're  
3 supposed do. And don't think I'm -- (Inaudible). I  
4 might get a couple of riders of my own, so I can grab  
5 people by the neck. You guys watch the Legislature.  
6 I'll figure out a way to make sure that you can do it.

7 But the point is we have lost total track of  
8 this program and what it's supposed to do. You read  
9 through the transcripts. It's inexcusable. I'm a  
10 little bit disappointed they didn't get out, the  
11 information about the meeting was in those transcripts.  
12 We didn't get them until just a couple of weeks ago.  
13 They should have been out a lot later.

14 The Commission has the power to direct the  
15 Division according to what it passed in 2003 to explore  
16 educational programs. They have not done that. They  
17 should.

18 CHAIR BRISSENDEN: Please wrap up your comments,  
19 Tom.

20 TOM TAMMONE: Okay. Thank you.

21 CHAIR BRISSENDEN: Having no further blue cards,  
22 Deputy Director Greene, do you have a comment?

23 DEPUTY DIR. GREENE: I just have two comments.  
24 I apologize, I was remiss.

25 We have two new additions to the Division, so I

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1 wanted just to take a moment, if I may, and introduce

2 our new administrative officer, Maria Mallory. So,  
3 Maria, if you would do me a favor and stand up. So  
4 we're delighted to have her on board.

5 And then the second one, albeit not yet  
6 employed, but she is employed by a certain measure, and  
7 that is Kelly Roach had her baby on February 16th. So,  
8 Kelly, if you could just say hi. The proud father,  
9 James, standing in the back with Violet, so just if you  
10 have a moment. So I just wanted to share those two  
11 points with you.

12 CHAIR BRISSENDEN: Thank you. And I forgot to  
13 ask you to introduce all of the staff this morning, and  
14 I apologize for that. Welcome, and special welcome to  
15 your offspring, Kelly. Good work.

16 There was one missing card. There is a  
17 gentleman waiting patiently at the front. Please  
18 introduce yourself and state your affiliation.

19 GLENN ODELL: Thank you. Thank you, Mr. Chair.  
20 My name is Glenn Odell, no apostrophe, Santa Barbara,  
21 and I'm a jeep user. I ride with four wheels. I  
22 really appreciate your Commission coming down here. It  
23 was fun to tour with you yesterday. This was my first  
24 contact with the Commission, so I don't know all of the  
25 intrigue and all of the history and who's who and all

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1 that.

2 But I did during the tour hear a problem  
3 identified and an example of it as we went through the  
4 area where we stopped where there was cable through the

5 four-by-fours, and there was people circumventing that  
6 idea. And one of the staff members or maybe one of  
7 your commissioners mentioned, gee, this would be a  
8 great idea for a sting, and it warmed my heart.

9 We responsible off-roaders enjoy the fruits of  
10 education. We enjoy the access to our public lands.  
11 It turns our stomach to see people that are outlaws  
12 for, lack of a better term. And I'm a retired  
13 firefighter, retired with Santa Barbara County Fire  
14 Department, battalion chief for 32 years; been retired  
15 for two years, spending these last excellent years,  
16 most excellent two years, in my jeep.

17 And I just wanted to put into the state  
18 Commission pipeline that might get into the Commission  
19 somehow, that when we deal with fires, no single agency  
20 has enough resources to deal with fire problems, so we  
21 do mutual aid. And I look at like the DEA with the  
22 terrible problem with drugs and all, they task forced  
23 together a multi-agency operation. And you may do this  
24 already, but the analogy between firefighting and  
25 dealing with the enforcement side was just too great

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1 for me to not stand up here and just suggest that  
2 consideration be given that in addition to the grants  
3 that you give to other agencies, some encouragement to  
4 foster some interagency operation with respect to  
5 enforcement in stings.

6 The majority of us are responsible in what we  
7 do, and we look to your Commission. I heard the words.

8 I don't know if you're benevolent or not, don't know  
9 the politics behind what's going on there, but there  
10 surely must be some advocacy work up there, and you  
11 will not offend the mainstream of off-highway vehicle  
12 recreationists by using stings by enhancing  
13 enforcement. I encourage you to do that.

14 And I wanted to second Shannon Welch's comments,  
15 as well as Ed Waldheim's comments. It's great to see  
16 you all down here, and thank you to the staff for a  
17 well-organized tour. We enjoyed putting on 140 miles  
18 around a different area that I've never been in before  
19 and will probably return to now. Thank you very much.

20 CHAIR BRISSENDEN: Thank you. Just a general  
21 comment, we do invite cooperation amongst law  
22 enforcement agencies. I think staff member John  
23 Pelonio referenced it yesterday. It's almost required  
24 that they ride together or at least join hands in their  
25 enforcement efforts between federal and local agencies.

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1 It doesn't always work because there are fiefdoms out  
2 there, as you probably know. So, anyway, thank you.

3 The pleasure of the Commission. We are awaiting  
4 some lunches that have been ordered. We could go to  
5 Item 5-B.

6 CHIEF JENKINS: I think our transcriber wants a  
7 little break.

8 CHAIR BRISSENDEN: Oh, really. Okay. So we'll  
9 take -- shall we do a lunch break and just hope the  
10 lunch has arrived? So it is approximately 12:30, so if

11 we could be back here by 1:30.

12 Before we go off, though, are there particular  
13 flight arrangements that we need to be concerned about  
14 amongst anyone? Thank you. We'll return at 1:30.

15 (Lunch break taken in proceedings.)

16 CHAIR BRISSENDEN: Update on the status of the  
17 program strategic plan.

18 VICE-CHAIR ANDERSON: Commissioner McMillin and  
19 I and Mr. Navarro have been conferring most recently  
20 looking at -- what do you call these, assumptions --  
21 assumptions. And Mr. Navarro has a presentation to  
22 give us. I just thought to add to his timeline the  
23 fact that we had -- in fact, our subcommittee had given  
24 some input into these key assumptions, which he's going  
25 to discuss. The timeline is on page seven.

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1 So this meeting is when the rest of the  
2 Commissioners can give their input, hence ideas on the  
3 key assumptions, which I'll leave to him to describe  
4 and the process.

5 MR. NAVARRO: Thank you, Commissioner.

6 Basically we have two points that we want to try  
7 and accomplish today. One is to give you an update  
8 with where we are on the strategic plan, and also, as  
9 Commissioner Anderson mentioned, to get your thoughts  
10 on some of the key assumptions that we came up with.  
11 And, John, if you could put up the PowerPoint?  
12 Ed Navarro, Strategic Planning Manager.

13 Just a real quick overview, as you all know, the

14 legal foundation for the strategic plan came about in  
15 Public Resources Code 509032.

16 VICE-CHAIR ANDERSON: Excuse me, Mr. Navarro.  
17 Commissioners, you'll find these same sheets in that  
18 blue folder that you were given, okay. It had a blue  
19 cover on it. Please continue.

20 MR. NAVARRO: You should have a copy of the  
21 PowerPoint presentation, as well as what's called an  
22 abstract, which has more details on it.

23 As I said, the foundation for the strategic plan  
24 comes about from the Public Resources Code. And as  
25 many of you may recall, back in March of 2005, there

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1 was what we're calling an interim strategic plan, that  
2 was done by the Division, but unfortunately it did not  
3 follow or meet all of the guidelines of the Department  
4 of Finance. As a result we embarked on this new  
5 strategic planning process.

6 To date, I've been working with the subcommittee  
7 of Commissioners McMillin and Anderson and have been  
8 reviewing all of the past documentation and also been  
9 doing quite a bit of research. That has since  
10 culminated into where we are to date. What I want to  
11 try to do today is just to share with you where we are  
12 in relation to the Department of Finance guidelines and  
13 where we are actually with the project itself.

14 John, if you could go to the next one, I'm  
15 sorry. Just real quickly, strategic planning process,  
16 we're focused on a visionary yet practical set of

17 guidelines that will assist the Division and the  
18 Commission in really accomplishing as much of the  
19 program as we possibly can. It involves an assessment  
20 of external and internal issues and opportunities that  
21 are there. It's an analysis of a real broad spectrum  
22 of options and strategies, and it's going to be an  
23 action based plan that will allow us to really focus  
24 attention with some key strategy.

25 Next, John. If you follow through on these next  
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1 few slides, these are the steps that are found in the  
2 Department of Finance guidelines that we have initiated  
3 in terms of the whole process. The first step that we  
4 took was what's called an environmental assessment,  
5 which is an assessment of internal and external factors  
6 that can influence anything that we do with the program  
7 and the program mission. And that entailed looking at  
8 past information that was developed, having meetings  
9 and discussions with a variety of individuals who are  
10 either participants, environmental groups, business  
11 owners and such, and resulted in a lengthy list of  
12 issues that were then the source of what we developed  
13 the assumptions on.

14 The next step, as you'll see, is the mission  
15 statement. That is what identifies the uniqueness of  
16 the agency. It's the reason for existence. That  
17 mission statement is in place. It's been around for a  
18 while.

19 Thirdly is to focus on the principles that

20 summarize agency's philosophies and values, and there  
21 are core principles that are identified as part of the  
22 program.

23 Fourthly is the vision statement. That's where  
24 the agency wants to be in the future. And as you know,  
25 this process started several months ago. It involved a  
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1 couple of public meetings with Commissioners Anderson  
2 and McMillin. In the lengthy write-up that you got on  
3 the strategic plan, there is a proposed vision  
4 statement that at this point we haven't formally  
5 adopted it yet, but there is probably a little bit of  
6 wordsmithing that needs to happen, but I think it's an  
7 attempt to bring together the thoughts and comments  
8 that have been made over the course of the last several  
9 months. That's where we are. John, next.

10 COMMISSIONER McMILLIN: Ed, you said the vision  
11 statement, not the mission statement.

12 MR. NAVARRO: Right, vision statement.

13 And where we're at now is the goals and  
14 strategies and objectives that will identify the  
15 results an agency desires from planning, and it's  
16 generally about a three- to five-year process -- not  
17 process, but it looks three to five years in the  
18 future. That's where we're at at this point in time.  
19 As we go further through this, you'll see that we've  
20 identified seven or eight key assumptions that we'll  
21 build the goal and strategies statements on, and that  
22 will then culminate in the next step which is an action

23 plan that provides the detailed description of the  
24 strategies that we need to achieve the objectives or  
25 the assumptions that we've identified.

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1 Next are some key steps. One is performance  
2 measures. That is how we're going to gauge whether or  
3 not we've accomplished what we've intended to  
4 accomplish. Finally, there will be a monitoring and  
5 tracking process that will allow us to see whether  
6 things are on schedule and whether we've really  
7 progressed as we planned to.

8 Next, just to graphically give you an idea, the  
9 top, obviously the cornerstone here, is our vision  
10 statement. That's the common sense of where we need to  
11 head. In the middle there are the assumptions that are  
12 clearly based on a combination of core values and the  
13 environmental assessment, but we are using the core  
14 values to really kind of help guide us through  
15 assumption areas and then tie that as closely as we  
16 possibly can to the vision statement.

17 Next, John. And what this shows you, without  
18 going into a lot of detail, this is just simply a way  
19 to kind of graphically show you some of the key bolded  
20 areas, population, the environment, recreational  
21 opportunities, land use. Those are kind of the general  
22 themes for some of the assumptions that we made. And  
23 within those are some of the factors or more specific  
24 issues that really are tied to those items that we need  
25 to at least develop some sort of a strategy or goal

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1 that will allow us to really deal with those issues.

2           Next, John. What we have now is these are the  
3 planning assumptions that we've identified over the  
4 course of the last several months that may not include  
5 everything that you think need to be there, but some  
6 way or another we're going to certainly build them into  
7 some of these key areas and possibly add to a few of  
8 them. In talking with Commissioners McMillin and  
9 Anderson, really our main interest right now is to get  
10 your thoughts about the primary statement, for example,  
11 the rapid population growth, land is at a premium, and  
12 as to whether or not you are in concurrence that those  
13 really cover some of the real key assumptions. We're  
14 not going to worry about a lot of the details that led  
15 up to that because, as I said, we've still got a lot of  
16 wordsmi thing to do.

17           But let me go over the seven or eight items that  
18 we have. First and foremost, as you've heard in a lot  
19 of testimony today, there is a tremendous population  
20 growth that's going on and along with that is obviously  
21 an increased interest in off-highway vehicle  
22 recreation. Land obviously is at a premium and  
23 definitely needs to be addressed in some fashion.  
24 Environmental concerns need to be addressed in a more  
25 expeditious fashion. Educational efforts, definitely

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1 some improvement. The changes in technology will  
2 accentuate the need for varied opportunities and  
3 challenges to off-highway vehicle sites and examine the  
4 need for carrying capacity to those sites. And then  
5 the off-highway vehicle funding program definitely  
6 needs to be solidified. And finally, the grants  
7 program needs to better address programmatic needs of  
8 the off-highway vehicle community.

9           Those are the key assumptions that over the  
10 course of the last several months we've tried to put  
11 everything that we gathered, as far as some of the  
12 issues externally and internally, that will have an  
13 effect on the program. So what we're hoping to get  
14 from you today -- certainly, this is not your only  
15 opportunity. But would certainly like to get your  
16 thoughts as to whether or not you feel like we're  
17 hitting the target with those.

18           John, next. As far as the public input on this,  
19 we are going to be scheduling a series of regional  
20 meetings in April and May. We've got some tentative  
21 dates set up, one in Redding, and then here in  
22 Riverside, and we're just waiting on some specific  
23 dates in San Diego and Sacramento. Again, we're going  
24 to use those opportunities to engage the general public  
25 as to their thoughts as to where we are with these

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1 assumptions and to begin developing some goals and  
2 strategies.

3           Next one, John. And then in addition to the  
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4 workshops, we're going to develop an interactive  
5 opportunity on the website to allow people who may come  
6 to the website on a regular basis to provide input, as  
7 well. And then as time may allow, we're going to try  
8 and engage the opportunity to meet with special  
9 interest groups, to attend meetings, to provide  
10 information on different websites and use letters and  
11 that sort of thing so we can gather as much information  
12 as we possibly can.

13           The last slide is just to give you an idea of  
14 the timeline. And just an overview on where we are  
15 with this is that we've obviously come to an  
16 understanding that the strategic planning process is  
17 going to be an ongoing one, so we're going to  
18 be looking at what we would consider a final strategic  
19 plan document coming out of this process sometime in  
20 August or September, but we anticipate just rolling  
21 right into the next process right after that so we can  
22 obviously keep on top of a lot of trends and  
23 opportunities that are going to be developing, even as  
24 this plan is being put together. That is where we are  
25 with that.

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1           VICE-CHAIR ANDERSON: This is Judith Anderson,  
2 Commissioner. It is my hope that the material that was  
3 provided to the public and to the Commissioners, with  
4 detailed background and explanations of how these  
5 assumptions might work, we are still working on  
6 wordsmithing. So, you know, please, don't take that as

7 final. I would be interested in the Commissioners'  
8 giving Mr. McMillin, Mr. Navarro and I some indications  
9 of whether or not you think this is an acceptable  
10 working list of assumptions for us to move forward with  
11 this process on. So if you can indicate if there are  
12 specific things that you think we should also have  
13 included on this list or have we made some omissions  
14 someplace, that would be helpful, because we'd like to  
15 move forward with some reading of how the other  
16 Commissioners feel.

17 COMMISSIONER McMILLIN: Can I make a comment?  
18 As part of the subcommittee and needing to get this  
19 behind us, I have my new subcommittee job, I want to  
20 make sure that for the benefit of the Commissioners,  
21 you know, the two public meetings that we had were  
22 teleconferences, and I'd like that to be noted in the  
23 references because there were a lot of groups, Sierra  
24 Club, Stewards of the Sequoias -- I got the list here,  
25 and I'm sure Ed does, too. But there was a lot of

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1 input from a lot of different sides, the Polka Dot  
2 Motorcycle Club, the list goes on and on. They were  
3 pretty -- the first one was rough to get through, but  
4 the second and maybe I think there was a third one,  
5 there was a lot of good input.

6 Also, on the timeline I want to make sure you  
7 throw the year 2007 on there because we've been working  
8 on this for a while, and I'm anxious for this to come  
9 to a close. I was reminding myself that what started

10 this whole process was an audit, and we need to get  
11 this so we're addressing the audit, and we need to get  
12 this behind us. We have other things to work on. We  
13 can wordsmith this forever. But I think it's been a  
14 pretty good process, but I'm anxious for everybody up  
15 here at least to buy in on -- the mission statement is  
16 something that the Division has had for years. The  
17 vision statement is something that we've been  
18 wordsmithing. I think it's close enough, and so I'm  
19 anxious to hear the other Commissioners' comments on  
20 the work product that we have to date. I challenged  
21 myself and Ed and Judith to stay on this timeline.

22 CHAIR BRISSSENDEN: Commissioner Willard.

23 COMMISSIONER WILLARD: I want to thank  
24 Commissioners McMillin and Anderson for doing a great  
25 job of pulling this all together, along with

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1 Mr. Navarro, thanks.

2 In just looking through the planning  
3 assumptions, if I could just make one suggestion, and  
4 you started to kind of allude to it with the idea of  
5 the concept of rapid population growth and increased  
6 recreation and then land is at a premium. But I think  
7 a key planning assumption is that with the increase in  
8 population, which leads to an increase in recreational  
9 riding, OHV use, and if you have a static or declining  
10 recreational opportunity given the increase in  
11 population, you're going to have an increase in  
12 environmental impact. It just goes with reason that

13 more and more people using this same fixed area of land  
14 are going to have an impact on that land and indeed  
15 probably in areas where they're not supposed to be  
16 recreating. And so I think that's an important  
17 planning assumption to move forward because we need to  
18 make sure that that doesn't happen.

19 So that would be my two cents on the planning  
20 assumption. I think the planning assumptions are very  
21 important because that's going to set the stage for a  
22 lot of rest of the documents.

23 CHAIR BRISSSENDEN: Before every Commissioner  
24 weighs in, I would like to have the public comment, and  
25 then we can add our two or one or three cents, as well.

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1 But I, too, want to commend the committee members and  
2 staff for getting it to this place. I have some  
3 comments to make, as well, so thank you.

4 My first commenter on this particular agenda  
5 item would be Glenn Odell followed by Dave Pickett,  
6 Jason Fried, and Ed Waldheim.

7 GLENN ODELL: Mr. Chair, Commissioners, my name  
8 is Glenn Odell from Santa Barbara speaking on behalf of  
9 the group, Rubicon 4-Wheel Drive Association. And I'll  
10 start at the back and work forward, since we were just  
11 talking about assumptions. But the meat of my comments  
12 are going to come following this.

13 But I notice that assumption number seven and  
14 number eight on page six, that the program funding  
15 needs to be solidified and grants program needs to

16 better address programmatic needs of the community.  
17 And I would just submit to you since there seems to be  
18 some image and alliance issues that I've heard alluded  
19 to, and again begging your indulgence, this is my first  
20 contact with the Commission, and this is all a new  
21 playing field to me, but I believe these number eight  
22 and number nine items are the core of what you folks  
23 are about in purpose. I may be mistaken, but if I'm  
24 not mistaken, can we move those up to number one and  
25 number two? That might not be substance, that might be

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1 style, but there's some issues I think that might be  
2 enhanced by that.

3 CHAIR BRISSENDEN: Just a question before you go  
4 on. In past strategic plans, they ended up being  
5 numbered, and really you want just bullets so that  
6 there is not a priority misunderstanding. I think they  
7 all have the same priority of how you address them in  
8 the end.

9 GLENN ODELL: That's fair. I'm grateful for  
10 that input.

11 Moving on to really the process that's being  
12 described in page three, as I read through the whole  
13 document, the thing that came to me was that never once  
14 in all of this strategic planning and framework and  
15 what we're trying to communicate what our core values  
16 are, I never saw the word advocacy in there. And it's  
17 possible, again, I'm speaking in the wrong form or the  
18 Commission is otherwise focused. But from a user's and

19 enthusiast's standpoint, we put money into this. We're  
20 trying to keep trails open, trails well and lawfully  
21 maintained. And advocacy on the part of what you do in  
22 the fiber of what you do should be crafted into the  
23 goals and objectives. Specifically I would ask you to  
24 please address advocacy, somehow work that word into  
25 your objectives, goals, and strategies in the first

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1 bullet on page three. Second of four points with  
2 respect to the action plan, we need advocacy in the  
3 description of strategies.

4 And third bullet, performance measures, and I'll  
5 go back to being an old retired firefighter that worked  
6 himself up through management from the labor side of  
7 the issue and became a manager, and when performance  
8 measures came into vogue, that could be a crushing and  
9 onerous program. It can be a black hole of money and  
10 effort. There does absolutely need to be measurements,  
11 but a few -- you know, a couple or a few performance  
12 measures are desirable. And the progress of advocacy  
13 efforts needs to be measured in your performance  
14 measures, I would offer to you.

15 And finally, to the monitoring and tracking, as  
16 you can see, I'm advocate for off-highway. I've been  
17 involved in it up to my ears in the last few years. It  
18 gives purpose to my life, enjoyment to me, my wife, and  
19 my friends. So with regard to monitoring and tracking,  
20 I would ask you to include advocacy actions tracked.  
21 And so to the degree that that requires some

22 development on the part of staff to apply that value  
23 and see if that works, see if it fits within your  
24 planning lexicon. I just submit that to you, and I  
25 appreciate the time you've given me. Thank you very  
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1 much.

2 CHAIR BRISSENDEN: Thank you. Dave Pickett, I  
3 don't see. Jason Fried, followed by Ed Waldheim, and,  
4 Meg, you have a card here with nothing on it.

5 AUDIENCE MEMBER: That's okay. I'll pass.

6 CHAIR BRISSENDEN: You'll pass. Thank you.

7 JASON FRIED: Hi, my name is Jason Fried,  
8 California Wilderness Coalition. I was on one of those  
9 phone calls that you guys had, the teleconferencing  
10 call; unfortunately, I wasn't able to make all of them,  
11 but I was able to join one.

12 One of the comments that I made on that, and I'm  
13 still not seeing it, is there is nothing that addresses  
14 the statewide program. We look at grants, and we say,  
15 okay, this grant gets a score of X, and the next grant  
16 gets another score, and you score the grants, but no  
17 one ever looks at the bigger picture. Is this grant  
18 that you're scoring -- it may be a very well-written  
19 grant, it may have a very good program, but how does it  
20 affect the statewide program?

21 There may be other grants that are farther down  
22 the list that don't score as high that may have more  
23 relevance to the program from a statewide perspective,  
24 and I'm still not seeing that addressed in the

25 strategic plan. There needs to be a way that the

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1 overall statewide program is looked at. Because as I  
2 pointed out in the example at the Southern California  
3 grant hearing, you had potentially half of the law  
4 enforcement money going to the El Centro BLM or  
5 Imperial County Sheriff's Department. Are you telling  
6 me that had those two grants scored extremely well and  
7 gone on through the process, you could have had half  
8 the money going there? Are you telling me that half  
9 the law enforcement money should be going to one little  
10 corner of the state? You probably could make argument  
11 that, yes, they happen to have a very good need for law  
12 enforcement down there. But half of it going to one  
13 place is a serious question.

14 So I would say that you need to figure out a way  
15 to incorporate a statewide approach to this, not just  
16 there's one grant score, and then we ignore that grant  
17 when we're looking at everything else. And it has to  
18 be a statewide program addressed to it. So my hope is  
19 that we figure out a way to incorporate an approach  
20 that looks at this.

21 You can look at trail maintenance and say this  
22 grant scored better than this one, but when you're on  
23 the ground, what are the users telling you. Are the  
24 users telling you that this grant really is more needed  
25 than this one, and you say these trails are in a lot

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1 worse shape, they should be bumped up because it's more  
2 relevant to what the user wants.

3 Same thing can go with restoration. There may  
4 be a very good written grant that gets Restoration  
5 dollars, but at the end of the day, that may not be  
6 where the restoration is needed the most or can be the  
7 most effective use. So we need to incorporate into our  
8 process a way that looks at a statewide approach to  
9 this program. Because if not, all you're doing is  
10 you're giving people who can write the better grants,  
11 that can make their programs look better on paper, the  
12 money instead of the areas in the program that actually  
13 need the money the most. Thank you.

14 CHAIR BRISSENDEN: Thank you, Ed.

15 ED WALDHEIM: Ed Waldheim, president of CORVA,  
16 board member of District 37, AMA.

17 Thank you, Ed, for getting this document going,  
18 cool. It's been a long time, and we've been working on  
19 that on the conference calls. I would like to ask that  
20 when you go to the discussion, I don't think we really  
21 need to spend a lot of money as far as far as going and  
22 setting up special meetings in particular areas and  
23 having people travel. I would like you to maybe agree  
24 to reconsider doing it on a conference call so you can  
25 get a broader base of people going there and save a lot  
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1 of that money. Conference calls are very good, I love

2 them. You just have to make sure how to run them, have  
3 a clear agenda listed, and people be notified by e-mail  
4 to make sure they have this information in front of  
5 them.

6 When you go back to page three under the  
7 planning assumptions, I don't see anything about  
8 customer satisfaction. It is customers that we have  
9 out there that we're tending to, and we should really  
10 have something in there, survey or something going on,  
11 you know, are we providing the opportunity and the  
12 recreational enjoyment of the families and the folks  
13 going out there. They're customers. Any way you look  
14 at that, they're customers. We're not really taking  
15 that into account. I think all of the agencies should  
16 have something like this.

17 The distribution of the funds is a big issue.  
18 We seem to pretend -- and I've been accused of not  
19 being a (Inaudible) man, and I don't like the people  
20 down in Glamis because I don't want to give them the  
21 full \$1.4 million. There is more to the world than  
22 just that little corner. We have a whole state to deal  
23 with. But having said that, we have to remember if  
24 we're going to go to Eureka Dunes, and you give them a  
25 \$100,000 so 300,000 people can visit them, you're going  
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1 to give a \$100,000 to an area that has 300,000 or  
2 500,000 visitors, logic tells you you've got to figure  
3 out where it's good. Home Depot when they hire me to  
4 do the job to do the cleaning, there is a direct

5 relationship between what they pay me and their sales.  
6 If they have a certain C store, I only get six hours to  
7 do the day. If I have a double A, like at the airport  
8 down in that area, they're three times as much. So  
9 there is a direct relationship between the users and  
10 the amount of maintenance and O&M that we need to do.  
11 We need to start taking that into effect. We have to  
12 take care of it because otherwise we'll be run over,  
13 and the resources get impacted. That's something we  
14 need to put in there that we haven't done that. I  
15 think we need to make sure that we put that direction  
16 in with O&M. I don't think operations and maintenance  
17 is keyed to that. We have to hit that over and over  
18 again, and that needs to be in there. Thanks.

19 CHAIR BRISSENDEN: Thank you. Seeing no other  
20 cards or people coming forward, Commissioners.  
21 Commissioner Thomas.

22 COMMISSIONER THOMAS: One of the principles that  
23 is missing, as well as the assumption, is that --  
24 principles first. The program needs to be carbon  
25 neutral, and the way that will play out through

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1 assumptions is that carbon regulation -- well, global  
2 warming regulations will require major carbon  
3 reductions. And the reason I bring that up, if not  
4 obvious to those that are watching the weather, is that  
5 the rumor is, and it's a fairly good rumor, that ARB is  
6 going to be coming out very shortly with major carbon  
7 regulations. ARB is coming out with major carbon

8 regulations in automobiles, and internal combustion  
9 engines are going to be a focus of a lot of that carbon  
10 management. And this is a program that is encouraging  
11 the expenditure of carbon and producing heat and is  
12 adding to global warming. So if we don't have a way  
13 of, A, measuring our carbon and, B, mitigating offset  
14 supplanting, we're contributing to the demise of the  
15 planet.

16 CHAIR BRISSENDEN: Thank you. Commissioner  
17 Spittler.

18 COMMISSIONER SPITLER: I want to thank the staff  
19 for their good work on this and also thank the  
20 Commission subcommittee who has obviously put a lot of  
21 time into creating this document or at least creating  
22 the assumptions and doing the work to establish a  
23 process here. I just have a few comments on the  
24 assumptions that I'd like to make. I think the  
25 assumptions are very thorough and very well thought out  
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1 for the most part. There's a couple changes and  
2 additions that I would make.

3 I think that the one area where the assumptions  
4 really are off target is when they talk about the  
5 population growth and the funding and the users of the  
6 program, there doesn't seem to be any recognition  
7 whatsoever that 46 percent of the fuel tax that funds  
8 this program is used by recreationists who are seeking  
9 some other form of outdoor activity other than driving  
10 for pleasure. Hiking, camping and fishing provide more

11 funding for this program than do all of the registered  
12 off-road vehicles which contribute to the program. And  
13 I think that when we talk about who are the users and  
14 who are the beneficiaries of this program, those are  
15 the people who are paying for this program, those are  
16 the people who are contributing the money that's making  
17 this program work, and yet their interests don't seem  
18 to be reflected here whatsoever.

19 So it seems to me that a primary assumption  
20 ought to be that the funding for this program ought to  
21 benefit the people who are actually paying into the  
22 program, and that includes the non-motorized  
23 recreationists who are providing nearly half of the  
24 program income.

25 My other major comment is that I think one of

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1 the assumptions needs to be that there is significant  
2 and widespread illegal use on public lands throughout  
3 the state that demands a solution. And we hear about  
4 this issue at just about every single meeting. This  
5 meeting, of course, is no exception with the problems  
6 we've heard about with Juniper Flats. And I think that  
7 if this planning process is to taken seriously by the  
8 public and by the people who are impacted by off-road  
9 vehicle recreation and the people who try to manage  
10 off-road vehicle recreation, it's got to come up with  
11 an effective strategy for addressing the illegal OHV  
12 use that's occurring throughout the state.

13 CHAIR BRISSENDEN: Other Commissioners wish to

14 weigh in?

15 COMMISSIONER McMILLIN: On the last comment,  
16 education helps that in the long run, but what would be  
17 an immediate? How would you suggest that we address  
18 that?

19 COMMISSIONER SPITLER: I think to adequately  
20 answer that would probably take more time than we have  
21 now. I think, you know, it's a complex question which  
22 requires a variety of strategies. My only point in  
23 raising it now is to say that underlying the strategic  
24 plan has to be the assumption that this is a huge  
25 problem that needs to be resolved and the planning

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1 needs to address it. We need to come up with some  
2 strategies.

3 CHAIR BRISSENDEN: If I may, I would suggest to  
4 Commissioner Spitler, maybe in your off hours write  
5 some bullet points maybe for the committee so that they  
6 can provide that in the process of the public workshops  
7 because I think the public needs to weigh in on those  
8 issues, as well.

9 And contrary to Ed Waldheim's comments, I think  
10 the more outreach to the general public, the better. I  
11 think that those additional items should be included in  
12 our assumptions that are given out to the public to  
13 weigh into and weigh out, and certainly provide  
14 comments throughout the state.

15 And in my experience with strategic plans, the  
16 more workshops, the better if you're going to get a

17 comprehensive plan put together, and the greater  
18 outreach, not just to the off-roaders but to all user  
19 groups, as Commissioner Spitler as referenced.  
20 Commissioner Anderson.

21 VICE-CHAIR ANDERSON: Just kind of as a follow  
22 up on that, Chair, one of the things that I'm in a  
23 quandary about, and I would appreciate some guidance,  
24 is, for example, I'm interested in receiving a wide  
25 divergence of opinion, and I'm not of the opinion that  
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1 all participants need to participate or that people  
2 need to participate in all of the work sessions or  
3 conference calls, if we add conference calls, to any  
4 regional workshops. But yet under regulations, we  
5 can't really prohibit people from participating in all  
6 of them.

7 The strategy that we used in the previous  
8 conference calls was to use the allotted time and give  
9 preference to those people on the second call who did  
10 not participate in the first call. And they understood  
11 if we had time at the end that they would be able to  
12 provide additional input and certainly they were  
13 certainly welcome to listen in, but that it was our  
14 intent to try to hear from as many different people as  
15 possible. And if you take people on a first come first  
16 serve basis, you don't necessarily get that diversity  
17 because you run out of time to do this, whether at a  
18 meeting or in a conference call. So if this kind of  
19 strategy seems acceptable to you, then I would think

20 that we could easily add some conference calls to the  
21 regional workshops and gather people's input.

22 CHAIR BRISSENDEN: That presupposes there is a  
23 tremendous amount of outreach to the public both  
24 through media and users groups to encourage that  
25 participation. And that takes a lot of ground work to  
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1 get that.

2 VICE-CHAIR ANDERSON: The first call was a  
3 little loopy. I think that we didn't do as much  
4 outreach when we were working on the vision initially  
5 as we might have. I think that we've built a bigger  
6 notification base via e-mail, tend to get the word out  
7 to people, so I think we're doing a better job of that.

8 CHAIR BRISSENDEN: There was one thing that, Ed,  
9 you mentioned that you're going to have side  
10 conversations with users groups after the workshop. I  
11 would caution against that, that is sort of out of loop  
12 of the workshops. That you might want to engage them  
13 prior to the workshops so that they're involved in  
14 those workshops so that their input is important for  
15 other users to comment on and engage in in the workshop  
16 process.

17 ED NAVARRO: I think the idea was that we were  
18 looking at opportunities to meet with special interest  
19 groups that might not have otherwise participated in  
20 these workshops. I think it's just being consistent  
21 with what you're suggesting that we get as broad input  
22 as we possibly can. So we're looking at every avenue

23 that we possibly can, but I understand what you're  
24 saying.

25 CHAIR BRISSENDEN: I'm sensitive to that because  
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1 this Division over many, many years has been perceived  
2 as having favoritism, and that's the last thing you  
3 want to go out in the public in this process. If we're  
4 going to have a true strategic plan that engages and  
5 encompasses the concerns and wishes of the State of  
6 California's people, then you need to engage the entire  
7 state and not have side conversations with favored  
8 groups.

9 Commissioner McMillin.

10 COMMISSIONER McMILLIN: I think we are good to  
11 go. Two things, the gentleman who mentioned advocacy,  
12 that is in here on page two. And then Ed, the word  
13 excellent customer service and public service is in  
14 here, too. Now we've got to figure out how to measure  
15 that, but both of those buzz words that you brought up  
16 were on page two.

17 VICE-CHAIR ANDERSON: And I would comment to  
18 Mr. Fried that number eight is as close as we can  
19 get -- this addresses both Mr. Waldheim's and  
20 Mr. Fried's comment. Number eight right now doesn't  
21 say competitive grants program, but it's a quandary  
22 that I've also struggled with. How in a competitive  
23 grants program can we address the programmatic needs,  
24 which is what you were asking, on a statewide basis and  
25 we have a competitive grants process? How do we

1 incorporate our statewide programmatic goals into that,  
2 beyond setting the funding levels, which is what we're  
3 authorized to do here. How can we do that in  
4 evaluating the grants on a fair basis, fair to all  
5 applicants, and yet meet our needs? So that strategy  
6 is going to be interesting to see how we work that out.

7 CHAIR BRISSENDEN: Have all Commissioners  
8 provided their input? Obviously, there will be several  
9 more opportunities to do that, and I do hear  
10 Commissioner McMillin urging that this get accomplished  
11 within this year. And I thank you both for pushing  
12 this along.

13 Next we have the identification of funding  
14 priorities for 2007/2008 Grants Cooperative Agreements  
15 program. It's a fairly vague item or page in our book  
16 that shows the five categories, I think.

17 CHIEF JENKINS: If it would be helpful, I do  
18 have some slides put together that could show the  
19 various requirements that we have on the program  
20 spending that comes down related to the CESA buckets  
21 and whatnot. That might be illustrative just as an  
22 opener so you guys could have some context to work  
23 within.

24 John, could you throw up slide four in the  
25 budget folder? Thank you.

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1 Just briefly, legislation does establish that  
2 within the money that comes into the program each year,  
3 which this last year was roughly \$62 million that comes  
4 into the program, a certain amount of that is set aside  
5 in the Conservation Enforcement Services Account. That  
6 will be useful to go into that as you're setting up the  
7 buckets, how those legal spending requirements might  
8 play against your decisions as you put those things  
9 into some of those buckets.

10 While John is trying to get that up there, just  
11 in brief, Conservation Enforcement Services Account is  
12 basically all of those fuel taxes that are attributable  
13 to unregistered vehicles being operated for off-highway  
14 vehicle recreation on public lands.

15 CHAIR BRISSENDEN: Can I push a pause button?

16 CHIEF JENKINS: Sure.

17 CHAIR BRISSENDEN: All this is predicated on  
18 which fuel study?

19 CHIEF JENKINS: We are currently still, and the  
20 presentation I'm going to show you here, is still on  
21 the 1990 Fuel Tax Study, and it was published in 1991.  
22 Given that we have a new Fuel Tax Study that has been  
23 published, we have not yet received any direction from  
24 the administration to implement that. The Governor's  
25 budget that is out right now still shows \$18 million in  
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1 the grants program for this coming year. And to the  
2 best of our knowledge at this time, we're going to move  
3 forward into this next grants cycle still under the old  
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4 Fuel Tax Study. The administration is looking closely  
5 at that new Fuel Tax Study. There is a lot of  
6 discussion going on in various circles about where to  
7 go with that, some of the strengths and weaknesses of  
8 the study, when it should be implemented, what are the  
9 ramifications to the program, et cetera.

10 All of that being said, I think the best  
11 assumption that we can all work on, you can work on as  
12 you set these funding buckets, is that we would move  
13 into this next funding cycle still under the old Fuel  
14 Tax Study.

15 CHAIR BRISSENDEN: Wouldn't it be safer to use  
16 percentages?

17 CHIEF JENKINS: You could do that, assuming that  
18 it might go up or it might go down, I suppose, yes,  
19 absolutely. I mean if you would rather approach that  
20 in percentages, it gets you to the same ending point.

21 If you don't do percentages, I would imagine you  
22 could say, use the round numbers, because you're used  
23 to working with numbers, and just put the caveat on  
24 there that should things change, you would still just  
25 use a reduced amount or a larger amount in the same

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1 ratio of what you allocate.

2 CHAIR BRISSENDEN: Thanks for letting me  
3 interrupt. I thought that was the elephant in the room  
4 that really wasn't being spoken about.

5 CHIEF JENKINS: Absolutely. Just one slide very  
6 briefly to show why there is -- and just addressing

7 that very point, if you bear with me for a moment to  
8 just to go through this, it will illustrate why there's  
9 such a difference in the numbers that came out in the  
10 new Fuel Tax Study, the one that was just published,  
11 from the old Fuel Tax Study.

12 The new Fuel Tax Study shows an additional ratio  
13 of registered to unregistered vehicles out there in the  
14 population recreating. So just very briefly, how that  
15 affects the CESA account, if you look on this  
16 illustration in the top line, the red vehicle would  
17 represent one registered vehicle. The six vehicles  
18 after that would represent -- under the 1990 Fuel Tax  
19 Study, the six unregistered vehicles that were assumed  
20 to be out driving around in the population. So if we  
21 had one Green Sticker registered vehicle, we assumed  
22 that there were a total of seven vehicles operating,  
23 and we collected fuel tax revenues on the seven  
24 vehicles. That was the assumption.

25 So if all seven -- if you just kind of follow 119

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1 that line down, every time you'd register one of those  
2 original six unregistered vehicles, you assume that six  
3 more unregistered vehicles magically appear. All the  
4 way down to the bottom, if you registered all six of  
5 the unregistered vehicles on the top line, so you still  
6 have an actual population of seven vehicles, the old  
7 Fuel Tax Study assumes there's 49 vehicles out there,  
8 and we're collecting fuel tax revenue on all 49  
9 vehicles. So had things remained as they were in 1990,

10 and there was still an overabundance of unregistered  
11 vehicles in relation to the registered vehicles, this  
12 would still be an accurate model.

13 The new study indicates that things have  
14 changed. Now, there is an error factor in that, and  
15 that's one of the things that's kind of under  
16 discussion about how accurate is the new study. The  
17 new study does indicate that there are point six  
18 unregistered vehicles for every registered vehicle out  
19 there, which would be a ten times reduction in what  
20 you're seeing here. So that's a ten times reduction in  
21 the amount of fuel taxes received from unregistered  
22 vehicles.

23 So just in a broad sense, that's why the new  
24 Fuel Tax Study indicates a \$30 million reduction would  
25 be due to the Off-Highway Vehicle Trust Fund incomes. 120

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1 So that's just by way of illustration.

2 Go ahead and go to slide number three, John.

3 COMMISSIONER THOMAS: Then you translate that  
4 effect you're illustrating into the available number on  
5 our chart. So if it's \$18 million available under the  
6 old study, what's the new study give us available,  
7 one-tenth of that?

8 CHIEF JENKINS: No. So if you look at the total  
9 fuel tax and all other incomes -- and it will become  
10 perhaps more clear as I go through some subsequent  
11 slides here, but the short answer is that only  
12 addresses the fuel tax income due to Green Sticker

13 vehicles. There is also fuel tax income attributable  
14 to highway licensed vehicles which remains unchanged.  
15 Actually, the new Fuel Tax Study increases that number  
16 quite a bit. So for a long time, I think many people  
17 assumed that the two trends would offset each other. A  
18 vast increase in the number of 4-Wheel Drive highway  
19 licensed vehicles, a large decrease in the number of  
20 unregistered vehicles, and you would kind of zero  
21 things out.

22 As it turned out, even though there was an  
23 increase in highway registered vehicles, the decrease  
24 in unregistered vehicles was a much bigger effect. So  
25 the net result was roughly \$30 million reduction in the

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1 overall income into the fund. How that plays out on  
2 the overall budget, I'll be showing you here in an  
3 upcoming slide as far as how that affects the  
4 \$18 million that we have coming into the grants cycle.  
5 Does that answer your question?

6 COMMISSIONER THOMAS: So you will tell us --  
7 what I'm looking for is the liberal -- you've given us  
8 a liberal version of your revenue. And let's assume  
9 I'm a fiscal conservative, and I want a conservative  
10 view based on the fuel study that we've got. So if you  
11 could, as we go down through here, and just give us --  
12 we've got the liberal number here. Now, I want the  
13 conservative number as we go. In other words, without  
14 effect and with effect, so I could bracket the risk.

15 CHIEF JENKINS: So you're asking if the Fuel Tax  
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16 Study were enacted?

17 COMMISSIONER THOMAS: No, if the new Fuel Tax  
18 Study, as we heard last meeting, is enacted, what will  
19 be the number available here that we're distributing  
20 today?

21 CHIEF JENKINS: That is a little hard to  
22 determine, first of all, because if you look at the  
23 overall program budget -- and this will really become  
24 clear in about the third slide. I'll show you, it will  
25 become very clear. So if at the end I haven't answered

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1 you, please correct me, but I think I'm going to get  
2 where you want to go.

3 COMMISSIONER THOMAS: Just looking for that, so  
4 that we can make planning projections based on a  
5 liberal view and conservative view.

6 CHIEF JENKINS: Absolutely. So how those  
7 numbers affect currently, under the current Fuel Tax  
8 Study that we're working under, the 1990 Fuel Tax  
9 Study, the \$62 million that come into the program, of  
10 those \$62 million, the amount of money that's  
11 attributable to those unregistered vehicles is  
12 \$32 million.

13 \$30 million comes from other sources of income.  
14 The other sources of income are the highway, the  
15 legally registered Green Sticker, Red Sticker vehicles,  
16 the highway licensed vehicles, also gate fees from  
17 people coming into the units. And so that all goes  
18 into that unrestricted, you can use it for any



22 Vehicular Recreation Areas, would be that if we had a  
23 trail that wasn't meeting our soil standards, we would  
24 have to close and restore it.

25 Generally speaking, we try to keep those trails  
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1 well designed so we don't have to hit that point and  
2 maintain them well. A fair portion of that funding  
3 needs to be spent in the Grants and Cooperative  
4 Agreements program, in some of the larger areas where  
5 there has been past illegal use, et cetera. And so  
6 that's where the pressures are in the system.

7 John, why don't you go to the next slide? It  
8 should be slide number two.

9 COMMISSIONER McMILLIN: Phil, can I ask you a  
10 question about that last slide? Well, that's the  
11 answer maybe right there.

12 CHIEF JENKINS: How it breaks out into actual  
13 spending?

14 COMMISSIONER McMILLIN: I was going to ask,  
15 where is the 18.

16 CHIEF JENKINS: Yes, here it comes.

17 The slides become more complex as we go, so just  
18 know that it's a very complicated program.

19 COMMISSIONER THOMAS: Can we get this PowerPoint  
20 somewhere?

21 CHIEF JENKINS: I can get these to you.

22 So now if you look at where the money actually  
23 goes, and this essentially is how we divided that money  
24 up last year. So out of that original \$62 million,

25 this is just another way to look at that same money 125

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1 that we were looking at on the last page.

2 So if you're looking at the \$62 million,  
3 \$18 million was set aside for the Grants and  
4 Cooperative Agreements program. And you can see in the  
5 orange, basically the four buckets that you set last  
6 year for your spending targets. You had \$1 million for  
7 Conservation, \$4 million for Law Enforcement,  
8 \$7.5 million for Restoration, and \$5.5 million for the  
9 unrestricted non-CESA activities. So that's  
10 \$18 million for the grants program.

11 Now, how that relates to the rest of the  
12 program, you see in the blue box there, \$29 million  
13 goes for kind of general operating costs. The thing to  
14 remember about that \$29 million is that a fair piece of  
15 that is all attributable still to support to the Grants  
16 and Cooperative Agreements program. You can see the  
17 first breakout at the bottom of the \$29 million on the  
18 left-hand side of it, State Vehicular Recreation Areas,  
19 \$17 million, that's what we're paying to run the State  
20 Vehicle Recreation Areas up and down the state.  
21 Actually, a million dollars less than we're putting  
22 into the Grants and Cooperative Agreements program.

23 Then the \$8 million, the second arrow coming out  
24 of the \$29 million there, the \$8 million, that goes to  
25 the Division. That's a lot of overhead costs to the

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1 Division. It includes both personnel costs, but the  
2 bulk of that is in contracts, the contracts that we do  
3 for safety education, CEQA compliance, a lot of those  
4 required things that we do that some things are  
5 statewide, some things are in support of the Grants and  
6 Cooperative Agreements program, some things are in  
7 support of the SVRAs. So a fair chunk of that, about  
8 half of that probably, still goes to support and manage  
9 the Grants and Cooperative Agreements program.

10 Then there is the capital outlay, opportunity to  
11 purchase, those things. So that's when we come to you  
12 each year for the minor capital outlay projects.

13 That's in that last section there under the  
14 \$29 million, the \$4 million. We usually come in about  
15 \$2 million in minor capital outlay projects which is  
16 building restroom facilities, building required  
17 facilities throughout the parks.

18 COMMISSIONER McMILLIN: In the SVRAs?

19 CHIEF JENKINS: In the SVRAs, right.

20 And then also opportunity purchase, when you  
21 have those end holdings, little pieces of land that  
22 help clean up some of the operation and management of  
23 the units.

24 Just as long we're talking about where all the  
25 money goes, on the far right-hand side there, that last  
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1 big red box -- and I didn't make it red by accident --

2 is \$15 million for a variety of operational support,  
3 prorata, overhead costs.

4 The prorata costs are very high in the program.  
5 Those are things that we don't have any control over.  
6 That's required with government spending of certain  
7 types. It pays the costs of running government  
8 generally in California. So it's formula based. We  
9 don't have any latitude on that. It's a formula that's  
10 given to the department every year. I do understand  
11 talking to our finance people -- actually, our budget  
12 people, that the formula, the way they do the formula  
13 is changing. The details of that, quite honestly,  
14 escape me to some degree, but I've been told that we  
15 can expect quite a bit of decrease in the prorata costs  
16 in subsequent years starting next year. So hopefully  
17 that number will go down which would free up more money  
18 to be used in other places in the program. That also  
19 includes the workers' comp costs, unemployment  
20 insurance -- it's just a variety of those  
21 administrative costs. All of those costs really are  
22 things that I have no control over. It also includes,  
23 by the way, \$3 million that goes over to California --  
24 to the other State Parks, the non-state vehicular  
25 recreation parks in the system to manage OHV recreation

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1 that goes on there. So a big chunk of that goes to  
2 Anza-Borrego State Park, a lot of it goes to Red Rock,  
3 various places where there is some sort of opportunity  
4 for either highway licensed vehicles or Green Sticker

5 vehicles. So we've been using \$3 million over in the  
6 department.

7 Any questions on that slide before I go on?

8 COMMISSIONER SPITLER: Before you move on from  
9 that, of that \$29 million and \$15 million, how much of  
10 that is CESA and how much is non-CESA?

11 CHIEF JENKINS: That's the next slide. This is  
12 where it gets really complicated.

13 COMMISSIONER SPITLER: If you could provide  
14 copies of these to the Commission, that would be great.

15 CHIEF JENKINS: Yes, we will, absolutely.

16 So the mix, and this is the difficulty in really  
17 understanding how this program works.

18 So when you take the first slide that I showed  
19 you with all of the really broad breakdown, \$32 million  
20 in CESA, \$30 million in non-CESA, and you take the  
21 second slide that I showed you and combine them and try  
22 to figure out how it all relates, that's what this  
23 slide is. Remember that two slides back, we had  
24 \$32 million and we had \$30 million.

25 Basically, if you look at the top line of this

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1 chart or the top boxes in this chart, you can see the  
2 CESA bucket, the 70/30 split for the CESA bucket,  
3 that's the \$32 million up there. Then the non-CESA  
4 bucket just to the right of it, that's the \$30 million.  
5 That money goes down and gets distributed a variety of  
6 ways. On the bottom line is the second slide I showed  
7 you that showed the \$18 million from grants, the

8 \$29 million that goes into the Division for the SVRAs  
9 and our operational budgets, and then the \$15 million  
10 for admin and prorata costs.

11 And I've tried to show, and I know it's complex,  
12 and that's why I'll send you these slides so you can  
13 look at them individually, but the concept is that --  
14 and this is where people get confused sometimes. They  
15 know that there is roughly a 50/50 split for CESA and  
16 non-CESA. They know that there is a 70/30 split within  
17 CESA, and then they try to apply those percentages  
18 directly to the Grants and Cooperative Agreements  
19 program, and you really can't do it directly like that.  
20 Because in the past, up until now, the grants program  
21 has always spent more of that Restoration bucket than  
22 we spent over in the Division operation side. And so,  
23 yes, you can't look at the grants, the \$18 million for  
24 grants and find the same breakdown of percentages,  
25 50/50 CESA, non-CESA, 70/30 within the CESA, it doesn't  
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1 exist. It's over balanced in the past towards  
2 Restoration and CESA costs because the Division needs  
3 to spend more of that money on actually the Law  
4 Enforcement part of the CESA, but not so much on the  
5 Restoration.

6 I know that's very complex. It takes a while to  
7 really wrap your head around it, but it is difficult to  
8 describe.

9 COMMISSIONER SPITLER: So what this doesn't show  
10 is the breakdown of that \$29 million in terms of how

11 much is going into each of those categories?

12 CHIEF JENKINS: No, it does not. I could do a  
13 separate chart. I haven't done that chart.

14 What we do at the Division is we look at the  
15 overall spending at the end of the day, so we do have  
16 charts to show for all of the years that we've been  
17 tracking CESA costs, when you combine the Grants and  
18 Cooperative Agreements spending with the Division  
19 costs, we track that as a lump sum at the end of the  
20 year on a chart. I've never really broken that out as  
21 Division only. I suppose I could work backwards to  
22 that if we ever needed to, but the point is we do track  
23 over the number of years, which is why we know that  
24 there is remaining out there an obligation, an unmet so  
25 far obligation. That's the restoration discussion

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1 we've had at past meetings, where there is, I think it  
2 was \$11 million when we had the discussion the first  
3 time, roughly \$2 to \$3 million went into it this year.  
4 So there is somewhere in the range of \$13, \$14 million  
5 sitting in the account that is obligated to Restoration  
6 currently. So we do track that year to year as a  
7 whole.

8 COMMISSIONER SPITLER: My last charts are from a  
9 few years ago showing the overall spending  
10 restrictions. If you could provide that for us, that  
11 would be great. And then in addition to that, an  
12 estimate of how much goes into those categories from  
13 that \$29 million.

14 CHIEF JENKINS: I could easily provide the chart  
15 that will show the spending restrictions and where  
16 we've been with those over the last several years. It  
17 may take me a while to get to that other chart. One of  
18 the guys that I have that works most pointedly on that  
19 has had some personal issues, been taking a lot of time  
20 off, but I'll certainly take a shot at that. With  
21 everything else going on right now, if you can bear  
22 with me, it may take a little bit of effort to get that  
23 together.

24 So with all of those things in mind --

25 COMMISSIONER McMILLIN: Excuse me. Paul, you 132

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1 were looking for the \$29 million breakdown? It's on  
2 the slide before that.

3 COMMISSIONER SPITLER: I want to know how much  
4 of it gets spent on CESA and how much is spent on  
5 non-CESA. The slide before shows how much went to  
6 grants, how much -- or grant administration, how much  
7 went to SVRAs, et cetera. I want to know which of that  
8 money is spent in a restricted category and which  
9 isn't.

10 CHIEF JENKINS: And like I say, we can work  
11 backwards to that number. Roughly, I can tell you in  
12 broad terms what you're going to find on that, is that  
13 there is going to be a lot of money spent in the SVRAs  
14 in the Conservation and Law Enforcement side of that  
15 formula. Because generally we're spending a  
16 disproportionately large amount of money to keep trails

17 open in the SVRAs, and, of course, all of the patrol  
18 staff that we have out there. So maintenance staff  
19 largely is doing conservation work, the Division's  
20 services staff lots of law enforcement. We do do  
21 restoration in the SVRAs, as well, just not at real  
22 high levels.

23 CHAIR BRISSENDEN: Any other questions?

24 CHIEF JENKINS: Did I answer Mr. Thomas'  
25 questions?

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1 COMMISSIONER THOMAS: No, you didn't, actually,  
2 but it helped, and I appreciate that. It helped, but  
3 when we work through to \$18 million, that's based on an  
4 assumption.

5 CHIEF JENKINS: I got you.

6 COMMISSIONER THOMAS: Now, I need to try to  
7 convert to what would happen if the fuel study, as  
8 presented to us, was implemented tomorrow.

9 CHIEF JENKINS: John, you can go backwards one  
10 slide. So if we were to implement the Fuel Tax Study  
11 currently -- and this is why I was having a little bit  
12 of difficulty answering your question, Commissioner  
13 Thomas -- we know that it costs \$17 million to run the  
14 SVRAs. We know that that's what we run it on today.

15 So if we were to try to cut, scale the program  
16 back to what the Fuel Tax Study says that we're  
17 bringing in currently, there are several things that  
18 would impact this chart. First of all, if we were  
19 doing reduced spending overall, that far right bucket,

20 the \$15 million, is going to reduce, as well. I have  
21 not really sat down to figure out proportionately how  
22 that goes. The prorata costs are disproportionately  
23 due to the Grants and Cooperative Agreements program.

24 It was explained to me by our budget office that  
25 the money we spend at the Division doesn't have as

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1 much -- it has a different percentage that's applied to  
2 it prorata than contracts do. In the entire Grants and  
3 Cooperative Agreements, \$18 million is contracts.

4 COMMISSIONER THOMAS: Oh yes, I remember that.

5 CHIEF JENKINS: Yes, that was an interesting --

6 COMMISSIONER THOMAS: Yes, when the

7 administration had a shortfall, they just upped the  
8 contract fee because they figured it was money going  
9 out of their pockets, and somebody else was going to  
10 get screwed, not them. I remember that.

11 CHIEF JENKINS: Once again, something I don't  
12 have control over. It's difficult to calculate because  
13 it's kind of another one of those that I suppose if you  
14 really had a lot of time on your hands, I could sit  
15 down and calculate all those things, but it's a little  
16 difficult.

17 COMMISSIONER THOMAS: Estimates will work.

18 CHIEF JENKINS: The \$8 million for the Division,  
19 once again, if the program is scaled, back some of the  
20 contracts that we do that are discretionary could  
21 potentially go away. So it's difficult to say exactly  
22 how this would all pan out.

23 I know with the \$62 million on the top being cut  
24 to perhaps \$32 million, that there would, of course, be  
25 quite a difference in the amount of money available at  
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1 the end of the day for Grants and Cooperative  
2 Agreements assuming that we keep all of the State  
3 Vehicular Recreation Areas open and running.

4 COMMISSIONER WILLARD? Well, it's approximately  
5 half. Would it be approximately half?

6 CHIEF JENKINS: No, because we are not assuming  
7 that we're going to close half the SVRAs.

8 COMMISSIONER WILLARD: So it would be greater?

9 CHIEF JENKINS: I would assume that the  
10 \$18 million would have to go down to something  
11 substantially lower, lower than half.

12 CHAIR BRISSENDEN: Than half.

13 DEPUTY DIR. GREENE: And if I may, I think as  
14 the administration has said, I think a \$30 million  
15 reduction to this program would have an effect on  
16 everybody, and that is not an effect that anybody at  
17 this point in time wants to see. As I mentioned  
18 earlier, SB 742 is looking at a comprehensive program  
19 for this OHV program which would actually more than  
20 likely see an increase in the program.

21 So I think as we move through the exercise that  
22 you're about to do this afternoon, certainly that  
23 \$18 million is in the Governor's budget and at this  
24 point in time don't foresee a change in that. However,  
25 clearly it's up to you as Commissioners if you want to

1 move with those, but I would suggest today that you  
2 work within that \$18 million framework.

3 CHAIR BRISSENDEN: Are there further questions  
4 from Commissioners before I open it up for general  
5 comments on distribution suggestions?

6 COMMISSIONER WILLARD: I guess I would  
7 appreciate just a real quick overview on the  
8 restrictions and regulations on the Restoration I  
9 think -- restriction or requirement for Restoration  
10 dollars and how that plays out.

11 CHIEF JENKINS: I'm not sure I'm clear on  
12 exactly what you're asking.

13 COMMISSIONER SPITLER: How much is restricted?

14 COMMISSIONER WILLARD: Yes, how much and where  
15 that comes from? How much is restricted. We have to  
16 fund a certain percentage into Restoration, correct?

17 CHIEF JENKINS: I see what you are saying.

18 So thinking back, there is an obligation of  
19 spending this year that comes to roughly \$10 million in  
20 Restoration spending. And so knowing that we are going  
21 to need to spend \$10 million in the program or set that  
22 money aside for future spending in Restoration, and  
23 knowing that there is not a lot of room to spend that  
24 money in the SVRAs, that goes back to what I was saying  
25 that we're somewhat obligated to try to get some of

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1 that money, the bulk of that money out the door and  
2 spent in the grants program. Is that answering your  
3 question?

4 COMMISSIONER WILLARD: Why is it \$10 million?  
5 Is there a percentage?

6 COMMISSIONER SPITLER: Can I take a whack at it?  
7 The legislation states that fuel tax from  
8 unregistered off-road vehicles go into the CESA  
9 account, and that amounts to roughly 54 percent of the  
10 overall fuel tax. There's three sources of the fuel  
11 tax, street legal vehicles, registered off-road  
12 vehicles, and illegal unregistered off-road vehicles.  
13 And the money from that last category goes into the  
14 CESA account and can only be spent on conservation and  
15 law enforcement. And of that, 30 percent of that  
16 amount is restricted by the legislation to restoration.

17 CHIEF JENKINS: So once again, refresh that  
18 slide that shows that 30 percent of the restricted  
19 CESA, which is all the --

20 COMMISSIONER WILLARD: That's the only real  
21 requirement that we have to deal with is 30 percent, or  
22 according to this slide, \$9.6 million. Everything else  
23 we're allowed to adjust as we see fit?

24 CHIEF JENKINS: There is the other \$22.4 million  
25 that I need to oversee in my budget to make sure that

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1 \$22.4 million is spent on conservation and law  
2 enforcement. I don't have as much difficulty taking a  
3 lot of that into my operational costs at the SVRAs;

4 however, that's something then that is needed.

5 COMMISSIONER WILLARD: So in the past we've not  
6 been able to spend the Restoration dollars, and so that  
7 goes into this account, which now currently has  
8 approximately \$14 million in it?

9 CHIEF JENKINS: Correct. When we don't spend  
10 all of the Restoration money in a given year, we hold  
11 that aside for future projects where it might be able  
12 to be spent according to the way it's legislated.

13 COMMISSIONER SPITLER: Could you just perhaps  
14 give us your recommendation on how you think these  
15 funding buckets should look this year in the grant  
16 process?

17 CHIEF JENKINS: Is no an answer that I can give  
18 there? I'll take a shot at this. And I'm hesitant to  
19 give you a recommendation on where you should put the  
20 money in the buckets because, quite honestly, I think  
21 that's overstepping my role as a chief.

22 COMMISSIONER SPITLER: I've asked you so, Phil,  
23 step away.

24 VICE-CHAIR ANDERSON: It's not a game plan.

25 CHIEF JENKINS: Here's what I will say, I think  
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1 putting a fair amount, a large portion of that  
2 restricted Conservation money in the Restoration bucket  
3 would be a very desirable thing; otherwise -- just the  
4 way I have to see that; otherwise, there is a lot of  
5 obligation for me to either spend that Restoration  
6 money in the SVRAs or hold it aside, which potentially

7 could take that \$17 million that I have for the SVRAs,  
8 let's say, just in round numbers that you guys decide  
9 this year we're not doing restoration and grants, I  
10 would have an obligation to spend \$9.6 million in  
11 Restoration in the State Vehicular Restoration Areas,  
12 which I clearly can't do, which means I would have to  
13 take my \$17 million to run that program and reduce it  
14 to about \$8 million, which I couldn't run the SVRAs  
15 that way.

16 So quite literally, to make the program continue  
17 to work under the current legislation, you need to  
18 spend, to make everything work together, in the same  
19 range of spending for Restoration that you've done in  
20 the last couple of years, \$6 to \$7 million.

21 COMMISSIONER WILLARD: Even though we know we  
22 won't get grant applications for that, as we have in  
23 the past?

24 CHIEF JENKINS: I wouldn't assume that. I think  
25 the applicants are learning about what projects are

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1 most appropriate for that, and how to apply for them,  
2 and how to get them in. We also just recently came out  
3 with new regulations that hopefully will make it much  
4 clearer to the applicants on how to be successful in  
5 applying for those monies.

6 And in addition, we have other things going on  
7 to try to get some of that money out of the \$14 million  
8 overburden in there. We have a BCP that went through  
9 this year which is in the Governor's budget as

10 currently stands for \$1.7 million for Restoration  
11 spending. So we have various strategies that we are  
12 trying to access that Restoration money and get it down  
13 on the ground. So Restoration aside -- I mean I could  
14 make a recommendation, if you will, on Restoration, it  
15 would be in that area.

16 That point aside, how you decide to break up the  
17 rest of the funds between Law Enforcement,  
18 Conservation, and the non-CESA, I would really submit  
19 that that is a decision that you all should make. It  
20 doesn't have huge implications on my budget at the  
21 SVRAs, which when you go on those numbers, I think you  
22 will hear during the public comment what people  
23 perceive as the needs for law enforcement. We  
24 certainly heard a lot from law enforcement last year  
25 about more money there, but we also heard more about

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1 trail maintenance today many times, the need for trail  
2 maintenance money to get out on the ground so we can  
3 really keep facilities prepared in a good state.

4 So if we went for the total of \$10 million in  
5 the Restoration account, that wouldn't really make  
6 sense because I do need some of that Restoration money  
7 to be spent in the SVRAs. So, like I say, other than  
8 Restoration, where you go with the rest of that money,  
9 it's kind of up to you.

10 CHAIR BRISSENDEN: So can I open it up to the  
11 general public and bring it back for discussion?

12 COMMISSIONER THOMAS: Let me ask.

13 CHAIR BRISSENDEN: Do you have a comment or a  
14 question?

15 COMMISSIONER THOMAS: Question. Does the  
16 \$9.6 million and the \$22 million, 70/30, if you reduce  
17 the \$9.6 million to \$6 million, does that then drive  
18 down the 70 percent prorata? They're not linked to  
19 each other?

20 CHIEF JENKINS: No, that number is independent  
21 of the others.

22 COMMISSIONER THOMAS: So you could -- okay.

23 COMMISSIONER McMILLIN: Phil, one question, then  
24 we will go. What was the minimum for Restoration for  
25 this year? I thought it was \$10 million, now you're

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1 back to \$6 million?

2 CHIEF JENKINS: \$9.6 million total for the  
3 program. So what I was saying is if you were to spend  
4 \$6 to \$7 million in the grants program -- like last  
5 year you spent 7.5.

6 COMMISSIONER McMILLIN: So then you have to find  
7 the difference out of your SVRA money?

8 CHIEF JENKINS: Right. So I'm saying I can  
9 spend \$2 to \$3 million in the SVRAs.

10 CHAIR BRISSENDEN: So under public comment on  
11 this particular item, I have Meg. No, you're passing.  
12 You didn't have it on any particular item, so I'm  
13 giving you due consideration.

14 Dave Pickett, followed by Jason Fried, followed  
15 by Ed Waldheim.

16 COMMISSIONER McMILLIN: Dave is gone, so step  
17 up.

18 JASON FRIED: Jason Fried, California Wilderness  
19 Coalition. First of off, I want to thank you, Phil,  
20 for a great presentation. This actually brings to  
21 light a lot clearer, to me at least, how this money --  
22 how it comes together and how it's spent and  
23 everything. And definitely I'm glad I was here today  
24 to figure out how it works a little better, although  
25 now my numbers I think are a little bit different on

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1 how I would do it, and I would actually like to  
2 encourage you to go along with what the Chairman said  
3 about going with the percentages. Because if the  
4 numbers do get changed with the state legislation, then  
5 percentages probably would make more sense than the  
6 hard numbers that you're coming up with today.

7 On that note, I would like to see that the  
8 category for Restoration, that we give at least the  
9 same amount we gave last year. I would disagree with  
10 one comment that was made by a Commissioner here that  
11 there's not enough programs out there to fill those  
12 funds. I disagree with you. I think that there are  
13 plenty of programs out there, plenty of restoration  
14 work that needs to be done. It's encouraging the land  
15 management agencies to fulfill or request to go after  
16 that money. I know this previous year you had, for  
17 example, the Needles BLM office, all of their grants  
18 were turned in a little late, and so you have that

19 their restoration grants weren't put in the process. I  
20 know the Forest Service is finishing up its planning  
21 process, and when it does, it's going to have a lot of  
22 restoration work that is going to need to be put into  
23 place to restore the trails that are not part of the  
24 legal trail system that they're creating. So that  
25 money is going to be needed and is going to be spent,

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1 so I would encourage you to at least keep the  
2 Restoration at the same level that you did last year.

3 I would also like to see better law enforcement  
4 included -- more money for Law Enforcement if possible.  
5 Because without the law enforcement, as we've heard  
6 from -- I hate to pick on Juniper Flats so much today,  
7 but as we saw there, there's a lot of restoration work  
8 that they do there that gets damaged and destroyed so  
9 quickly that it's almost a waste to do restoration work  
10 in that area sometimes. So I would encourage you to at  
11 least keep Restoration and increase Law Enforcement, if  
12 possible.

13 And I don't know if I'm allowed to ask questions  
14 here, but I'll put this question out there, and maybe a  
15 Commissioner can ask staff. Are the funds cost  
16 categorized the same between CESA buckets in the state  
17 facilities versus the grants program? Because it's  
18 kind of going on a level that Commissioner Spittler was  
19 bringing up about breaking it down a little bit more.  
20 I'm kind of curious, is the CESA category treated the  
21 same way in SVRAs as they are with the general grants

22 funds? So thank you.

23 CHAIR BRISSENDEN: Thank you. Anyone want to  
24 pose that question? Keep going with the public  
25 comment, I'm being told.

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1 Ed, you're next. I have no other cards.

2 ED WALDHEIM: Ed Waldheim, president of CORVA,  
3 and District 37, AMA.

4 The buckets idea is fine as long as you put  
5 enough money in the O&M. I want to bring back what I  
6 said before, if you don't do an O&M, the rest, you're  
7 just wasting your time; actually, just throwing money  
8 down the rat hole. It all starts with the O&M. I  
9 pointed out to you before that the O&M should be at  
10 least at 80 percent. And if the job in the O&M is not  
11 properly done, then you would end up with Restoration  
12 at five percent and 15 percent for the Law Enforcement.  
13 To do anything less than that, which we've done in the  
14 past, you're going to have to take 100 percent to do  
15 restoration because the routes out there, they're going  
16 to be everywhere.

17 Now, I'll take a difference of opinion of what  
18 the former speaker said about illegal routes. The  
19 routes in the Forest Service are not illegal. They are  
20 being studied. They are being designated. After they  
21 are designated, then you can use the term "illegal  
22 route". The same thing, everybody keeps thinking all  
23 of these illegal routes in the BLM. They were not  
24 illegal. In the Rands, we have 1200 miles of trails.

25 We went through a management plan, and they went to 137  
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1 miles of trail. Before, they were not illegal. Now,  
2 they are being restored or put back to bed or not used  
3 anymore, but they were perfectly legal when they were  
4 created. The same thing with the Forest Service, I  
5 want us to think about that.

6 The idea is that Restoration goes -- or O&M goes  
7 hand in and with the Law Enforcement and the  
8 Restoration. I don't have a problem with that. I  
9 don't think we will ever have a problem with that.  
10 It's just we've got to make sure -- you are sitting in  
11 your car, you got out, you pulled it out of the garage,  
12 you lock your doors of your car, you put the garage  
13 door down or it went down automatically behind you, you  
14 forgot, oops, I'm on empty, no gas in the tank. You  
15 don't have your wallet in your pocket. Your wife is  
16 not at home. You have no way of getting into your  
17 house. You have all of these visitors standing around  
18 your car and saying, what the heck are you doing, where  
19 am I going, what are we to do. That's the position you  
20 guys have put us into right now. I have absolutely  
21 nowhere to turn, period.

22 And so the consequences of those actions would  
23 create a lot of the restoration plans and so forth.  
24 You have to get back to the basics. This program was  
25 created to enhance our off-highway vehicle opportunity.  
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1 The SVRAs are very important, and so are the federal  
2 agencies very important.

3 And so when you do your bucket, I don't care  
4 where you take the money from, pull it out from extra  
5 money that you may have someplace. We've got  
6 \$50 million sitting in an account someplace. But we  
7 cannot -- underline, we cannot eliminate O&M. Whatever  
8 you do, you have to come up with that. Thank you.

9 CHAIR BRISSENDEN: Thank you. I have a question  
10 from the Commission?

11 COMMISSIONER THOMAS: I have a question for  
12 Commissioner Waldheim.

13 ED WALDHEIM: Retired.

14 COMMISSIONER THOMAS: The Honorable Waldheim.

15 CHAIR BRISSENDEN: Honorable Commissioner  
16 Waldheim.

17 COMMISSIONER THOMAS: I was listening to your  
18 statement. Where do you -- you said something about  
19 \$50 million you've got other money held. Where are you  
20 talking about, money in the trust fund, unspent for  
21 many years?

22 ED WALDHEIM: We have lots of projects. I  
23 hesitate to use that term too loosely because we have  
24 the same thing with Los Angeles County. Los Angeles  
25 County has close to \$1.5 million sitting aside from in  
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1 lieu fees, and they're starting to use it now for law

2 enforcement. They resisted that for many, many years  
3 because they said once you open up the spigot, then it  
4 disappears. That was monies set aside to buy an  
5 off-highway vehicle park in Los Angeles County. They  
6 kind of opened up the spigot, and I'm really concerned  
7 about it.

8 I'm a little bit hesitant about the \$50 million  
9 we've got sitting in our account, which are on projects  
10 that never materialized. We still have the Rudnick  
11 property, that part of it we couldn't survive and make  
12 it happen; but Bakersfield, San Diego and Riverside  
13 County. So there is money sitting there in the account  
14 that we've allocated. As a Commission, we allocated  
15 that out, but they're not paying out. If we should  
16 take money from that to augment the grants program, I  
17 don't know, that's something I haven't discussed with  
18 Daphne Greene or the chief. But there are certain  
19 amounts of monies that -- we cannot continue not  
20 providing the O&M. You just can't do that. If you do  
21 that, you're going to stay in your car; you're not  
22 going anywhere.

23 COMMISSIONER THOMAS: You made your point on  
24 that. I'm trying to figure out how to get to what you  
25 want done. If you were to take \$2 million for

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1 additional O&M, what category would you put it in?

2 ED WALDHEIM: I would put it totally in the O&M.

3 COMMISSIONER THOMAS: O&M is non-CESA.

4 ED WALDHEIM: I hate that word, non-CESA. I

5 don't know where they came up with that. That doesn't  
6 mean anything. It's O&M. Hopefully they'll get rid of  
7 that. O&M is operations and maintenance. Let's call  
8 it what it is, that's operations and maintenance, and  
9 that's for facilities. And I would put a 100 percent  
10 in there; however, I would add to that -- and I talked  
11 after lunch with Mr. Spittler, and there is a lot of  
12 restoration, a lot of things that we're doing with Ron  
13 Gartland under the maintenance program that you could  
14 call it Conservation, you could call it Restoration.  
15 We are doing that already. We're closing trails.  
16 We're taking trails out of the way. We're not using  
17 Restoration money. We're using O&M money to do that.  
18 So we're doing a lot of that stuff. And if it's  
19 properly done, the Restoration fund should be really  
20 low. Restoration is a last resort.

21 COMMISSIONER THOMAS: How much money would you  
22 suggest taking out of this other fund and putting it in  
23 the O&M?

24 ED WALDHEIM: I'll choose the chief's words, I  
25 don't want to take advantage of this because I don't

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1 really have the responsibility of that.

2 COMMISSIONER THOMAS: I can't help if you can't  
3 tell me.

4 ED WALDHEIM: You're not going to let me off the  
5 hook on that one. There is a certain amount of money  
6 that we need to augment. Do we need to type the O&M  
7 categories within the agencies? Of course, we do;

8 definitely we do. The mission is the deliverables is  
9 the key to this whole thing. We've got to get it back.

10 My idea is that if we went to the gas tax study  
11 and you only got \$27 million, \$17 million goes to the  
12 Division, that leaves us only \$10 million for -- what  
13 do you call it, for the grants program. Anything less  
14 than the \$10 million is going to really hurt us.

15 And out of that \$10 million, I would say 80  
16 percent, that would be \$8 million, would go to O&M.  
17 And remember under the existing bucket, we should have  
18 been getting \$5 million for the last four years. We  
19 have not been getting that because of the route  
20 inventory. So we've been trying to run the whole State  
21 of California on \$3.5 million, which is ludicrous, and  
22 we are paying for it. Right now we are paying for it.  
23 The complaints that you're hearing here is exactly  
24 because of that.

25 COMMISSIONER SPITLER: Okay.

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1 CHAIR BRISSENDEN: Can we bring it back to --

2 COMMISSIONER THOMAS: I understand. Thank you.

3 CHAIR BRISSENDEN: Our transcriber's wrists are  
4 about to go. So if we can take about a five-minute,  
5 eight-minute break and come back close to 3:10.

6 (Break taken in proceedings.)

7 CHAIR BRISSENDEN: Okay. Commissioners, do we  
8 have magic formulas.

9 COMMISSIONER SPITLER: I'll throw some numbers  
10 out there, at least start the discussion. I think that

11 the numbers that we had last year were pretty good.  
12 The one correction that I would make would be that I  
13 think the Law Enforcement every year seems to vastly  
14 outstrip -- the demand seems to outstrip our supply for  
15 it. So I do think we need to make a correction in Law  
16 Enforcement as best we can.

17 So my proposal is to increase the Law  
18 Enforcement and make roughly equal reductions in the  
19 other three categories. So the numbers I would propose  
20 would be Restoration of \$7.2 million, Conservation of  
21 \$0.6 million, non-CESA of \$5.2 million, and Enforcement  
22 \$5.0 million.

23 Last year's numbers were \$5.5 for non-CESA,  
24 \$1 million for Conservation, \$4 million for  
25 Enforcement, and \$7.5 for Restoration. So it's roughly  
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1 a third of a million drop in -- well, it's a point  
2 three drop in Restoration and in non-CESA, point four  
3 million drop in Conservation, and \$1 million increase  
4 in Law Enforcement.

5 I think that's the best that I can come up with  
6 in addressing the needs for maintaining spending on  
7 Restoration, increase funding on Law Enforcement to  
8 ensure that we have adequate money for trail  
9 maintenance.

10 VICE-CHAIR ANDERSON: I have a question.

11 CHAIR BRISSENDEN: Commission Anderson.

12 VICE-CHAIR ANDERSON: Yes. One of the questions  
13 that I have about enforcement, and maybe staff can

14 assist me here, is that we know that this year that the  
15 Department of Finance, or whoever writes the checks,  
16 the Controller's Office, issued a lot of checks to  
17 counties. Do we have any sense of how much of that  
18 money is going to end up in law enforcement?

19 CHIEF JENKINS: We've been having some  
20 discussions with the law enforcement community about  
21 that very thing. First of all, two issues here. When  
22 the Controller did that, they actually perhaps acted a  
23 little prematurely. They didn't consult with us and  
24 actually used figures that -- it's hard to describe  
25 without having the document in front of us. But they

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1 used column figures where they should have been using  
2 different column figures which would have resulted in a  
3 slightly different distribution of money throughout the  
4 state.

5 So some of the counties that were due money  
6 didn't get any money that first go around. We're  
7 working with the Controller and the counties to try to  
8 get that corrected by the next time around. Generally,  
9 some of the counties that got very large amounts of  
10 money will get slightly less. The counties that didn't  
11 get any money, by and large will get some money. So  
12 just that point aside.

13 We have been talking to some of the counties  
14 where the law enforcement need is greatest. There are  
15 no guarantees that the monies will go to law  
16 enforcement there, neither is there a mandate it has to

17 go to law enforcement. It just has to go to activities  
18 that support the OHV activities.

19 VICE-CHAIR ANDERSON: That's why I asked if you  
20 had any indications of what percentage of that money  
21 might end up in law enforcement.

22 CHIEF JENKINS: Really varies on a case-by-case  
23 basis. Some counties put a substantial portion of it  
24 into law enforcement. Other counties don't put any in  
25 enforcement and use it to put into an account where

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1 they're looking to buy new opportunity, lands,  
2 et cetera. So there is really no one answer to that.  
3 And right now anything I could tell you would be  
4 anecdotal at best. We haven't done a county-by-county  
5 survey.

6 DEPUTY DIR. GREENE: Commission Anderson, I do  
7 know -- just to address this point. It was certainly  
8 an area of concern. I know it happened, it occurred  
9 with the Los Angeles County Sheriff. Under the old  
10 formula, Los Angeles got the most money for the in lieu  
11 fees. The sheriff went to the Los Angeles County Board  
12 of Supervisors and said, please, we'd like to get some  
13 money; we need money for this program so this program  
14 isn't always depending year by year for us. I believe  
15 that the Board of Supervisions allocated \$70,000 of  
16 that \$215,000 to go towards law enforcement.

17 There is some angst on the part of law  
18 enforcement, but while there is a requirement that they  
19 use it for OHV of some sort, whether or not to find new

20 areas or law enforcement, per se, at this point in time  
21 the issues that we've always brought up is that  
22 accountability and who was accountable for making sure  
23 that the monies are used for that. And that is the big  
24 question mark that's out there, quite honestly.

25 VICE-CHAIR ANDERSON: Under our grants

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1 guidelines, we're not allowed to require matching, are  
2 we?

3 CHIEF JENKINS: On the local grants, we do  
4 require 25 percent match. Currently on the federal  
5 program cooperative agreements, there is no requirement  
6 for match.

7 DEPUTY DIR. GREENE: And just to follow up,  
8 apropos of a conversation we had a bit earlier, just so  
9 you know to put it in perspective. Some legislation  
10 that's out there now proposes to do away with these  
11 categories of the constraints that we've seen earlier  
12 today of how difficult it is within that CESA and  
13 non-CESA. Equally, some legislation is out there now  
14 currently that would suggest that the federal agencies  
15 have a one-to-one match. So lots of issues floating  
16 around out there.

17 VICE-CHAIR ANDERSON: Yes, I'm circling back to  
18 a couple of comments made during the previous  
19 discussion on putting an inordinate amount of money  
20 into one area or the bulk of it ends up in law  
21 enforcement to the detriment of other programs up and  
22 down the state, needs for law enforcement in the

23 foothill communities, as well as in the Imperial  
24 County. So I'm trying to figure out a scheme that will  
25 work in my own mind for balancing that.

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1 This past year, the fact that the counties  
2 received checks occurred after the local grants process  
3 was -- and we had done all of the local county grants.  
4 So we didn't have that information, not that we could  
5 make much sense of how it was actually going to work,  
6 but those decisions were made on, you know, all of the  
7 sheriffs' pots of money in December, and it wasn't  
8 really until January that we figured out that the  
9 county is getting a bump. And currently they're not  
10 being required to account for that money or is that  
11 changing?

12 DEPUTY DIR. GREENE: No. Two points, one, which  
13 was we were -- I think as Phil mentioned, we were as  
14 surprised as all of you that the Controller would move  
15 forward based on the administration's review of the  
16 Fuel Tax Study as we moved forward. So when the  
17 Controller implemented that, that came as quite a  
18 surprise to us because we, in fact, had not had enough  
19 time, only about ten days, before we were looking at  
20 some of these items within the in lieu.

21 There is still no real tracking device that any  
22 of us has, except for the public going to the boards of  
23 supervisors for each of the counties and asking for an  
24 accounting of where the money is going to go. So there  
25 are discussions around that.

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1 On the law enforcement end, as I mentioned to  
2 Commissioner Thomas, there is a discussion of we're  
3 trying to look at law enforcement in a perhaps more  
4 programmatic way of what is the best way to address the  
5 roles of the sheriffs and the federal agencies and the  
6 cities. And is there a way to look at it more  
7 programmatically. We are still a ways away from that  
8 yet.

9 CHIEF JENKINS: One thing about the in lieu, I  
10 think what you're getting at is it would help as you're  
11 evaluating how well a program is put together, in other  
12 words, how deserving a particular project would be  
13 based on what they're doing with their in lieu fees.  
14 The regulations that are currently out there proposed  
15 for this year that we're just sending over to the  
16 Office of Administrative Law, one of the things that we  
17 included in there as part of the scoring rubric, one of  
18 the criteria that we would look at as we're determining  
19 the effectiveness of each applicant's OHV program, is  
20 to what extent do they take advantage of other sources  
21 of income such as in lieu. That would give the  
22 applicant the opportunity to say these dollars from the  
23 trust fund will be leveraged by money coming from the  
24 in lieu or money coming from other grants programs or  
25 program's system money.

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1 VICE-CHAIR ANDERSON: Okay. That's the first  
2 mention I've heard today of any possible changes in  
3 your regs for the new grant cycle. Is there anything  
4 else in that that would be reflective of things that we  
5 might use?

6 CHIEF JENKINS: This is the same as Director  
7 Greene mentioned earlier during her Director's report,  
8 that the new regulations were being submitted on  
9 Monday, I believe it was. I believe you said being  
10 submitted on Monday to the Office of Administrative  
11 Law, and that they will have them for about 30 days and  
12 publish them. These are the same regulations that were  
13 just recently out for 15-day comment.

14 VICE-CHAIR ANDERSON: All right. So they're up  
15 for public comment right now?

16 CHIEF JENKINS: They just closed the 15-day  
17 public comment period. We've written up our responses,  
18 made some adjustments based on public comment, and now  
19 it's gone back to the Office of Administrative Law.

20 VICE-CHAIR ANDERSON: I'm sorry I missed them.  
21 Maybe I was focusing on something else.

22 One of the concerns this comes back to law  
23 enforcement -- Paul, I'm still on it -- which was  
24 grants for law enforcement which are out of scale with  
25 previous requests. I guess this would apply

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1 generically, but I recall it as being in law  
2 enforcement.

3 CHIEF JENKINS: It's another one of those things  
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4 that I'd have to put on a case-by-case basis, applicant  
5 by applicant because things do change in certain  
6 places. I think somebody mentioned earlier today the  
7 dramatic change we've seen at Ocotillo Wells this year  
8 from 300,000 just a few years ago to in the range of  
9 1.8, 1.9 million visitors this year. As a result, a  
10 huge increase for needs in law enforcement.

11 Now, that can happen around the state. It tends  
12 to be if you really crack down in one area, some people  
13 that really don't like to abide by some laws will all  
14 move to another area. It's a small percentage. By and  
15 large, the community is very law abiding. So it is  
16 conceivable there would be big jumps year to year in  
17 some of the applications.

18 VICE-CHAIR ANDERSON: Okay. Thank you.

19 CHAIR BRISSENDEN: Did Commissioner Spittler mean  
20 to have that as a motion? We sort of interrupted that  
21 process. He said he would take a stab at that.

22 COMMISSIONER SPITLER: I'll make that as a  
23 motion.

24 COMMISSIONER THOMAS: I'll second.

25 CHAIR BRISSENDEN: It's been moved and seconded  
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1 by Commissioner Thomas. Let's go to discussion.  
2 Commissioner McMillin.

3 COMMISSIONER McMILLIN: Thank you, sir. My stab  
4 at this would be to base our new allocations based on  
5 demand. And I've got some notes that I made at the  
6 last hearing, which were, you know, we had \$40 million

7 worth of requests for \$18 million worth of grant money;  
8 50 percent of those requests, \$22 million, came from  
9 O&M.

10 Now, we certainly can't move over -- I guess we  
11 probably could do anything we want, but we have to keep  
12 quite a bit of money in Restoration. Last year we left  
13 \$1.5 dollars in the Restoration category. We had a  
14 \$6 million request, and we had \$7.5 million allocated,  
15 and I believe that \$1.5 million goes right under that  
16 \$50 million that funded the savings account that we  
17 don't have access to without legislation, which is  
18 another subject.

19 So even with the motion that's on the table, in  
20 the Restoration of \$7.2million, I would suggest we  
21 bring that down to \$4 or \$5 million and move that  
22 difference over to non-CESA. And so then that would be  
23 my comments.

24 CHAIR BRISSENDEN: Commissioner Willard.

25 COMMISSIONER WILLARD: Question to the Deputy 161

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1 Chief, the \$9.6 million, that has to get allocated. So  
2 if we -- this way I want to make sure I understand it.  
3 If we reduce Restoration, as Commissioner McMillin  
4 suggested, down, would that then cause you to go into  
5 the SVRA budget and grab funds to make up the  
6 difference?

7 CHIEF JENKINS: One of two things would happen.  
8 Short answer is if you're operating your budget all  
9 within just the confines of money that comes in this

10 year, I spend it this year, the answer is yes. That's  
11 the way we tend to like to operate the budget.

12 I gave a scenario earlier. If, in fact, there  
13 was a very low or very little amount of money spent on  
14 restoration, I would have an obligation of spending  
15 that I would be unable to meet in the SVRAs. So I  
16 would have the options of not spending money on the  
17 SVRAs or not meeting my spending obligation and making  
18 sure that I had money in the bank to cover that  
19 obligation in the future years. That's getting harder  
20 and harder to do as that obligation builds up. It's  
21 not impossible. It just creates more and more  
22 difficulties as the monies build up. It's much easier  
23 to spend it in those formulas within the given year.

24 COMMISSIONER WILLARD: Right now, with the way  
25 the math works, you need to come up with \$2.4 million

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1 on Restoration dollars outside the grants program?

2 CHIEF JENKINS: That's correct.

3 COMMISSIONER WILLARD: Can we tweak that a  
4 little bit higher? Are you comfortable with higher,  
5 and then we can then shift some of that money into  
6 non-CESA for O&M?

7 CHIEF JENKINS: Coming up with hard numbers in  
8 that range is difficult. So long as you're in that  
9 general ballpark, I can probably work with it. When  
10 you start talking about tenths of a million, you're  
11 still talking big numbers, but it's a little hard to --  
12 don't pin me down on that.

13 CHAIR BRISSENDEN: Commi ssi oner Spi tler,  
14 di scussi on.

15 COMMI SSIONER SPITLER: A couple of comments.  
16 First comment is that every year in the past I believe  
17 we have underspent for Restoration, and that's the  
18 reason why there is a \$14 million surplus there. So  
19 the important thing here is to get to \$9.6 million I  
20 think kind of misses the bigger point, which is even if  
21 we were to meet that amount, that would just mean that  
22 we don't go into -- we don't add to that surplus.  
23 Doesn't do anything to spend down the existing  
24 \$14 million surplus. And I'm going to talk about that.  
25 I have a proposal for how we can do that this year once

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1 we get through this with exercise. If I'm still here,  
2 I can bring it up.

3 I think the other issue, let's be clear on what  
4 happened. In this last year's grants cycle, there was,  
5 I think, roughly \$6 million funded in Restoration.  
6 There was also a \$5.5 million Restoration request that  
7 this Commission voted to partially fund that was not  
8 funded because the staff felt that it did not meet the  
9 criteria for Restoration for various reasons, and I  
10 won't get into the merits of that decision. But let's  
11 not be under the illusion that there was not enough  
12 demand for Restoration. The total request last year  
13 exceeded \$10 or \$11 million.

14 CHAIR BRISSENDEN: Further di scussi on?

15 I just have one comment or question under

16 non-CESA or O&M. We had the \$2 million request that  
17 was funded last year. That was the last year of route  
18 designation, if I am clear on the commitment, so that  
19 boosts that budget by 40 percent plus, which obviously  
20 doesn't satisfy Ed or the request of \$25 million, but I  
21 think that will go a long ways towards satisfying some  
22 of the trail work or other maintenance issues that  
23 arise. In a perfect world, we would have equal amounts  
24 of money for equally good requests, but we don't.

25 So are there other comments?

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1 There is a motion and a second. All those in  
2 favor?

3 (Commissioners simultaneously voted.)

4 CHAIR BRISSENDEN: Opposed?

5 COMMISSIONER McMILLIN: No.

6 CHAIR BRISSENDEN: Motion carries.

7 Moving on, we have --

8 COMMISSIONER SPITLER: Mr. Chair.

9 CHAIR BRISSENDEN: You had a suggestion you  
10 wanted to make sort of under this bucket discussion?

11 COMMISSIONER SPITLER: I can wait if you prefer  
12 to do it at the end.

13 CHAIR BRISSENDEN: No, it's fair under this  
14 agenda item.

15 COMMISSIONER SPITLER: This issue hasn't been  
16 agendized, so it's not something that this Commission  
17 can take action on, but I just want to raise the issue  
18 that there is the possibility that we could request

19 that the Legislature make a special appropriation out  
20 of that Restoration account to start spending down that  
21 surplus, which I think serves everyone's interests.

22 It serves those of us who want to see the  
23 restoration occur, our interests by getting those  
24 monies out on the ground. And it serves the Division's  
25 interests by spending down that surplus, so they're not

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1 carrying a \$14 million debit in their account. And so  
2 I just want to raise that with the Commission.

3 And some of these conversations have started  
4 with the individual legislators who might be willing to  
5 do this, and just trying to get a sense as to whether  
6 the Commission would be in general favor of this  
7 approach or have reservations about it.

8 And the approach generally would be to make a  
9 special appropriation of some amount of funding in the  
10 neighborhood of \$2 to \$3 million, to the utmost  
11 \$5 million, which would come strictly out of that  
12 Restoration account to go strictly to earmarked  
13 restoration projects. The one that's been spoken of  
14 most is the Forest Service requests that we weren't --  
15 that we funded last grant cycle, which the contract was  
16 not implemented based on the view it did not comply  
17 with the regulations. There would be a potential to  
18 fund that through a special legislative budget request,  
19 but I think it would be important to have some support  
20 from this Commission for doing so.

21 CHAIR BRISSSENDEN: Commissioners, do you want to  
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22 weigh in on the suggestion?

23 COMMISSIONER WILLARD: I guess I'd like to.

24 CHAIR BRISSENDEN: Commissioner Willard.

25 COMMISSIONER WILLARD: I guess I would like to  
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1 have a little more information about the specific grant  
2 before saying yes. I think on the basis of it, it  
3 basically sounds reasonable, but I would like to look  
4 at the specifics of the request. I don't remember the  
5 proposal. I have a vague recollection of it.

6 COMMISSIONER SPITLER: You have a copy of the  
7 request in your grants materials from last year. It's  
8 the same information that was discussed.

9 CHAIR BRISSENDEN: Commissioner Thomas.

10 COMMISSIONER THOMAS: I would be very supportive  
11 of that. Now that the route designation program is  
12 maturing, there is going to be a need for closure of  
13 the designated illegal roads down there. We might as  
14 well get to it now before we have illegal routes open  
15 and being used in violation. It's better to let people  
16 think that the system is closing those routes so they  
17 are not used illegally and law breaking becomes the  
18 norm. Thank you.

19 CHAIR BRISSENDEN: Commissioner Anderson.

20 VICE-CHAIR ANDERSON: Question, Mr. Spitler,  
21 would you envision this as a multi-year grant? Because  
22 I'm not sure that restoration under this route  
23 designation that Mr. Thomas is referring to is ripe in  
24 all of the forests. I don't think they've all issued

25 forests.

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1 COMMISSIONER THOMAS: That's not ripe in all of  
2 the forests. I was thinking specifically the Eldorado,  
3 but that would be worked out, I'm sure, I mean which  
4 forests and where, is something that would be worked  
5 out conceptually, I'm referring to.

6 CHAIR BRISSENDEN: I think the restoration  
7 grants run for a three-year cycle; is that correct? So  
8 this question could be ripened over time.

9 DEPUTY DIR. GREENE: Chairman Brissenden, as  
10 Commissioner Spittler alluded to, there is legislation  
11 out there right now which on intent language speaks to  
12 this very issue. So it's something that perhaps might  
13 make sense, and I will go ahead and make sure that I  
14 send all of you out the bill, particularly AB 32, in  
15 which this particular issue was alluded to. That might  
16 be helpful, as well.

17 CHAIR BRISSENDEN: Timing, Commissioner Spittler,  
18 I think is a little tricky. You might get some sort of  
19 sense of the Commission. We don't have another meeting  
20 until September.

21 COMMISSIONER SPITLER: That's why I was bringing  
22 it up. This is the same project that the Commission  
23 voted for unanimously at the January meeting.

24 DEPUTY DIR. GREENE: Just for clarification  
25 purposes, this would be looking at both legislation

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1 which would address Restoration funds going directly to  
2 the federal agencies for service and BLM, at this point  
3 in time an unspecified amount, but that is something  
4 that is currently in the intent language of the  
5 legislation.

6 CHAIR BRISSENDEN: Any further discussion?  
7 Moving right along, I know there are flights folks need  
8 to be taking. Can we go to the update on the carbon  
9 discussion, which was the last item?

10 DEPUTY DIR. GREENE: Election of officers.

11 COMMISSIONER SPITLER: Nice try.

12 CHAIR BRISSENDEN: Can't this body go forward  
13 without leaders?

14 COMMISSIONER SPITLER: We can keep you or vote  
15 you in again. I make a motion for Chairman Brissenden  
16 to retain his seat as Chair and Vice-Chair Anderson to  
17 retain her seat as Vice-Chair for another season.

18 COMMISSIONER THOMAS: Second.

19 CHAIR BRISSENDEN: It's been moved and seconded  
20 by Mr. Spitler and Mr. Thomas to retain existing  
21 officers. So you're suggesting that Judith and I ride  
22 this pony out into the sunset? Okay. Since we have no  
23 legal basis on which we're going past January 1, right?

24 COMMISSIONER THOMAS: Sunset being a term of  
25 art.

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

2 Any other amendments to this motion? No? All those in  
3 favor?

4 (Commissioners simultaneously voted.)

5 CHAIR BRISSENDEN: Opposed? Motion carries.

6 Last item is the carbon reduction update. I  
7 think that I put that on in deference to Commissioner  
8 Thomas. I think you weighed in on the strategic plan,  
9 which I think is probably an appropriate place for  
10 that. I know that Commissioner Willard off-line had  
11 some concerns about why this was -- going to give you  
12 an opportunity to speak to that, if you would.

13 COMMISSIONER WILLARD: What's the discussion  
14 going to be about?

15 CHAIR BRISSENDEN: You had a discussion with me  
16 off-line. I just wanted to give you the opportunity on  
17 the agenda to speak to it, if you would.

18 COMMISSIONER WILLARD: At the end of a second  
19 day together and with everything that's going on on in  
20 the subject, I didn't see where we would have anything  
21 to do with it at this point, unless you had something  
22 specific. That's all.

23 COMMISSIONER THOMAS: I think the last time we  
24 talked, we asked the staff to start the evaluation  
25 process of their carbon expenditure for the program so

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1 that we have some baseline to manage our reduction in a  
2 fashion that doesn't hurt the program that you love and  
3 cherish. Rather than having draconian cuts across the  
4 board, we could be proactive and do things like spend a

5 lot of capital outlay money on solar panels now two,  
6 three years in advance so we could offset some  
7 preferred SVRA operation by saying, look, we already  
8 saved so much energy and, therefore, why would we need  
9 to be moved. So I guess what I'm trying to say is  
10 let's manage our approach by, A, doing an evaluation  
11 and then, B, taking steps now to accumulate carbon  
12 credits, and so we can make arguments later for our  
13 best interests.

14 CHAIR BRISSENDEN: Commissioner Anderson, you  
15 had a comment?

16 VICE-CHAIR ANDERSON: Yes, I'm suggesting maybe  
17 a small subcommittee to work with the Division on kind  
18 of moving this forward might help.

19 COMMISSIONER THOMAS: Why don't we ask the  
20 Division that has the Executive Order to come up with  
21 their own? If they fail to do it, that's their  
22 business, but let's hear it. We don't know enough  
23 about how they run it to manage their affairs until  
24 they tell us how they want it.

25 VICE-CHAIR ANDERSON: I would comment that I

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1 heard Deputy Director Greene discussing the fact that  
2 vehicles are beginning to appear which are hybrids in  
3 the OHV community. So, you know, that's a part of the  
4 mix in making our program carbon neutral. Solar is  
5 certainly one aspect. I would think that there would  
6 be -- obviously they have needs for energy, and  
7 selecting the mix might be quite different from one

8 unit to another, one program to another. I was only  
9 suggesting that a Commissioner, as someone to help  
10 needle the staff into moving on this. Sorry.

11 CHIEF JENKINS: I do have a point --

12 CHAIR BRISSENDEN: Needing the subcommittee.

13 VICE-CHAIR ANDERSON: There is nothing like  
14 having a Commissioner assigned to overseeing this.

15 CHAIR BRISSENDEN: I think you have a Governor  
16 that's already needing you, if I'm not mistaken.

17 COMMISSIONER THOMAS: The failure to act would  
18 be evident.

19 VICE-CHAIR ANDERSON: I would agree that I would  
20 rather have us direct how it would happen than have  
21 someone else come down with draconian decisions about  
22 what's going to happen.

23 DEPUTY DIR. GREENE: If I may, before we start  
24 needing or anything else, could we perhaps give a  
25 presentation that speaks to what Commission Thomas had

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1 asked for last time, just for a moment, please?

2 VICE-CHAIR ANDERSON: That would be fine.

3 CHIEF JENKINS: Just to get right to the point,  
4 a lot of this is driven by AB 32, which was signed into  
5 the law in September by the Governor. It's called the  
6 California Global Warming Solutions Act of 2006. Now,  
7 that went into effect January 1st of this year.

8 Basically what it calls for is by the year 2020,  
9 we have to reduce our greenhouse gas emissions  
10 statewide to the 1990s levels. So we've got to roll

11 those emissions back to what they would have been in  
12 1990. This is being applied statewide. The California  
13 Air Resources Board has been assigned the  
14 responsibility to both put monitoring mechanisms in  
15 place and also then to regulate and to promulgate  
16 regulations that makes sure California, as a state,  
17 gets to that point.

18 What the department has been doing -- and it's  
19 larger than the Division, which is why I was trying to  
20 get in there. There is a movement going on in the  
21 State Parks that looks at this as an entire department.  
22 There exists California Action Registry, which is a  
23 nonprofit, and it's a public/private partnership for  
24 voluntary greenhouse gas emission registry where you  
25 participate as a business. We're looking at doing this

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1 potentially. Like I say, it's still a potential as a  
2 department where we would do this department wide, the  
3 Division included.

4 So what you do in that sort of situation is we  
5 look at total emissions that we're producing department  
6 wide. We look at how we can make the program carbon  
7 neutral department wide. This includes both vehicle  
8 usage, our use of energy in our facilities, et cetera,  
9 et cetera. So we're moving forward on that as a  
10 department. We will have more information to provide  
11 as that moves forward. Like I say, that's being driven  
12 from outside of the Division, but most certainly will  
13 be included in that.

14 Another thing that's going on that relates to  
15 this, which we met with the equipment manager for the  
16 department, our equipment guys from the Division, and  
17 we all sat down and looked at where are other current  
18 laws. There are also some laws out there that exists  
19 about emissions from diesel engines. We have a fleet  
20 of vehicles in the department that will fall under that  
21 law. They're for trucks basically with 14,000 gross  
22 vehicle weight, and anything produced prior to 2006 is  
23 going to have to be retrofitted with an exhaust kit,  
24 essentially costing anywhere from \$20 to \$40,000 per  
25 vehicle to retrofit. That would actually catch a lot

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1 of the particulate matters that come out of these  
2 diesel engines.

3 The Division is going to be leading the  
4 department in getting that retrofit done. The  
5 department has a requirement to come within compliance  
6 in a certain time frame year by year. Over the next  
7 several years, we have to show progress toward meeting  
8 those requirements. The Division is going to try to  
9 retrofit a large proportion, if not all, of our  
10 vehicles in our Division fleet in the next couple of  
11 years, which will kind of get the department moving  
12 towards meeting that goal as a department. So we're  
13 being very proactive in those areas.

14 Other areas, just briefly, that we've looked at  
15 working towards reducing carbon emissions is just in  
16 the general purchases that we do of the vehicles, there

17 is a requirement that DGS, Department of General  
18 Services, requires that a large proportion of our new  
19 vehicle purchases be flex fuel vehicles. And there is  
20 some debate about whether or not that really achieves  
21 the end state or not, or is it better to have hybrid  
22 electrics which currently we aren't getting credit for  
23 hybrid electric vehicle purchases as far as meeting our  
24 mandate to reduce the carbon usage fleet wide. So  
25 still one of those evolving pictures to trying to

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1 figure out what is the best way to get from here to  
2 there.

3 The fact of the matter is that with all of the  
4 flex fuel vehicles, there's no parts -- there's really  
5 no ability to buy the flex fuel. We get credit on  
6 paper, but we don't actually do anything but run them  
7 on gasoline their entire life. So that relates back to  
8 our whole capital outlay program of if we're going to  
9 have enough flex fuel vehicles in the fleet out there,  
10 maybe we should put fueling facilities in some of our  
11 SVRAs, which would actually allow them to be fueled  
12 with non-gasoline. So we are looking at all of the  
13 issues. We have just begun to do this in recent  
14 months. It is something that will be more and more of  
15 a topic as we move forward.

16 And then certainly don't want to leave out the  
17 whole Green Sticker, Red Sticker registration issue  
18 because at the end of the day, when you look at all of  
19 the fuel that's burned off-highway for recreation that

20 feeds into the gas tax, most of those vehicles are  
21 going to have to be regulated by and large by the  
22 California Air Resources Board, and that's part of the  
23 whole registration process. We are very interested in  
24 working with them. In fact, we've just had some  
25 discussions with them about Red Sticker vehicles and

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1 what we do with those emissions, what we do with some  
2 of the vehicles that are coming out in the after-market  
3 from overseas that are being sold and they're not CARB  
4 certified engines of any kind. You can't even get a  
5 Red Sticker on them. They're sold purportedly to be  
6 driven only on private lands, and they put out quite a  
7 high amount of emissions, and we're trying to keep  
8 those out of off-highway riding. Of course, those  
9 should be shut down and not allowed to operate at all.

10 A lot of things there to look at, lot of areas  
11 that we're moving forward on, multiple fronts, and we  
12 will be happy to keep you guys apprised of our  
13 progress.

14 DEPUTY DIR. GREENE: And one follow up on just a  
15 different note is that recently the Division was  
16 recognized for the recycling that we do within the  
17 Division. This is not just strictly bottles and cans.  
18 This is all of our heavy-use equipment that we have as  
19 it pertains to the vehicles, the structures. And so we  
20 have been recognized that over 50 percent of our waste  
21 is now in the area of recycling. That has recently  
22 took place.

23 And, Commissioner Thomas, I would just like to  
24 thank you. I think it was back in 2001, I believe it  
25 was a meeting in Redding, where you did encourage all  
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1 of us to look at the issues of installation of solar in  
2 any of our minor capital outlay projects, and so I  
3 would just like to thank you as sort of being the  
4 champion to make sure that we were always looking ahead  
5 and thinking ahead because now we honestly wouldn't  
6 consider doing anything but what we have done. So I  
7 wanted to say thank you.

8 COMMISSIONER SPITLER: A round of applause for  
9 Commissioner Thomas.

10 COMMISSIONER THOMAS: For Ms. Greene for  
11 implementing the program.

12 CHAIR BRISSENDEN: Does that complete?

13 COMMISSIONER SPITLER: Move to adjourn.

14 VICE-CHAIR ANDERSON: I'd second the motion to  
15 adjourn.

16 CHAIR BRISSENDEN: Everyone, thank you, have a  
17 wonderful weekend, what's left of it. See you in  
18 September and talk to you well before then.

19 (Meeting adjourned at 3:49 p.m.)

20 Respectfully submitted,  
21 Cheryl L. Kyle.

22  
23  
24  
25

2007-03-24 OHV final