



DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001
OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION
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Ruth Coleman, Director

MINUTES
CALIFORNIA OFF-HIGHWAY MOTOR VEHICLE RECREATION
COMMISSION MEETING

Conference Room
OHMVR Division Headquarters
1725 – 23rd Street, Suite 200
Sacramento, CA 95816

February 2, 2004

COMMISSIONERS PRESENT

Paul J. Spitler, Chair
Judith A. Anderson, Member (via teleconference system)
Robert F. Chavez, Vice Chair (via teleconference system)
Michael F. Prizmich, Member (via teleconference system)
Harold M. Thomas, Member
Edward H. Waldheim, Member (via teleconference system)

COMMISSIONS ABSENT

John E. Brissenden, Member

DIVISION STAFF PRESENT

Tim S. La Franchi, Legal Counsel, DPR
Anthony I. Perez, Chief, OHMVR Division
Michael S. Brown, Associate Landscape Architect, OHMVR Division
Laurie J. Taylor, Executive Secretary, OHMVR Division
Sandra J. Elder, Commission Assistant, OHMVR Division

OFFICE OF THE ATTORNEY GENERAL

Kenneth J. Pogue, Deputy Attorney General

REGISTERED VISITORS

W. G. Justyn, Prairie City SVRA Improvement Group
Dana Jones, District Superintendent, Prairie City SVRA
Don Amador, Blue Ribbon Coalition
Dana Nichol, Pete Conaty & Associates
David Pickett, AMA #36, Motorcycle Sports Committee
Elizabeth Steller, State Parks Land Officer, DPR

VIA TELECONFERENCE SYSTEM

Thomas Tammone, Irvine, private citizen
Don Klusman, CA4WDC
Karen Schambach, CSNC/PEER
Tom Walsh, Save our Forest Organization
George Barnes, Sierra Club
Daphne Greene, Twende

CALL TO ORDER

Chair Spitler called the meeting to order at 5:30 p.m. in the Conference Room, OHMVR Division Headquarters, 1725 – 23rd Street, Suite 200, Sacramento, California.

PLEDGE OF ALLEGIANCE

Chair Spitler led the meeting attendees in the Pledge of Allegiance.

ROLL CALL

Two members were present, four members were present via teleconference system, and one member was absent.

APPROVAL OF AGENDA

Commissioner Waldheim moved and Commissioner Prizmich seconded the motion to approve the agenda as presented. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

Chair Spitler asked Division Chief Perez to give a staff report on the Yost Property Acquisition Project.

Chief Perez gave a brief report on the background of the opportunity purchase of the 211-acre Yost Property that is surrounded on three sides by Prairie City SVRA (see Attachment "A"). The Chair also asked Chief Perez to read the proposed resolution (see Attachment "B").

Commissioner Anderson moved and Commissioner Waldheim seconded the motion to adopt the proposed resolution pertaining the Yost Acquisition Project.

The following person spoke in opposition:

Tom Walsh indicated he is against OHV expansion at Prairie City and San Timateo Canyon. He feels that OHV activity should be curtailed and /or eliminated from all public land.

The following people spoke in support:

Wes Justyn, spoke in support of the acquisition, which will make Prairie City SVRA a nicer place.

Don Klusman was in full support of the acquisition, which makes good buffer land around Prairie City SVRA.

Don Amador indicated his support on behalf of the Blue Ribbon Coalition.

Karen Schambach also supported the proposed acquisition.

David Pickett was also in support in representing AMA District 36.

Thomas Tammone indicated his support of the acquisition.

Commissioner Thomas questioned why we are now able to use the GenCorp Acquisition Project funds for this purchase. Staff reported that GenCorp is no longer interested in selling its property adjacent to Prairie City SVRA; therefore the funds are available for this new acquisition.

Commissioner Thomas wanted to put on the next regularly meeting agenda the problem of why GenCorp is not interested in selling. He indicated maybe a CNEL Noise Study should be conducted; as well as future budgeting so that funds will be available.

Commissioner Thomas questioned the Commission's authority to approve the plans for capital outlay expenditures for the Yost Acquisition Project. He wanted to know what mechanisms were available to have this input.

Legal Counsel La Franchi stated that the OHMVR Commission must adopt general plans for SVRAs before DPR can budget for capital outlay expenditures (see Attachment "C").

Commissioner Anderson asked what was the asking price for the 211 acres. State Park Land Officer Steller responded that the Yost family had submitted an acceptable appraisal and the Department of General Services was in the process of reviewing it. She indicated she was not at liberty to quote exact figures during the negotiating process.

Chair Spittler called for the vote. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT PERIOD (AGENDIZED FOR 6:00 P.M.)

The Commission took public comment from the following:

Tom Welch, Save Our Forest Organization, indicated he was pleased to see the Commission's notices and agendas on the web site. He would also like to the Stakeholder's schedule on the web site. He also asked about the status of the fuel tax survey. Chair Spittler informed him to call staff for information on the fuel tax survey. Mr. Welch stated he was glad to see that the San Bernardino NF was now closed to OHV usage due to the fires and hoped it would stay that way. He stated he has seen many OHV violations that now will be eliminated.

Tom Tammone, public citizen, stated he is a volunteer in the San Bernardino NF and has surveyed the trails. He had not seen any OHV violations.

Commissioner Thomas raised the issue of Federal law enforcement. Chief Perez stated that this would be a good issue to bring up at the public input meeting on the 21st of February. This session would be a good time to try to reach a consensus on this issue.

ADJOURNMENT

Commissioner Prizmich moved and Commissioner Anderson seconded the motion to adjourn the meeting at 6:10 p.m.

Meeting adjourned.

Anthony I. Perez, Chief
California State Parks
OHMVR Division

Sandra J. Elder
Commission Assistant
OHMVR Division

Background
Yost Property Acquisition Project
OHMVR Commission
January 26, 2004

The OHMVR Division has the opportunity to purchase the 211-acre Yost property that is surrounded on three sides by Prairie City SVRA. The owner, Mr. James Yost has recently put his property up for sale and desires to sell as soon as possible. He has indicated that he has a back-up offer from a real estate developer for immediate purchase.

Acquisition of this property is critical to the long-term viability of Prairie City SVRA and has long been desired as an addition to the SVRA. The property provides for buffer land and for possible expansion of OHV recreation. The property has been included within the Zone of Interest in the Prairie City SVRA Master Plan adopted by the OHMVR Commission July 20, 1991.

Funding has been identified to finance this \$2,720,000 transaction. Specifically, there remains a balance of \$1,900,000 in the GenCorp Acquisition Project. GenCorp is an unwilling seller. Half of the GenCorp project appropriation was rescoped to Deer Creek Hills. This project would use the balance of GenCorp funds. There is a current balance of \$1,100,000 in Opportunity Purchase funding that may be made available for this project. The owner wants a 25% down payment, and incremental payments over a 10-year term.

Department of Finance and Department of General Services are supportive of this project including rescoping the remaining GenCorp Acquisition funds. The Department plans to go to the March or April 2004 Public Works Board (PWB) meeting to gain approval on rescope of remaining GenCorp Project funds; and to gain approval on the selection of the Yost property for acquisition.

The Yost property acquisition project provides for the following:

1. A 50-acre sand and gravel mining operation under lease to Teichert Corporation until September 2007 with a five-year renewal option. This lease throws off an annual income of about \$250,000 that the Department would assume.
2. There are several mobile home structures that could be used for State Park storage and other purposes.
3. The property provides for potential expansion of OHV recreation and control of buffer land adjacent to White Rock Road.

The anticipated timeline to take possession of the Yost property is 4 to 6 months. Once the Department takes possession of the property, no change of use would take place until appropriate CEQA documentation is completed and the OHMVR Commission approves plans for its use.

Resolution No. 2004-01

California Off-Highway Motor Vehicle Recreation Commission

Yost Acquisition Project

WHEREAS, Off-Highway Vehicle (OHV) recreation is a popular and increasing recreational activity at Prairie City State Vehicular Recreation Area (SVRA); and

WHEREAS, the development of private lands adjacent to Prairie City SVRA would bring new residents and potential conflict between the compatibility of OHV recreation and would jeopardize the viability of Prairie City SVRA; and

WHEREAS, the 211-acre Yost property lies adjacent to and is surrounded on three sides by Prairie City SVRA; and

WHEREAS, the owners, Mr. and Mrs. James Yost, desire to sell their property to California State Parks as soon as possible; and

WHEREAS, there is sufficient funding available to purchase the property by means of the balance of the GenCorp Project funds and available Opportunity Purchase funds; and

NOW THEREFORE, BE IT RESOLVED the Off-Highway Motor Vehicle Recreation (OHMVR) Commission hereby supports the acquisition of the Yost property; and

BE IT FURTHER RESOLVED that the OHMVR Commission hereby approves utilization of the balance of the GenCorp Project funds for the Yost acquisition; and

BE IT FURTHER RESOLVED, that prior to any change of use of the Yost property, the plans for capital outlay expenditures shall be approved by the OHMVR Commission.

February 2, 2004

Memorandum

Date : February 9, 2004

To : California Off-Highway Motor Vehicle Commission, Sandra J. Elder
Off-Highway Motor Vehicle Recreation Division

From : Department of Parks and Recreation
Legal Office Department of Parks & Recreation

Subject : OHMVR Commission jurisdiction for General Planning and approval of plans.

Issue: During its February 2, 2004 meeting to consider the acquisition of the Yost property for addition to Prairie City SVRA, the Commission requested information on its authority to consider and impose conditions on the ultimate uses, location of uses, and protection and conservation of lands and natural resources within the SVRA acquisition.

Answer: The Commission will have the opportunity to review, consider, and approve the ultimate development at Prairie City SVRA. These opportunities will include the opportunity to establish policies, guidelines and policies with regard to that development, including types and scope of OHV recreational uses and protection and conservation of natural resources in connection with such development. The Commission must consider and approve the General Plan and any amendments for the development of the SVRA, including any additions of land. The General Plan will also serve as a report for purposes of the California Environmental Quality Act (CEQA) and evaluate environmental impacts and provide appropriate mitigating measures and policies for any environmental impacts identified.

Discussion: Public Resources Code Section 5002.2 requires the preparation of general plans for each unit of the state park system prior to development of the unit. The plan must evaluate and define the proposed land uses, facilities, concessions, operation of the unit, any environmental impacts, and the management of resources, and serves as a guide for the future development, management and operation of the unit. The plan is a report for purposes of Section 21100 (Environmental Impact Report, CEQA) and shall be submitted to the State Park and Recreation Commission for approval. Section 5002.3 requires a public hearing for consideration and approval of the general plan or any amendments.

These general planning requirements apply to SVRA's. Section 5001.5 provides that reference to the state park system with respect to duties and responsibilities that may be carried out within the state vehicular recreation area and trail system shall also refer to and mean the state vehicular recreation area and trail system.

The OHMVR Commission has jurisdiction and responsibility over state vehicular recreation areas whenever any reference is made to the State Park and Recreation Commission with regard to such duties, such as planning and approval of plans. Section 5090.15 (c) provides:

"Whenever any reference is made to the State Park and Recreation Commission pertaining to a duty, power, purpose, responsibility, or jurisdiction of the State Park and Recreation Commission with respect to the state vehicular recreation areas, as established by this chapter, it shall be deemed to be a reference to, and to mean, the Off-Highway Motor Vehicle Recreation Commission."

Additionally, the OHMVR Division is responsible for the preparation of plans for lands in, or to be added to, the system (Section 5090.33 (c)). Thus, the Division must prepare a plan for the Yost addition to Priarie City SVRA or an amendment to the plan which evaluates and defines the uses, operation and policies and other measures for environmental protection and conservation of resources. The plan must be submitted to the OHMVR Commission for consideration and approval. The Commission has the jurisdiction to add or modify any policies or conditions it believes are needed for such development and operation and to approve development and operation as authorized by the plan.

For questions, please contact Tim La Franchi, Chief Counsel at 916-653-6884.

/s/

Tim La Franchi
Chief Counsel