

STATE OF CALIFORNIA
OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION
MEETING MINUTES
CalPERS, ROOM 1600, LINCOLN PLAZA WEST AUDITORIUM
400 Q STREET, SACRAMENTO, CALIFORNIA

MARCH 13, 2009

IN ATTENDANCE:

OHMVR COMMISSIONERS:

Gary Willard, Chair
Mark McMillin, Vice-Chair
Eric Lueder
Kane Silverberg
Paul Slavik
Stan Van Velsor

OHMVR Division Staff

Daphne Greene, Deputy Director
Phil Jenkins, Chief
Tim La Franchi, Legal Counsel, DPR
Dan Canfield, Grants Administrator
Sixto Fernandez, Grants Administrator
Barbara Greenwood, Grants Administrator
Martha Ibarra, Grants Administrator
Kelly Long, Grants Administrator
John Pelonio, Public Safety Superintendent
Kelly Claar, Supervising Ranger
Aaron Freitas, Marketing and Research
Vicki Perez, Administrative Assistant I
Olivia Suber, Staff Manager III
Josephine Parra, Office Assistant
Meriko Hoshida, Parks & Rec. Specialist

REGISTERED VISITORS

AGENDA ITEM I. CALL TO ORDER

Chair Willard called the meeting to order at 9:23 a.m.
in the CalPERS Building, 400 Q Street, Room 1600,
Sacramento, California.

AGENDA ITEM I(A). PLEDGE OF ALLEGIANCE

Chief Jenkins led the meeting attendees in the Pledge
of Allegiance.

1 AGENDA ITEM I(B). ROLL CALL

2 Six Commission members were present.

3 CHAIR WILLARD: I'd like to take a moment to
4 introduce a new Commissioner. He was just recently
5 appointed just last week, Stan Van Velsor.

6 Stan, would you please let us know a little bit
7 about yourself and your background?

8 COMMISSIONER VAN VELSOR: First, I'd like to say
9 it's a pleasure to be here and really looking forward
10 to working with the Commission and the public in this
11 very important program. Much of my experience in
12 off-road vehicle work has been with public lands. I'm
13 currently with The Wilderness Society and campaign
14 coordinator with The Wilderness Society working mostly
15 with the Forest Service on their off-road route
16 designation process. Actually, I started working with
17 off-road vehicles back in the early 1980s when I was
18 employed as a resource specialist with the Bureau of
19 Land Management. At that time we were looking at a lot
20 of the same issues that we're looking at on public
21 lands now from the standpoint of managing off-road
22 vehicles. So I had some history with the program a
23 time back, and now I'm back with it and enjoying my
24 work and looking forward again to being with the
25 Commission. Thank you.

1 CHAIR WILLARD: Thanks, Stan. And, again,
2 welcome, we're looking forward to your perspective on
3 the OHV program in the state.

4 I'm also pleased to announce that I was just
5 recently reappointed to another four years.
6 Unbeknownst to me, my term was filling a previous term
7 that had already run about half its length, so I've
8 been serving on the Commission for a little over two
9 years, and I thought I had another two years. But then
10 we found out it was up. And so they had to go through
11 the whole reappointment process, and I made it through,
12 so four more years, 2013.

13 AGENDA ITEM II. APPROVAL OF AGENDA

14 The agenda was approved as moved by Commissioner Lueder
15 and seconded by Commissioner McMillin.

16 CHAIR WILLARD: This is where we would typically
17 approve minutes from the last meeting, but due to
18 technical difficulties, that item did not make it to
19 the agenda. So we won't be approving the last
20 meeting's minutes. But in the future that will be a
21 standard fixture at the beginning of each meeting.

22 AGENDA ITEM III(A). DEPUTY DIRECTOR'S REPORT

23 DEPUTY DIR. GREENE: First of all, I'd like to
24 welcome everybody here today, and particularly Stan Van
25 Velsor, welcome, it's nice to have you here as a new

1 Commissioner.

2 Just a reminder, we still have two vacancies on
3 the Commission, and I know there's been some confusion
4 about the names up on the website. I just wanted to
5 let you know that up until this week, we had actually
6 not officially gotten any word from the legislative
7 appointee for Past Commissioner John Brissenden that he
8 had stepped down. So we finally received that from the
9 Member's Office and reflected that change up on the
10 web. So I wanted to let everybody know that.

11 Thank you everybody for your patience today in
12 having to move the meeting room. Unbeknownst to us, in
13 the very, very small print it indicated that at any
14 point in time, we could be bumped from the room by the
15 Board of Supervisors. In fact, they decided that they
16 needed to meet, and so we are here. I would just like
17 to thank everybody for your patience, and particularly
18 our staff who very quickly made this room happen.

19 (OHMVR staff introduced themselves.)

20 DEPUTY DIR. GREENE: It takes a lot of people to
21 make this whole program work, and thanks everybody for
22 being here today.

23 As we move forward on the agenda, one of the
24 issues of primary concern has been the recent sweep in
25 the budget. All of us know the economic crisis we are

1 in in California today. I don't think I need to tell
2 everybody, but certainly for all of us it has been
3 extraordinary. We still have travel restrictions, thus
4 again we are having the meeting here in Sacramento.
5 Even though the budget is signed, those travel
6 restrictions are still in place. So until further
7 notice, we will be having our Commission meetings here
8 in Sacramento. I recognize everybody wants to get out
9 and travel the state and the importance of doing that,
10 but it is still, unfortunately, one of those situations
11 where hopefully as time goes on, we will be able to
12 start moving about the state again. So, again, thank
13 you very much for your patience.

14 But in terms of the sweep of the \$90 million
15 from the OHV Trust Fund, obviously that is something of
16 deep concern to all of us. I would like to turn it
17 over to Chief Jenkins to do a brief overview on that
18 topic.

19 CHIEF JENKINS: On February 20th, the budget
20 bill was signed that swept \$90 million out of the OHV
21 Trust Fund. It sounds quite alarming when you first
22 hear that. Let me explain what's going on. Still
23 fairly alarming, but not quite as bad as it might sound
24 at first blush.

25 First, you might be asking why was there

1 \$90 million in the OHV Trust Fund. The way that the
2 Trust Fund works, since we are solely funded by the
3 Trust Fund, there is no backup for us. It's not like
4 the General Fund of the state where if State Parks goes
5 over their budget, there is a huge General Fund balance
6 behind them for all sorts of programs, and they make
7 adjustments and they make it work.

8 For the OHV program, we live and die by the
9 Trust Fund. So every year monies come into the Trust
10 Fund from primarily three places: Fuel taxes, gate
11 fees at the SVRAs, and registrations of off-highway
12 vehicles. When we ask for a budget every year, we ask
13 for money from the Department of Finance. They look at
14 the approval for a change in our budget, and then that
15 goes through the process for the Governor's budget and
16 the Legislature, et cetera.

17 In order for them to approve a change in our
18 budget, they always look and see that we're requesting
19 the amount of money that's realistic to what's coming
20 in. And by virtue of that system being as it is, more
21 money always comes in than what we're planning to
22 spend. That's the way the system is designed. So each
23 year, that extra money that comes in, the buffer that
24 comes in accumulates.

25 And in the life of the program, what has

1 happened is as that money accumulates, gets up to \$10,
2 \$20, \$30, \$40 million, then the program in the past has
3 used those monies primarily for acquisitions. They can
4 be used for any large expenditure. It could be a
5 budget change proposal. It can be any sort of capital
6 outlay project. Traditionally, it's been used for
7 acquisition.

8 In recent years, what the BSA audit pointed out
9 was that there was a lack of a shared vision between
10 the Commission and the Division in the past. And so
11 for the last four or five years, it has been virtually
12 impossible to get any large budget change proposals
13 passed through because they wanted there to be complete
14 congruence in how the money was going to be spent
15 between the Commission and the Division. Since we
16 weren't able to pull money out and use it for things,
17 it began to accumulate and accumulate.

18 Added to that, when the Riverside project was
19 closed down, roughly \$27 million, I don't have the
20 exact number right at the tip of my tongue, reverted
21 back into the fund. So that was \$27 million that had
22 been taken out of the fund, that had built up, and then
23 in the meantime more money was building up behind it.
24 And when that project proved to be not feasible, that
25 money reverted back into the fund.

1 Now, this is to really understand what happened
2 to where is the \$90 million today and when do we get it
3 back. I'll read you briefly the language, and explain
4 exactly what it means. So this is in the Ducheny
5 Budget Act of 2008. It's Senate Bill No. 2, Chapter 2.
6 And for those of you who are interested in looking it
7 up on the Internet, it's on page 13. It says:

8 "The amount transferred in this
9 item is a loan to the General Fund.
10 The repayment should be made so that
11 to ensure that the programs supported
12 by the OHV Trust Fund are not
13 adversely affected by the loan by no
14 later than June 30th, 2013."

15 And so the last time, years ago in the '80s,
16 when there was a draw from the fund, at that time
17 \$21,500,000, the language was quite different about
18 when and how the money would be paid back.
19 Essentially, back then they said if you're ever going
20 into the red, we'll pay it back. This time they're
21 saying no matter what, we're paying it back in 2013.
22 And if something comes up, if the program is adversely
23 affected by this loan being out of our fund during that
24 time period, they would pay it back earlier. So if we
25 came to them with a dire need, the indication from the

1 language is we would have a chance, at least, of making
2 the argument to get that money back.

3 You might be asking, how does that affect us in
4 the long run. In other words, \$90 million was in the
5 account, now it's loaned to somebody else, does that
6 hurt us? The only place that it really does affect our
7 fund is while it's over there, the language says that
8 there will be no interest gathered on that money while
9 it's loaned out. So if the money were still in the
10 Trust Fund, we would be earning interest on
11 \$90 million. When it's on loan out there until 2013 or
12 earlier, if there is a reason to bring it back, it's
13 not earning interest. So that's the only real fiscal
14 harm that we're experiencing. We're not getting that
15 interest income.

16 I'm willing to accept questions.

17 COMMISSIONER McMILLIN: Does the Governor having
18 a special election in May, if all five propositions
19 don't pass, how are they going to repay this?

20 CHIEF JENKINS: That's above my pay grade.

21 COMMISSIONER McMILLIN: But that's a big issue.
22 And so going forward, maybe we've learned something:
23 Spend it or lose it.

24 CHIEF JENKINS: Well, the exciting part for us,
25 the strategic plan process that we all collectively,

1 the public, Commission, us have been going through is
2 the antidote to this happening again. Once we have
3 that strategic plan laid out, that is the document that
4 that when we go to the Department of Finance and say we
5 want to pull big chunks out of the fund to use for this
6 or that, they look at the strategic plan and they say,
7 we see that you've gone to the community, the
8 Commission and the Division are on the same page, and
9 we will be able to actually move that money out and get
10 it on the ground and get it employed in solving
11 problems out there.

12 CHAIR WILLARD: Phil, you made a comment that
13 struck a thought with me. If we can make the case that
14 that money being out adversely affects the program,
15 then perhaps we could make a case for getting it back.

16 CHIEF JENKINS: Certainly, if we had a project
17 that was coming up in the next year or two where we
18 could show if we're not able to employ those funds to
19 accomplish this project, this is going to adversely
20 affect us. Maybe it's a one-time shot at something or
21 an opportunity that we're about to miss, we could make
22 the case, put in a budget change proposal, and ask for
23 some of that money back, absolutely.

24 CHAIR WILLARD: Okay. I'm thinking specifically
25 of acquisitions, land acquisitions for a new park. As

1 everyone is well aware, the land market in California
2 is boom or bust. And one of the reasons we weren't
3 able to spend the money was that it's difficult to
4 compete when you're in the expansion part of the real
5 estate cycle and you're bidding against homeowners that
6 are paying crazy amounts of money for land.

7 But the opposite is true now. It is clearly a
8 great buying opportunity right now, and we were kind of
9 rolling up our sleeves and getting ready, oh yes, this
10 is going to be great, let's go out and look to find
11 some great land, and then this happened. So I would
12 make the case that if there were opportunities for new
13 sites, and I think there are out there, that not being
14 able to fund an acquisition now and having to wait for
15 2013 when we're then back into a seller's market, we
16 have to pay more or can't even get to the sites, that
17 the program is very dramatically adversely affected by
18 not being able to take advantage of this environment
19 and do an acquisition. Is that type of logic going to
20 fly with them, do you think, if we were to find a site
21 and try to make a case?

22 CHIEF JENKINS: We'll see. That sounds logical
23 to me. The question is can we make a case, make it
24 compelling enough that with all of the other groups
25 that had money taken out of their fund, too -- because

1 I think we all know that we were one among the many,
2 many special funds that were swept. So our job is
3 going to be to make that case about why we really do
4 need it back. And I think it's worth taking a shot and
5 making a case.

6 CHAIR WILLARD: So it sounds like then we should
7 still move forward with investigating potential
8 acquisitions. Because I had thought when this
9 happened, oh well, we're out of business on the land
10 end of things until 2013, but it sounds like there is a
11 little bit of hope that perhaps we can pull off an
12 acquisition, and we should be pursuing acquisitions.

13 CHIEF JENKINS: Yes.

14 CHAIR WILLARD: That's good. Stan.

15 COMMISSIONER VAN VELSOR: I'm just curious.
16 What stage is the Division at in identifying potential
17 acquisition properties, and how long might it take to
18 meet the necessary requirements in order to actually
19 move forward with one?

20 CHIEF JENKINS: All along we've been looking at,
21 or people have been bringing to our attention in some
22 cases, potential acquisition opportunities, and they
23 range from new opportunities, where there's not
24 currently a place for community to ride, to in-fills or
25 in-holdings where the lack of owning a piece of

1 property is interrupting the ability to use a trail.
2 So a lot of these opportunities have been discussed
3 with us.

4 Lately, like I said, trying to get stuff through
5 just wasn't happening. And then more recently what
6 we're doing with the strategic plan is developing that
7 criteria checklist of what are our priorities. If we
8 have five opportunities in front of us, which one is
9 the most important to pursue.

10 So your question directly was how long might it
11 take. Once we have this strategic plan finalized, and
12 then if we were able to in the next few months, so this
13 year sometime, identify a piece of property that rose
14 to that, this one really looks like a possibility,
15 everybody is agreement that this is an appropriate
16 acquisition of funds, we would have to try to get a BCP
17 moving through the system probably in June, and it
18 would probably take two years to actually happen.

19 COMMISSIONER VAN VELSOR: What's a BCP?

20 CHIEF JENKINS: Budget change proposal. So the
21 beginning of the process is the Governor's budget comes
22 out in the beginning of the year for departments. We
23 have to start our paperwork six months ahead of that
24 cycle, so we can start moving it through all of the
25 administrative hurdles.

1 COMMISSIONER SLAVIK: Phil, can you touch on the
2 last time our program was swept? And I don't remember
3 exactly the numbers, but it seems to me that there were
4 some things that happened that we may well be aware of
5 as a community here, and some of us are relatively new
6 to this, how we actually got the money back into the
7 OHV budget.

8 CHIEF JENKINS: You know, I'm not going to be
9 able to give you really specific information on that.
10 That's back when I was in the Air Force years ago,
11 actually. And so I looked up the legislative piece
12 that described how it was taken, the terms that were
13 placed on that for paying it back. I don't have any
14 details on when or how. I don't believe that money was
15 paid back.

16 DEPUTY DIR. GREENE: Under the Wilson
17 administration, my understanding is approximately
18 \$21 million was borrowed from the Trust Fund. The
19 language said that if there was no money left, it
20 would, in fact, be paid back.

21 As a result of that, the OHV communities and
22 parties of interest said this is not something that
23 they wanted to have happen again and thus created the
24 Trust Fund. The Trust Fund doesn't guarantee that it
25 would not be raided, but it certainly makes it

1 increasingly difficult to come in and to take that
2 money permanently.

3 So to answer your question, that money has not
4 been paid back. So the Trust Fund was swept of
5 \$21 million.

6 It was also borrowed by Fish and Game to the
7 tune of approximately \$4 million, but Mr. Waldheim is
8 saying nine, but I think it was \$4 million, of which a
9 portion was repaid back to the Trust Fund. So it is
10 difficult.

11 And I think to Commissioner Willard's point,
12 what's the level at which you would always want to keep
13 funds moving out of that account, I think it's a little
14 bit problematic. We have to be thoughtful, in fact,
15 about the price of land in California. So we could say
16 that never let the Trust Fund get above \$30 million,
17 and yet you may have a land acquisition out there
18 that's \$40 million that you now wouldn't have the
19 chance to acquire.

20 There were a set of circumstances that were
21 before us, a combination of a lack of a shared vision
22 and the lack of a shared strategic plan. There were a
23 number of obstacles in front of us. Now, as we move
24 forward and have these plans in place, my hope is that
25 it can maintain us working in collaboration.

1 Since our last meeting, so much of the focus has
2 been on the grants program, being able to work with the
3 applicants, getting those applications in on time. But
4 life keeps moving on for the Division, and I would like
5 to just mention that we will be having the tour out at
6 Prairie City tomorrow and will be looking at the
7 Environmental Training Center. We are very excited
8 about to have Commissioners come out and look at this
9 facility.

10 Looking at some of our education and outreach,
11 over the past two months, the Division was a sponsor at
12 a function for the Native Plant Society. The Division
13 had a booth and shared the importance of route
14 designation, staying on trails, and the restoration of
15 lands. This event gave us an ability to share and
16 educate folks about what the Division does, the
17 importance of environmental sensitivity to the land,
18 and being able to provide OHV recreation opportunities.

19 The Snow Pals Program is part of our Off-Road
20 Program which focusses on training and education for
21 youth. During February, in partnership with the Police
22 Activities League, we hosted a series of winter safety
23 and safe snowmobile clinics. Kids came from throughout
24 the Bay Area. These classes were full, and the smiles
25 were large. It is an invaluable opportunity to get

1 kids out and be able to teach them responsible OHV
2 recreation including winter safety techniques.

3 Commissioner Willard, if there is not an
4 objection by BLM or the Forest Service, I would like to
5 complete the remainder of my report at this time.

6 CHAIR WILLARD: Go right ahead.

7 AGENDA ITEM III(D)(1). OTHER DIVISION REPORTS

8 DEPUTY DIR. GREENE: If I may, I'm going to call
9 on Dan Canfield to provide us an overview of the grants
10 program. I would just like to take a moment and thank
11 our staff who have worked tirelessly in this effort.
12 We said last year that we wanted to be able to reach
13 out to the public in the grants program. We recognize
14 we have a new program this year, and we wanted to be
15 able to provide good customer service. I know the
16 deadline for the grants program was at midnight on
17 Monday, March 6th, and the phone was ringing right up
18 to that moment. I spoke to one of the grant
19 administrators. They received a phone call at 9:45,
20 and I believe the last send button was pressed at
21 11:58. So it's nothing like cutting it close to the
22 edge on the grants program. I would really like to
23 thank our grants team because I think they did an
24 outstanding job by giving so much energy and effort to
25 this important process.

1 OHMVR STAFF CANFIELD: Thank you, Deputy
2 Director Greene. My name is Dan Canfield, grants
3 administrator for the OHMVR Commission. Good morning,
4 Commissioners.

5 As identified on your agenda, I'll be speaking
6 about the overview and the status of the OHMVR grants
7 program. And for sake of being brief, I'll probably
8 just refer to it as the grants program, if it's okay.

9 The first part of 2009 has been very exciting
10 for the grants program at the Division. It's also kept
11 us very busy. The program regulations, which were
12 required to be updated as a result of Senate Bill 742,
13 were approved by the Office of Administrative Law on
14 June 12th, 2008. That coincided with the start of our
15 program. On that day, potential applicants were able
16 to access application materials on our website via an
17 on-line grants application system, which we like to
18 refer to as OLGA. This OLGA is an on-line interactive
19 off-the-shelf grants application system.

20 Immediately following the start of the program
21 on June 12th, the Division conducted two workshops, the
22 first in Sacramento on Tuesday, June 13th, and the
23 second in Ontario on that following Thursday,
24 June 15th. The workshops were very well attended. At
25 each we had over 100 potential applicants. The main

1 focus of the workshops was a hands-on OLGA tutorial.
2 So imagine, if you will, a conference room full of 100
3 potential applicants, all with laptops accessing the
4 Internet through the conference rooms' wireless access.
5 And the Division staff would lead them through a
6 step-by-step process of completing the initial steps to
7 get registered into OLGA. The feedback that we
8 received on the workshops and OLGA to date has been
9 strongly favorable.

10 Following these workshops, the Division staff
11 continued working with the applicants throughout the
12 following month on the phone and in person, basically
13 assisting them with OLGA, what we would call OLGA help
14 desk. A very intense period of time, which culminated
15 with preliminary application submittals on Monday,
16 March 2nd, 2009.

17 You may ask what I mean by preliminary
18 applications. The preliminary application is the key
19 element of a proposed project, the description, the
20 project cost estimate, and the applicant's responses to
21 the evaluation criteria. Commissioners, you were
22 provided with a handout in a blue folder. This was
23 also made available to the public at this meeting
24 today. This spreadsheet details the submittals, the
25 preliminary submittals, kind of gives you an overview.

1 Across the top of the spreadsheet are the various
2 project types that are available through the grants
3 program. A couple of abbreviations I wanted to point
4 out. The first column is labeled GO. That stands for
5 ground operations, which is one of our project types.
6 And moving to the right, you see another one that says
7 LE. That, of course, means law enforcement. On the
8 Y axis of the spreadsheet, on the left-hand side,
9 you'll see the various agency types that are applicants
10 to this program. And then within the content of the
11 spreadsheet, you can get information about how many
12 projects, dollar amounts that were requested by project
13 type, and by applicant.

14 Lower right-hand corner kind of sums it all up.
15 At this preliminary application stage, we received 238
16 projects, total requested amount in the neighborhood of
17 \$32.5 million. Now, presently these preliminary
18 applications are under review via OLGA by both the
19 public and Division OHMVR staff. This public review
20 period will continue through Monday, April 6th, 2009.

21 And at this point, what I'd like to do is a
22 short demonstration of how the public would access the
23 OLGA system to review preliminary applications. I'm
24 going to ask one of my associates, Martha Ibarra, to
25 come up. She's going to be standing behind you to

1 operate the laptop.

2 (Staff demonstrated OLGA.)

3 DEPUTY DIR. GREENE: Dan, how many total
4 applications were there?

5 OHMVR STAFF CANFIELD: 238 projects.

6 (Demonstration of program continued.)

7 OHMVR STAFF CANFIELD: And that ends my report.
8 I would be more than happy to take questions.

9 CHAIR WILLARD: Thank you, Dan. I have some
10 questions and perhaps some of the other commissioners
11 do, as well. I'm looking at the numbers and was
12 wondering how this year stacked up to past years in
13 terms of the number of applications, the type, the
14 amount, and also the type of applicant.

15 OHMVR STAFF CANFIELD: I'll do my best to
16 respond. So this year we saw at preliminary
17 application 100 different applicants with a total of
18 238 projects, requested amount about \$32.5 million.
19 For the '07/'08 grants program, we had roughly 60
20 applicants in the neighborhood of about 120 projects.
21 So we're almost seeing close to doubling in the number
22 of applicants and the number of projects.

23 Behind that are several elements, one of which,
24 Senate Bill 742, expanded the program to expand the
25 roles of nonprofits. So, conversely, we saw a lot of

1 new nonprofits come on board, which I think is awesome.
2 The program regulations also set forth that for the
3 Forest Service, the law enforcement was requested, not
4 through the forest itself but through the patrol
5 captain, who is responsible for keeping the peace in
6 those forests. That also jumped up the number of
7 applicants and created almost a new applicant class.
8 And also, a lot of our applicants are facing reduced
9 operating budgets. Other grants programs and
10 bond-funded programs are on hold or cancelled
11 altogether. So more and more interest has been
12 directed toward the OHV grants program, which I think
13 is great, so we can get some of these awesome projects
14 funded and get the money out there. So all of those
15 things working together have resulted in what could
16 represent almost a 70 percent increase in projects and
17 funding.

18 CHAIR WILLARD: How about the total amount of
19 applicants, how has that changed, the dollar amount?

20 OHMVR STAFF CANFIELD: Keep in mind, this is a
21 preliminary request, but compared to last year, we're
22 up. Off the top of my head, I think we're in the
23 neighborhood of requests of \$26 or \$27 million, and now
24 we're at \$32 million. I would take these numbers with
25 the understanding these are preliminary numbers.

1 Through feedback from the public and the Division, some
2 of these numbers might go up, might go down. We might
3 find that there are projects that for one reason or
4 another they're not there at final.

5 There are a lot of additional requirements that
6 the applicants have to meet to get from the preliminary
7 step to the final step. And we're working hard to
8 coordinate with the applicants to make sure they
9 complete the final steps because we want to see all of
10 these projects at final. We want to have the largest
11 project pool possible so we can fund the best projects.

12 CHAIR WILLARD: Is there anything else that
13 occurred this year that is unusual? Law enforcement,
14 BLM, is that light, or is that a typical number?

15 OHMVR STAFF CANFIELD: It's hard to compare
16 these numbers with past years since the program was
17 changed as a result of Senate Bill 742. Law
18 enforcement specifically in the past was a competitive
19 process, and in past years it was also funded out of
20 proportion. So applicants perhaps were used to getting
21 funded not for their full request; whereas, this year,
22 as a result of Senate Bill 742, the law enforcement
23 grants have been modified so it's no longer
24 competitive. It's based on need.

25 So I think these numbers, especially for law

1 enforcement, should be considered this is year one.
2 And going from here, we'll be able to give you some
3 better feedback on how we see those numbers changing
4 from year to year. Since it is a new ball game, it's
5 really hard to draw conclusions.

6 CHAIR WILLARD: And what about ground
7 operations, does it look like we've got enough money
8 going into this system as far as things like trail
9 maintenance?

10 OHMVR STAFF CANFIELD: Yes, it does. Grounds
11 operations, the way that the regulations have been
12 created and as a result of the statute, Senate Bill
13 742, and the resulting statutes, directed the Division
14 to give preference to those projects that sustained
15 existing recreation. I paraphrase the statute.

16 So the GO project, there are certain set asides
17 for that category because that is directly keeping
18 things going. So in this case, if every single one of
19 these GO projects made it to final with no dollar
20 amounts up or down, every single one would be funded.

21 But please keep in mind, these are preliminary
22 numbers. And the applicants do have additional habitat
23 management requirements, soil conservation
24 requirements, CEQA, NEPA, environmental analysis work,
25 all of which we haven't seen yet and which is required

1 at final. We want to work hard to make sure all of
2 these projects get those additional requirements taken
3 care of so we can move forward.

4 CHAIR WILLARD: So our two primary partners, BLM
5 and the Forest Service, have all of their units applied
6 for funding for GO?

7 OHMVR STAFF CANFIELD: I don't have that
8 information on my spreadsheet here. Most of them have.
9 I'm sure we can give you some additional information.
10 Kind of our idea with this presentation was with the
11 understanding these are preliminary, and we felt it was
12 better to spend resources on working with applicants to
13 fine tune their projects, with the understanding these
14 numbers might change, that we didn't spend a lot of
15 time doing, for example, what you might be used to
16 seeing, which is a line-by-line project listing. That
17 was kind of the reasoning behind that is it is a
18 preliminary submittal, and I think it should be
19 considered that way.

20 CHAIR WILLARD: I'm concerned. I just want to
21 make sure that we've got enough dollars going into
22 things like trail maintenance. In the past it was
23 always hard to get that money spent to maintain the
24 system, and now that we've got a new set of rules to
25 work by, we can do that. And I just want to make sure

1 the money is getting put out in that area because it's
2 key. It's critical to maintain the opportunity to have
3 the trails maintained.

4 CHIEF JENKINS: It is interesting to note, if I
5 may, because of the way that the legislation laid the
6 money out and the way that then the regulation breaks
7 it down. So the regulations stipulated that in the
8 operation and maintenance pot of money, the way it was
9 set up was that 70 percent of that was available for
10 trail maintenance and GO projects, ground operation
11 projects they're called. And then there were three
12 other pots, 10 percent each, for planning, development,
13 and acquisition.

14 The actual amount of trail Ground Operation type
15 projects that were requested didn't come up to that
16 70 percent. So there could have been more money
17 actually requested for trail-type projects, and then
18 the planning and those other categories would not have
19 been funded so highly. As it is, the total category
20 was over requested, so there is no money left sitting
21 on the table for operations and maintenance. It's just
22 that it could have been slanted more heavily towards
23 ground operations projects if those types of
24 applications had come through the door.

25 Also, I know you were talking about the law

1 enforcement money a moment ago, and that is split up.
2 Senate Bill 742 has split it up this way so that it
3 went 40 percent to local agencies, 30 percent to Forest
4 Service, 30 percent to BLM. So, there again, that
5 money is a little bit over requested. Actually, the
6 agencies came in fairly close to their 30 percent
7 marks, so only slightly for BLM and Forest Service.
8 The local agencies, however, came in nearly double, a
9 little more than double, I believe, of the money that
10 was available. So we'll have to be sorting through
11 that.

12 And then finally on the restoration category,
13 there was \$821,000 that was not requested, so we
14 actually did not receive as many requests as there was
15 money available. And keep in mind, the restoration pot
16 had an additional bump because of the legislation, once
17 again, 742, that put an additional \$1.1 million in it.
18 So the basic pot of restoration was all requested and a
19 little more, and that little more came out of that
20 \$1.1 million that was available; however, we didn't
21 receive enough requests to give out that entire
22 \$1.1 million. That money will go back into the account
23 and still be flagged as restoration money and will be
24 available for future years.

25 CHAIR WILLARD: Thank you, Phil. Commissioners

1 probably have other questions. I have one more, and
2 then I'll get to you guys.

3 I'm just curious on the nonprofits. I think
4 that's great. Could you give us an example of one or
5 two of the nonprofits that have come in? I'm just
6 curious what type of entities are making requests and
7 what the projects look like.

8 OHMVR STAFF CANFIELD: Certainly. Nonprofit
9 organizations previous to this grants program were
10 eligible to do limited scope projects, education,
11 safety projects. Senate Bill 742 expanded their role
12 to include maintenance operations and restoration work.
13 And so we're very pleased that a lot of nonprofit
14 applicants took advantage of that. So we are seeing
15 multiple nonprofits doing both ground operations and
16 restoration in Northern and Southern California, as
17 well as I think some nonprofits that we hadn't seen
18 before coming in to do restoration work in association
19 with various federal land managers, as well as some
20 awesome education and safety projects from that same
21 group of people. Their characteristics as a nonprofit
22 really make them ideal for those types of operations,
23 for education and safety.

24 And then, of course, for restoration and ground
25 operations projects, nonprofits have to have an

1 agreement with the land manager. We didn't want them
2 just going out in the land and doing it. So that's one
3 of the key elements these nonprofits will be working on
4 over the next month or two prior to the final, to get
5 those written agreements in place so that they can come
6 to us and say, I have my ground operations project, now
7 here is my agreement with the land manager, and so
8 we're good to go. So I think that would be one of our
9 main focuses over the next few weeks is working with
10 those to help facilitate that type of operation.

11 CHAIR WILLARD: Great. Commissioners?

12 COMMISSIONER SLAVIK: The question I have: Is
13 there still a competitive nature, competitive aspect to
14 this grants program?

15 OHMVR STAFF CANFIELD: Besides law enforcement,
16 it's competitive.

17 COMMISSIONER SLAVIK: The whole rest of the
18 program is competitive?

19 OHMVR STAFF CANFIELD: The evaluation type
20 criteria that I mentioned, it's a multiple choice test
21 that yields a grade.

22 COMMISSIONER SLAVIK: That was kind of my next
23 question. Does OLGA perform some of those functions of
24 separating out the competitive part of this?

25 OHMVR STAFF CANFIELD: OLGA will be instrumental

1 in compiling the results. But it comes down to a human
2 being reviewing the data and making sure that the
3 scores are all correct and that type of thing. But
4 OLGA will do a lot of the heavy lifting and
5 calculation, sorting, and that type of thing.

6 COMMISSIONER SLAVIK: That's great. And I guess
7 the last question I have: How many people do you have
8 on staff to actually do that final fine tuning?

9 OHMVR STAFF CANFIELD: Well, the grants staff,
10 as of about two weeks ago, was four people. We're very
11 fortunate that we have a couple of folks that came on
12 board within the last two weeks, so we're busily trying
13 to get them up to speed. That brings our staff to six.

14 We also have the support throughout the Division
15 with our soils experts, our trail experts, our
16 environmental scientists that we will be able to pull
17 from them those resources to help get this all taken
18 care of. This is a monumental task that we are
19 certainly committed to working through it.

20 COMMISSIONER SLAVIK: And maybe the last
21 question is: Is it adequate? Do you think in the
22 final run when you get down to the deadline, are you
23 going to have all of that work done?

24 OHMVR STAFF CANFIELD: Absolutely. Thank you.

25 COMMISSIONER McMILLIN: Dan, I have a couple of

1 questions. First one is for Phil, I guess.

2 Under my use-or-lose-it theory, and you have
3 these eight or nine categories across the top of the
4 application, up until Monday, midnight at March 6th,
5 was there a way for the applicants to see which pot was
6 getting full?

7 CHIEF JENKINS: No, we didn't have that up ahead
8 of time.

9 COMMISSIONER McMILLIN: If it's above board to
10 do that, I would think that maybe for next year it
11 would be nice for the applicants to be able to see
12 where the money is because as creative commissions in
13 the past have moved money around -- and I'm not looking
14 for too much creativity here that's not above board --
15 but I think it's nice for people to know where the
16 money is so that you can use all of the GO money that
17 we have.

18 CHIEF JENKINS: There are some up sides to that.
19 There are also some down sides that some people might
20 try to game the system or some people might try to get
21 their applications in very, very early so that it
22 shows, don't come asking for this money, I've already
23 asked for it. There are a lot of angles to that to
24 consider.

25 Certainly, we've been trying to make the process

1 as transparent as possible, and we looked at that
2 possibility was one of these. We looked at as people
3 are ready, can they post them as they're ready so
4 people can kind of see it developing. But at the end
5 of the day, in order to keep a level playing field, we
6 decided this is the most appropriate way to do it and
7 to avoid any illegal irregularities.

8 COMMISSIONER McMILLIN: Is there a chance
9 between the preliminary and the final people will move
10 their applications from one category to another? Just
11 a thought. Maybe you guys can suggest that to
12 applicants. In these days of skinny dollars, I hate to
13 leave any money on the table.

14 OHMVR STAFF CANFIELD: Certainly, the way the
15 program was envisioned and the way it's kind of rolling
16 out at this moment, is that the preliminary
17 applications come in, the public and Division staff
18 have an opportunity to review the preliminary
19 applications. Keep in mind the applicants in the
20 background are working on their habitat management
21 plans, soil plans, their written agreements, their
22 nonprofits, all of this other stuff they're still
23 working on it. The public provides feedback via the
24 OLGA system. The Division gives feedback. The
25 applicants have the opportunity to fine tune these

1 applications in respect to their descriptions, their
2 budgets, and the criteria.

3 The result will be a better crop of projects,
4 and that a project, if funded, is one that will follow
5 through and get done. And that's what the key is. I
6 mean we want to get projects that are at the end, when
7 they're ready to get funded, they're ready to go. And
8 so there might have been 18 months of pre-work on this
9 project for environmental analysis, budgeting,
10 et cetera. So to change gears kind of at this step, I
11 couldn't really see how that would work to get to that
12 level.

13 COMMISSIONER McMILLIN: \$32 million, how much
14 money do we have?

15 CHIEF JENKINS: 27.1; however, like I said, that
16 one pot of restoration can't go anywhere else. It can
17 only be used on restoration.

18 COMMISSIONER McMILLIN: And then OLGA lets you
19 comment on each and every one of the grants, not just
20 the generic comment?

21 OHMVR STAFF CANFIELD: OLGA will prompt the
22 public to compile their comments for an applicant
23 project by project, and then the public will send those
24 comments to the Division and to the applicant. They
25 have freedom of how they want to assemble it.

1 DEPUTY DIR. GREENE: Commissioner McMillin, if I
2 may, I think one of the important things to look at as
3 well is the program is not just looking at the front
4 end, in terms of the allocation of money, but it's also
5 looking at the back end to make sure that that money
6 gets spent on the ground, and what the applicant says
7 they're going to do will, in fact, get done. It is
8 about accountability, and that accountability follows
9 them through to the following year when they apply. So
10 you want to be careful that you don't want to over
11 extend yourself as an applicant on the work that you
12 say you can do but you might not be able to do;
13 obviously, there are extenuating circumstances.

14 But I think what we began to see was that people
15 would over request, which meant that somebody else
16 wasn't getting that money. And if somebody can move
17 the money on the ground and create a better more solid
18 system, then that's ultimately what people are looking
19 for.

20 One of the things we've done for the program is
21 to create a one-stop shop for the grants program. You
22 can now go to the on-line grants application website
23 where you can find, review and comment on all of the
24 grant applications submitted to the Division.
25 Interested parties will be able to provide input to the

1 grant applicant through the comment section of OLGA,
2 but also to everybody else who's reviewing any given
3 project.

4 CHAIR WILLARD: Commissioners, any other
5 questions? Eric.

6 COMMISSIONER LUEDER: What's your timeline now
7 that you've got the preliminary applications to when
8 you're actually going to be making final decisions?

9 OHMVR STAFF CANFIELD: Final applications are
10 due the first Monday in May, I think it's May 6th at
11 midnight, 11:59 p.m. Following that, the Division will
12 do another view, a final review, and then in the first
13 Monday in June post our intent to award. So that's
14 kind of the time frame that we're working with here.

15 So first Monday in May, finals come in; and then
16 we'll work nonstop until the first Monday in June, at
17 which time we'll publish the award schedule; and then
18 the statute then allows for an appeal period.

19 It's kind of hard based on who knows what
20 appeals will come in, if any. We're looking at July,
21 July of '09 to just start working with applicants.
22 This is our ideal to get contracts in place so that
23 they can get the ball rolling on their projects.

24 COMMISSIONER LUEDER: And for the '09/'10 grants
25 cycle, do you have a preliminary time frame as far as

1 when the applications are going to be available?

2 OHMVR STAFF CANFIELD: It is set forth in
3 regulation that the second Monday in January is the
4 start date of the program. So 2009/2010, assuming that
5 the funding is provided, second Monday in January,
6 we'll start this process all over again, with the
7 understanding that many applicants will still be
8 working on these projects.

9 So it's one of those situations where if we
10 could do this on a set schedule for a couple of years,
11 the applicants will get used to it, and we would see a
12 more efficient use of the funds, as opposed to the way
13 it's been in the last few years. As a result of
14 extenuating circumstances, last year started in summer,
15 now it started in spring, now it's starting in the
16 fall. That was our idea when we wrote the regs was to
17 make it that consistent schedule based on, in this
18 case, the second Monday in January.

19 COMMISSIONER LUEDER: And then the last
20 question: Are there any other state agencies using
21 this type of grants program, the OLGA program, or
22 something similar? Because it seems pretty user
23 friendly and efficient, which is not typical of grants
24 applications.

25 OHMVR STAFF CANFIELD: I'm glad you think so.

1 The product is being used in the State of Michigan by
2 the Health and Human Resources Department. The program
3 was created by a company for the Michigan Health and
4 Human Services, the Health and Welfare Program at
5 Michigan. They, being entrepreneurial, have modified
6 and made it an off-the-shelf program that now can be
7 used for the OHV grants program, but it's also
8 adaptable for any number of grants programs. We are
9 the beta test here in California.

10 COMMISSIONER SLAVIK: How does this all fit with
11 the federal agency's budget cycle? It seems we're
12 starting middle of the year here, getting started.

13 OHMVR STAFF CANFIELD: Very good point. The
14 federal fiscal year runs from October 1st through
15 September 30th. So as we just discussed, we'll be
16 posting awards around July of '09. At that point,
17 we'll be communicating with successful applicants to
18 when do they want to start their project, and we do
19 suspect many federal applicants may wish to coincide
20 the start of their project with the beginning of their
21 fiscal year for bookkeeping purposes, but we have
22 flexibility at that step.

23 Our idea is we want to get the money out there.
24 We want to have the projects completed. So we will be
25 working with applicants to determine -- for example, a

1 Northern California forest, they wouldn't want to start
2 a ground operations project in December because they're
3 going to have another four or five months until the
4 snow melts so they can do the work.

5 So there will be more work on our part because
6 we may have staggering starts, but the key point is the
7 applicant has the funding and has enough time to get
8 all of the resources lined up to conduct the project
9 successfully. But, yes, I do suspect in some cases
10 we'll have the ability to coincide with the federal
11 fiscal year.

12 COMMISSIONER SLAVIK: In the little bit of time
13 I spent with the San Bernardino National Forest, there
14 was always this question about the program of work, and
15 maybe the Forest Service can address that. But it
16 seems that kind of it had to be on their program of
17 work, which could be a year out beyond what you're
18 talking about.

19 OHMVR STAFF CANFIELD: Certainly, but our
20 program has that flexibility. The last thing we want
21 to do is force applicants to start their projects
22 before they have the resources lined up because what
23 happens, the project doesn't get done. And so that
24 conversation will take place perhaps 238 times, give or
25 take. So a good thing we've got a couple new staff

1 members on board.

2 DEPUTY DIR. GREENE: And if I may, just as a
3 reflection on that, one of the specific reasons that we
4 created the program and asked the applicants to have
5 some patience in this last year and a half was the fact
6 that we specifically wanted to try and get the money,
7 have the applicants apply during this time period, so
8 they wouldn't be doing it typically in the fire season,
9 in the middle of summer when they have people on the
10 ground as much as they do. Granted, California has a
11 year round fire season these days.

12 But that was the intent was to be able to get
13 money awarded ahead of time so that the federal
14 agencies could start to plan knowing they had that
15 money for the future fiscal year, which then began in
16 October. Granted it still affects the locals because
17 July 1 is, for the state, the beginning of that fiscal
18 year. But as Dan said, we're still trying to achieve
19 the balance, but that was really the intent as we
20 created it to achieve for that.

21 And just one other point to Commissioner Lueder,
22 HTC out of Michigan, they worked very, very hard with
23 us. There were challenges again with the budget, which
24 were unbelievable that we needed to overcome on this.
25 It was a very close timeline. The chief information

1 officer here for the State of California used to be in
2 Michigan, so it helped that they had an understanding
3 of this program that they were able to move it forward.
4 But I think everybody has been pleased to finally being
5 able to go to a program such as this.

6 CHIEF JENKINS: And if I may, one other item
7 that's worth noting. As we were looking at setting
8 these time frames for when these applications would
9 come in, when the monies would go out, I want to thank
10 all of the agencies for bearing with us, by the way.
11 Because there was fear going through all of this
12 process of having to reset the system that we would
13 miss a year, perhaps.

14 What actually happened was the way we had been
15 doing grants up to now, we were running the process
16 based on a budget that we hoped would be passed. So if
17 we asked for \$18 million, and we ran a grants program
18 and people were applying based on an \$18 million grants
19 pot of money, it could be that when the Governor's
20 budget came out -- it didn't happen fortunately ever,
21 but it could be that when the Governor's budget came
22 out and only give us \$14 million for the grants
23 program.

24 So we took a little bit of a breath, and we kind
25 of staggered it and worked with some of the agencies,

1 and we've been doing a lot of extensions to take the
2 money they had available and get them through the gap
3 until this new money hits the ground.

4 So the way we're operating now, particularly in
5 this time with tight budgets it's been very good for
6 us, is this program that we're running through this
7 year, all of these applications are based on money that
8 has already been given to us by the Governor's budget.

9 Other agencies have had a problem where they
10 were running the program the way we had in the past,
11 and this year, their bond funding went away, their
12 grant money went away. So they had awarded projects,
13 signed contracts, and then have had to call up hundreds
14 of applicants and say, I know you've made commitments,
15 but the project is dead because we didn't get the
16 money. Right now, the way this program is set up, that
17 wouldn't happen. We would know well before the
18 application process if the money is available.

19 COMMISSIONER VAN VELSOR: First, I want to give
20 a shout out to Michigan. That's where I spent the
21 first 25 years of my life. And then my question, Dan:
22 I'm curious if you have a sense of why the restoration
23 funding was under requested?

24 OHMVR STAFF CANFIELD: I've reviewed personally
25 about one-tenth of the projects, and so I haven't

1 looked at enough to get a feel for it. I do know from
2 working with a lot of applicants during the preliminary
3 phase, several communicated to me that they have
4 ongoing restoration projects that have been funded in
5 the last couple of years which they're focusing on
6 completing to get the money used. And in some cases,
7 they didn't want to come in for a new one until they
8 got the old ones done. I can't speak that that's
9 everyone, but I did speak with several that was kind of
10 their position, was they wanted to wrap up the ones
11 they had been previously funded and then start working
12 on new ones.

13 And then, of course, we also had the nonprofits
14 come on board now being available through restoration,
15 so I've seen some really good nonprofit restoration
16 projects. I think that what we'll find is that once we
17 get one of these grants cycles under our belt, as it
18 were, that next year we will see that restoration
19 request get back up to the statutory level, and that's
20 what we want. We want to use all of the money. We
21 want to get the best possible projects funded, and I
22 think there's a lot of aspects.

23 I keep saying after one year. This is our brand
24 new program, brand new regulations as a result of
25 SB 742. I think that once we get one year out of the

1 way, law enforcement, restoration, ground operations,
2 that we will see the dollar amounts come into line and
3 the request amounts go up.

4 And what that depends on is Division staff
5 working through these applications, the public giving
6 some good feedback on these projects, and then us
7 getting the projects funded in a timely manner,
8 especially with the economic turmoil we're having now.
9 If agencies and nonprofit organizations see that it's a
10 reliable source of funding to do these great projects,
11 then they'll be that much more eager to come back next
12 year. That's our goal, but I do think you'll see that
13 number go back up as some of these projects get wrapped
14 up from the agencies. And the nonprofits are brand
15 new, so we'll have a great new batch of restoration
16 projects for them.

17 Division staff is trying to visit some of these
18 restoration projects and help them fine tune their
19 applications and make sure they get those written
20 agreements and those NEPA documents and those CEQA
21 documents all in line so that we're ready to go as soon
22 as we announce the awards.

23 COMMISSIONER VAN VELSOR: And just my last
24 question, I'm curious: Have you had the opportunity to
25 look at the level of public comments and participation

1 at this point?

2 OHMVR STAFF CANFIELD: The way that OLGA is set
3 up, when the public makes a comment, they comment to
4 both the Division staff and to the applicant. So
5 Division staff is reviewing those as we're doing our
6 own reviews with the idea that we want to fold those
7 comments into our comments.

8 So as people make comments, that last one says,
9 "to view public comments on preliminary application,
10 click here." So you can go on this page, the public
11 can and Division can, and there is a list of all of the
12 applicants. And the ones that have underlines are the
13 ones that we receive comments on. Of course, as you
14 can imagine, as this period goes on, we'll see lots
15 more blue underlines. So you can click on those and
16 see what other people are saying about those projects.

17 And we're doing that very same thing, the idea
18 being that when we get toward the end of this public
19 review period, the Division will be packaging up our
20 comments, which will take into account public comment,
21 which will take into account our reviews and giving
22 feedback to the applicants and hopefully they will
23 adopt it in their final application so it's a more
24 competitive, better project. That's the idea.

25 CHAIR WILLARD: Commissioners, any other

1 questions on this topic? Dan, I want to thank you.
2 And it's really great to finally see the grants program
3 come along to the point of no longer being inefficient
4 or less than ideal, as some of the past programs have
5 been. So it's such an important part of our overall
6 program. It's a great way for us to get the money out
7 where it can do some good. So thanks for your good
8 work. Deputy Director.

9 DEPUTY DIR. GREENE: I don't know if you want to
10 take public comment at this point in time. As long as
11 we're on the item, it's helpful. Or do you want to
12 wait?

13 CHAIR WILLARD: Maybe we'll do that. Take some
14 public comment now, and break it up, yes.

15 So public comment, couple of things, first of
16 all, you need to fill out a request at the table over
17 there in the corner. You need to have a request before
18 I can call you to give public comment. I'd like you to
19 please pay attention to the time limits, two minutes if
20 you're making a comment as an individual, and four
21 minutes if you're making a comment on behalf of an
22 organization.

23 And speaking of making a comment on behalf of an
24 organization, it's been brought to my attention that
25 there's been some abuse of this and that people have

1 been claiming to represent an organization and really
2 haven't. So going to be watching this, and I really
3 would ask that you please, please adhere to our rules.
4 It just makes it flow a lot easier.

5 But we do want to encourage your comments. We
6 really do want to get as much public input as we can.
7 It's an important function of the Commission, and we
8 don't take it lightly. And you need to limit your
9 comments to the topic at hand.

10 So we're going to be opening the public comment
11 right now for grants. So please keep the comments to
12 the grants. And then also please state your name, and
13 if you do represent an organization, the full name of
14 the organization. Okay. Bruce Brazil.

15 BRUCE BRAZIL: Good morning, Bruce Brazil,
16 California Enduro Riders Association. And one bit of
17 information that's kind of missing to assist the public
18 in making their comments is the map. There's at least
19 one of the agencies that I've already looked at where
20 they're wanting to put in some new trails and some
21 other work, but there is no way to identify where these
22 trails are going, and it's in an area that I'm familiar
23 with. I contacted the agency, and they didn't have
24 anything readily available like on their website or
25 something like that. So I don't know if the packages

1 that the Division is getting from the agencies have
2 that information. I understand it would be cumbersome
3 to get it all posted up there. But possibly in the
4 future, if the agencies could have a link to a map or
5 something on their own website so that we can find this
6 information, that would be very helpful for the public.
7 Thank you.

8 CHAIR WILLARD: Karen Schambach. Ed Waldheim.

9 ED WALDHEIM: Good morning, Mr. Commissioners,
10 my name is Ed Waldheim, I'm with Friends of Jawbone,
11 Friends of El Mirage, California Trail Users Coalition.
12 So do I get 12 minutes?

13 CHAIR WILLARD: Four per customer, please.

14 ED WALDHEIM: Staff passed out a sheet for you,
15 and it's a sheet that has a recap of the grants. If
16 you can pull that out, don't worry about the dollar
17 amount, that's off a little bit. But it shows you the
18 100 grant applicants who have applied for this. Since
19 I was the chairman of the grants commission for many
20 years, I always like to see upfront exactly where we
21 are. And so you can take this, and between what Dan
22 provided you, he gave you the overall per agency, but
23 here on a piece of paper you can go across the line and
24 see what each agency applied for in each category and
25 don't worry about the ups and downs.

1 The one thing that really has me worried is the
2 law enforcement. Even though the federal agencies,
3 they have gotten their appropriate amount, it is
4 totally under funded. This is something that the
5 Commission and the public needs to work on. We have
6 more money in restoration than we have in law
7 enforcement, and that's backwards. If you do the law
8 enforcement work, you catch people before they do
9 something wrong, then you don't have to do any
10 restoration. What we're doing here is putting money in
11 the restoration after they have messed it all up.
12 That's the one fallacy in the bill. I tried to get it
13 changed, but I didn't get very far with that one.
14 That's something for the Commission to start thinking
15 about.

16 Before I go further, I want to make it very,
17 very clear that I've been around for 32 years. I'm a
18 volunteer since '78. I've worked as a commissioner for
19 ten years, where you are, and I have never worked with
20 a better staff on the grants program in all these years
21 than we have this year. Dan Canfield, Martha Ibarra,
22 Barbara Greenwood, and Sixto Fernandez, they were
23 incredible. I mean I don't care what time you called
24 them, they were there. So I'd like to give those four
25 guys and girls a big applause. So Daphne and Phil, you

1 guys did a great job getting these guys.

2 I also put in your package the Waldheim budget.
3 The Waldheim budget is a key for you to understand what
4 are each agency's budget, where are they spending the
5 money. Now, I have a packet of every single agency.
6 It took me two years to compile. It's '05/'06. I just
7 haven't had the physical time to update it because we
8 are missing the links on the grants since 1999 to
9 current. Ms. Greene has promised me that we will be
10 getting those compilations on exactly on what did you
11 spend. So Mr. Silverberg, if you want to know what you
12 spend in Barstow, what's your history, you have no
13 clue. There is no way for you to follow up. As a
14 commissioner, before I gave you the money, I would
15 look, what's your history, how much have you gotten,
16 where did you put the money, have you done it, have you
17 not done it. There is absolutely no way for you to do
18 it.

19 The grants administrators, they can go and they
20 can audit a grant right now, but they can just audit
21 that grant. It doesn't tell them have you been a bad
22 or good boy or girl in the past year. So this is a key
23 link that the staff has to work to make sure that we
24 know exactly where our money has gone. If any of you
25 Commissioners want a particular grant, I have the copy

1 of each individual grants I didn't give you. I just
2 gave you the recap sheet. And it shows you, as of
3 January, for the overall program, our program -- not
4 the SVRAs, the SVRA is totally separate -- \$47 million
5 is what our OHV program was in '05/'06. You can add to
6 the visitor services, I've been adding 25 percent
7 increase in the visitor services. The other numbers
8 are pretty much in the ballpark, giving \$100,000 up or
9 down. It gives you guidance for you to verify between
10 what the grant operation they're asking for and what
11 their opportunity is.

12 So, again, thanks again to the staff for the
13 incredible work that they've done. I've never worked
14 for a better group than these people are, and they're
15 fantastic. Thank you.

16 CHAIR WILLARD: Thank you, Ed. Dave Pickett.

17 DAVE PICKETT: Good morning, Dave Pickett,
18 District 36, Motorcycle Sports Committee. Welcome
19 aboard, Stan. You've a dynamic group here to work with
20 in the future.

21 I'm hearing some of the comments that
22 Mr. Waldheim just said, and staff has done an
23 incredible job with OLGA. As I talk to people up and
24 down the state that have put in grant applications, the
25 feedback has been mostly positive. And I think, as

1 Phil Jenkins said, we'll get through a few of these
2 hiccups as you go through with the streamlining. It's
3 going to be awesome. And getting the money on the
4 ground in these economic times, as Ms. Greene had
5 indicated, is going to be very, very positive. So
6 kudos to the staff, like Ed had said a minute ago. Day
7 or night, it's like OHV 24/7, I love it. This is going
8 to be awesome.

9 And as we move forward, my only comment would be
10 for the future of the OLGA implementation is access to
11 historical data, once again as Mr. Waldheim had just
12 said. When I look at grant applications, I look at the
13 history of who's putting the money to work, long
14 periods of time, and return on investment to the OHV
15 program. And I think as you see comments from the
16 public as time goes on, especially from the user group
17 leadership in this state, the grants folks will have to
18 look at that pretty hard for those that work with the
19 OHV community, not just because they have but because
20 they want to. So that's my comments. So thank you.

21 CHAIR WILLARD: Fred Wiley.

22 FRED WILEY: Good morning. Thank you, Chairman
23 and Commissioners and Deputy Director and staff for
24 being here and presenting this opportunity to all of us
25 this morning. I, too, want to make the similar

1 comments that Mr. Waldheim and Mr. Pickett have made,
2 and remind everyone of the lengthy tour of duty that we
3 have all suffered through in the past two or three
4 years, taking a program that was severely broken and
5 getting it up into the modern era. It is important to
6 not only the state but its citizens and users, not only
7 the OHV community, but the environmental community, to
8 make sure that we do this right. This is a very
9 important good step in a positive direction, and I want
10 to thank everyone involved. Thank you.

11 CHAIR WILLARD: Tom Tammone.

12 TOM TAMMONE: Tom Tammone. I'm speaking as an
13 individual. But as far as the talk about people
14 abusing the speaking time, my suggestion has been in
15 the past, and I'm going to assert it a little more than
16 I have in the past, that perhaps we ought to have one
17 speaking time, rather than setting us up for lawsuits
18 trying to determine who's got four minutes and who's
19 got two minutes or whatever. Perhaps we ought to have
20 one speaking time, whatever, for everyone, and we wash
21 our hands of that all issue because there could be a
22 lot of problems here, this person fraudulently spoke,
23 they couldn't comment on that. Just give everyone
24 time, and we don't have to worry about it. Because
25 believe it or not, it's a rather gray area what an

1 organization is sometimes and what an organization
2 isn't. A lot of organizations only exist on the
3 Internet. A lot of organizations maybe -- perhaps you
4 can say no one is an organization if you really want to
5 get into the Robert's Rules of Order, all of that
6 stuff. Perhaps not go there, and just have one
7 speaking time. That's my suggestion as far as the
8 grants.

9 I know the Division in the past has not wanted
10 to change horses midstream as far as categories. But
11 in situations like with the education, we have over
12 twice applied for what's available, which is actually a
13 minor problem in the big picture. But one reason I say
14 that is that law enforcement is applying under both
15 categories. They can do education and apply under law
16 enforcement. They can do education and apply under the
17 education category because they already anticipated
18 that there was going to be a shortage of funds. So
19 that's something that maybe needs to be looked at in
20 the future.

21 Some of the grants, specifically like Rescue
22 Three for District 37, I personally always thought, and
23 I've commented during the regulations period, that's
24 more of an operations project what they do. A lot of
25 grants are called safety grants, where all they did was

1 education in the past. So maybe another look needs to
2 be taken at that in the future as far as what we're
3 going to call safety. Going out and providing sweeps
4 is really part of operations or events in my opinion,
5 than it is like towards education. So maybe those
6 kinds of projects belong under operations. Do a little
7 more clarification on that.

8 Under the data, I'm glad to see their
9 applications this year. Got real nervous last year
10 when barely you got enough applied for to cover the
11 money that was there, and that's good. So I'm very
12 disappointed obviously --

13 CHAIR WILLARD: Mr. Tammone, your time has been
14 up for a while.

15 TOM TAMMONE: Thank you.

16 CHAIR WILLARD: Deputy Director, the rest of
17 your report, please.

18 DEPUTY DIR. GREENE: Maybe we could take a
19 break. I would just like to close out -- and I
20 appreciate all of the kind words that were spoken
21 today -- just to remind everybody that the grants team
22 has been doing this with and including furlough
23 Fridays, the first and third Fridays where we have not
24 been, and obviously the office has been closed
25 completely, and obviously with a ten percent pay cut

1 that goes along with it. So I would just, again, like
2 to thank the grants staff. If we maybe can take a
3 break.

4 CHAIR WILLARD: Let's adjourn the meeting for a
5 quick ten-minute break. Let's make it back here at ten
6 to.

7 (Break taken, reconvened at 10:58 a.m.)

8 AGENDA ITEM III(B). BLM REPORT

9 CHAIR WILLARD: So I think what we'd like to do
10 now is take reports from BLM and U.S. Forest Service.
11 Since we just finished discussing the grants, it seems
12 appropriate to do those next. And so what we'll do is
13 we'll do both of those, and then we'll have a public
14 comment period to handle both of those. And then
15 Commissioners will ask questions. Actually, right
16 after the report or each report is made, the
17 Commissioners will have the opportunity to ask
18 questions. And then at the end, we'll have a public
19 comment period.

20 So if we could please have the BLM report, Jim.

21 JIM KEELER: Jim Keeler, BLM California State
22 Office. Chairman Willard, OHV Commission, Deputy
23 Director Greene, Chief Jenkins, OHMVR staff and public,
24 I'm honored to be in front of you again. I haven't had
25 a chance to talk to you. What I did was a written

1 report, which I'll go through and hit a few of the
2 highlights on and pick up one other additional topic.
3 And these reports are available for the public, and
4 they're in your packet, as well.

5 First thing I guess that most of you know is
6 that our State Director Pool is currently the acting
7 director of BLM for at least 90 days. I understand
8 there is pressure to go beyond that, but we'll see
9 where that goes. Also, BLM has converted back again to
10 the old model, which was three different tiers of
11 organization. We used to have a state management, a
12 district management, and then field offices under that.
13 With the exception of California Desert District, we
14 went to a two tier, which was just the state office
15 dealing directly with the field offices. In doing
16 that, we're going to have skeleton staffs for Northern
17 and Central California. We've named the two managers.
18 For Northern California it will be Nancy Lull. She'll
19 be stationed out of Redding. And then we reorganized a
20 little bit and moved Ukiah into our Central District.
21 So the Central District will include Ukiah, Hollister,
22 Bakersfield, Bishop and Folsom, and that will be
23 Kathy Hardy, who I believe we stole fair and square
24 from the Forest Service, and she'll be stationed here
25 in our Sacramento office.

1 I'm also delighted to say that -- I don't know
2 those of you that knew Paul Brink, who is our
3 wilderness coordinator. They finally named a
4 replacement for him, a guy that many of you people
5 might know. Mark Conley will be coming back as our
6 wilderness coordinator. So hopefully I'll drag him
7 into one of these meetings. I'll be really glad to see
8 him come back. I've been sort of double covering some
9 of his duties while he's been gone until we get a new
10 body in.

11 A couple three things in land use planning, the
12 Imperial Sand Dunes draft RAMP, the resource area
13 management plan, should be available for public
14 comment, and this is the draft, this summer, early this
15 summer. And there will be a 90-day public comment
16 period as soon as that's open. The South Coast draft
17 RNP, which is actually out of Palm Springs, and it's
18 stuff out in the L.A. Basin and just little parcels all
19 the way across there, I believe that is going to be out
20 as a draft for public comment early summer. And then
21 the third one going is the Bakersfield RNP. We're now
22 redoing the La Caliente Management Plan into the
23 Bakersfield RNP. They're just finishing a round of
24 public scoping. The draft should be available to the
25 public in the fall or winter of 2009. And then the

1 final one on our list for planning right now is Clear
2 Creek EIS, which is where we're reevaluating the
3 potential for different kinds of uses in the old Clear
4 Creek management area. There's a more lengthy report
5 inside that discusses the ranges of alternatives we're
6 considering there. And that, I believe, we'll be
7 sharing an administrative draft with Division and some
8 other agencies in April, and it should be out to the
9 public in May as a draft for public comment.

10 The next item, I put a map up to show you,
11 probably one of the two hot topics right now on federal
12 agency plates. This is a map of the current energy
13 proposals for the California Desert District, and it
14 also shows land status, and this is what we call a
15 constraints map. This is also showing all of the other
16 areas that are excluded from energy development. And I
17 put in the back of my notes just sort of a personal
18 note that I got from one of our energy coordinators who
19 was pointing out to me that if we look at the need for
20 power that California is looking at, it takes about
21 five acres to generate in solar a megawatt, and that's
22 about a thousand homes' worth of power. We're looking
23 at the potential of 55 to 60,000 acres of new
24 development just in solar. And if you start looking at
25 the 14 million acres that are out there and the

1 constraints that are already there, that's pretty much
2 aimed at the heart of the multiple-use activity.

3 What she was suggesting is sort of a political
4 look at what we can do as alternatives if we have
5 issues with that kind of use of our land. So it's an
6 interesting map. If you have questions on it, I'll be
7 happy to go over it with you. So that's all I have as
8 a direct report, but I'll be happy to take questions.

9 COMMISSIONER SLAVIK: That acreage again.

10 JIM KEELER: She gave me an acreage of 55 to
11 60,000. And she also was saying in here that the wind
12 energy, the direct footprint is only five to ten
13 percent of the land use, or the land that's used in the
14 footprint for the towers and the infrastructure. The
15 issue there is that that may be more habitat friendly
16 in a lot of ways than solar. But I think in terms of
17 multiple use, they tend to want to put fences for
18 security reasons around the whole facility. So that in
19 a lot of cases is another, I guess you would say,
20 threat to recreational activities.

21 CHAIR WILLARD: So explain to us a little bit
22 how the process is going to work with like an energy
23 company wanting to gain control of 3,000 acres in the
24 middle of a multi-use area, how is that going to work?

25 JIM KEELER: Well, with the new administration,

1 suddenly there is a whole new emphasis of processing
2 applications quickly. The reality is that we're
3 probably a year or two just in planning and NEPA for
4 people to move ahead. What we've done -- and this
5 project lists or shows all of the potential sites --
6 we've opened energy offices that are focusing on this.
7 We're beginning to staff them up to handle this kind of
8 a load. But the applications have been arriving, and
9 we are dealing with them one after another, trying to
10 keep them in areas where they could possibly coexist,
11 keep them out of things like wilderness and military
12 and national parks. But we're hearing estimates of
13 hiring up to 50 people to staff an office to deal with
14 the whole range of issues this is going to bring us.

15 CHAIR WILLARD: How can we make sure that the
16 Commission is notified or noticed if there is a NEPA
17 process or any kind of environmental process for an
18 application that's going to affect OHV?

19 JIM KEELER: I would be happy to, if we develop
20 any kind of a format you would like that reported in.
21 It's on our website that's updated daily. I have good
22 access to the people that are doing the planning at the
23 state end. I would be happy to bring people in for
24 periodic briefings. It's hard for me to just keep up
25 with the number of stuff that's on the board right now.

1 CHAIR WILLARD: I guess what I'm looking for:
2 Is there some way for us to be advised of any potential
3 closure or any potential loss of recreational
4 opportunity when the process first starts? So is there
5 some list that we can get on so that we're
6 automatically noticed? Or is it the type of thing that
7 you just have to constantly go to your website and look
8 and see?

9 JIM KEELER: I think in general it's the latter;
10 however, I would be happy to work with the Division or
11 anybody else to develop an early alert mechanism,
12 something that we can deal with. Quite frankly, almost
13 every project is going to involve the loss of
14 recreational activity. The reality is that what's left
15 as multiple-use land is the only place that's sited for
16 this kind of intensive development.

17 CHAIR WILLARD: I think we'd really appreciate
18 it if you could work with the Division to make sure
19 that we're kept apprised of any application that you
20 think we might need to know about.

21 JIM KEELER: I would do my best. I'd love a
22 two-way dialogue on how to do that. And also I will
23 continue to report the best I can and be happy to bring
24 a specialist in to any meeting that you want to give me
25 a half an hour to update you on.

1 CHAIR WILLARD: Great. Commissioners?

2 COMMISSIONER VAN VELSOR: There's a process, and
3 I'm not that familiar with it, it's called REDI. And I
4 don't know what that stands for exactly, but there's a
5 group of nonprofits, state entities, the Energy
6 Commission looking at siting of renewable energy
7 projects, as well as the corridors for power lines,
8 et cetera. That group probably would be a good group
9 to connect with because they're actually working to
10 determine where the most appropriate siting is in the
11 state. If the Division is involved, I don't know. But
12 it might be worth looking into because I think that
13 would be a real opportunity to get in on the ground
14 floor from the standpoint of really providing input
15 into where these potential renewable energy sites take
16 place.

17 JIM KEELER: We are part of that process. I
18 just don't have time to always keep up with it because
19 it's moving so quickly and is so powerful right now,
20 because particularly the secretary just made it very
21 clear that alternative energy is the highest priority
22 for our lands right now. So it's aimed right at us.

23 This map does show all of the current
24 applications in the desert and the current energy
25 corridors. If you look, there's pink lines that are

1 showing those corridors, and those corridors are
2 another potential effect on us.

3 I did also forget, on April 3rd, the Bren School
4 of Environmental Science and Management is presenting a
5 project on impacts of large-scale renewable energy
6 projects in the West Mojave. It's kind of a symposium.
7 I do have some paperwork on what that's about and if
8 anybody is interested in attending that. The one thing
9 I was noticing is that they haven't even thought about
10 the other multiple-use activities. They're looking
11 just at the environmental effects. And when I look at
12 this idea of wind having a small footprint, it may have
13 a different footprint from the user community. It's a
14 big threat, quite frankly. It's a very important
15 thing, too, so it's something that we need to stay on
16 top of.

17 CHAIR WILLARD: Yes, it is important. Obviously
18 we need to do everything we can to increase our access
19 to non-fossil fuel energy, so it's all good. But at
20 the same time we need to try to work out some sort of
21 balance so that we don't lose all of the recreational
22 opportunity in the state.

23 JIM KEELER: I concur.

24 CHAIR WILLARD: Commissioners, any other
25 questions?

1 COMMISSIONER SLAVIK: Quick question. Can we
2 ask the Division to assign a person to keep an eye on
3 this as this goes along, kind of work with the BLM on
4 this?

5 DEPUTY DIR. GREENE: Yes, we'll coordinate
6 better with the BLM. We have been following it. I was
7 thinking if perhaps we have some maps. Interestingly
8 enough, the best location to find the maps right now is
9 from the military. Given the Marine Corps and what
10 they're looking at, the expansion of Johnson Valley,
11 they have been compiling all of BLM's maps, all of
12 energy maps. We're still trying to get some of them.
13 Those are still confidential. We're going to try to
14 get them for the next meeting and be able to provide a
15 presentation. From what I've seen, it is staggering.
16 Southern California as we know it today, it will
17 certainly not be that way in a number of years. We'll
18 get that information and be able to have better
19 interface with you on this.

20 CHAIR WILLARD: I think later on in our agenda
21 we're going to be talking about subcommittees, and I
22 think this may be an area where we may want to talk
23 about having one or two Commissioners roll up their
24 sleeves and get actively engaged with BLM and
25 understand what's going on because this really is an

1 important issue. So if that's it on the questions. Go
2 ahead.

3 COMMISSIONER LUEDER: Jim, are we going to have
4 a report on Johnson Valley, the status of that?

5 JIM KEELER: There was nothing available when I
6 looked this week to pull up something. My
7 understanding is that the Desert Advisory Council will
8 be going to Barstow this week and meeting with the
9 Barstow staff and with the Marines. And I understand
10 there will be an update at that point. Quite frankly,
11 at the moment there's been very little news from the
12 Marines, but I have a feeling that this meeting will
13 bring some more up. John Stewart I think will be
14 attending that meeting. And if there are any
15 significant outcomes from that, I would be happy to do
16 an e-mail back to the Division.

17 COMMISSIONER LUEDER: That would be very
18 helpful. Thank you.

19 DEPUTY DIR. GREENE: Jim, for the Commissioners'
20 benefit, it might be helpful to distinguish between the
21 RAC and the DAC and all the rest of the advisory
22 council. The DAC set up to meet the 20th of this
23 month. It is open to members of the public and might
24 be something the Commissioners would be interested in
25 attending.

1 JIM KEELER: I apologize on that. It's very
2 easy to fall into your acronym hell; I live there.

3 The BLM is chartered to have advisory councils.
4 In California, there are four of them, northeast,
5 northwest, central, and now the California Desert
6 District, which is not a RAC, which is the Resource
7 Advisory Council; with FLPMA, that's a DAC, which is
8 the Desert Advisory Council. These are people who are
9 appointed, like you are, to the council and then
10 approved by the Secretary of the Interior. And it's
11 designed to be a group of people that represent a
12 variety of different interests in a variety of
13 locations throughout the area in concern.

14 So the Desert Advisory Council is a very active
15 one. And actually right now we've been working some
16 with the Central Valley Resource Advisory Council kind
17 of looking at potentials of new OHV opportunity across
18 the Sierra front and into the Salinas Valley areas.
19 The Federal Lands and Policy Management Act, which
20 created BLM as an agency, also created the California
21 Desert Conservation Area as a special management unit.

22 I also didn't mention that there are a lot of
23 proposals that have been coming through for stimulus
24 funding. And in between the grant requests and that,
25 I've been kept very busy. It's very possible that

1 we're going to get stimulus funding for things that
2 we've applied for grant money on. If that happens, we
3 would withdraw the grant at that point. But if you
4 hear comments about that, we're not trying to double
5 dip. We just have no idea which is going to come
6 through for us yet. These were divided into categories
7 by Congress and then had to go through a lot of
8 administrative process. So we keep getting asked for
9 different trails and other kinds of projects,
10 restoration, there are about ten categories. So that's
11 another thing that's way up in the air right now.

12 DEPUTY DIR. GREENE: Nationwide, \$320 million
13 was in the stimulus package for BLM.

14 JIM KEELER: Yes, I believe so.

15 CHAIR WILLARD: Do you think we might see some
16 upgrading of the facilities or trails?

17 JIM KEELER: Yes. A big emphasis on it was the
18 National Lands Conservation, an LCS system lands, which
19 are mostly things like the Pacific Crest Trail,
20 wilderness monuments. So I think a lot of the funding
21 will go to those. But there have been some other
22 trails funding that we've tried to get, and we'll see
23 where it goes. And also a lot of the deferred
24 maintenance kind of projects on campgrounds and those
25 roads and those kinds of things.

1 CHAIR WILLARD: Great. Thank you, Jim.

2 U.S. Forest Service.

3 AGENDA ITEM III(C). USFS REPORT

4 GARRETT VILLANUEVA: Good morning,
5 Commissioners. My name is Garrett Villanueva. I'm
6 with the U.S. Forest Service. I'm the assistant OHV
7 Trails and Travel Management lead. Also, Kathy Mick,
8 the OHV travel Management lead, is here, and
9 Marleen Finley, our director is here, as well.

10 I would like to start out just by saying I think
11 it's a common thread in the brief, that you should have
12 a copy of, I think you'll find that there is a lot of
13 items of collaboration and coordination that are
14 reflected in here with Division staff. I guess I would
15 reflect some of the same comments we heard before and
16 give a shout out to both Chief Jenkins and Dan Canfield
17 in particular for their efforts in assisting the Forest
18 Service and collaborating, and it's just been
19 exceptional this year.

20 First item of business I wanted to address is
21 our travel management update. Our route designation,
22 the Forest Service has been, I would say, charging at
23 getting our route designation completed, including our
24 MVU maps. We've been meeting weekly at the Regional
25 Office to review draft environmental impact statements

1 and coordinate with the Forest Service working to get
2 those done by the end of 2009. So we are making a lot
3 of progress and working diligently at that.

4 In particular, our current accomplishments
5 include environmental assessments that have been
6 completed on the Cleveland National Forest and the San
7 Bernardino National Forest. Draft environmental impact
8 statements have been completed on the Modoc,
9 Stanislaus, Plumas, Inyo, Sequoia, and Tahoe National
10 Forests. We also anticipate draft environmental
11 documents to be completed on the Sierra and Lassen
12 within the next 45 days. So that's coming up pretty
13 quick. And DEISs are underway on the Klamath,
14 Shasta-Trinity, and Six Rivers National Forests. So
15 we're making good progress in a lot of different
16 forests all at once.

17 We've also completed motor vehicle use maps for
18 the Lake Tahoe Basin, the Angeles, three districts of
19 the Los Padres, Mendocino, even one district of the
20 Sequoia, and one district of the Six Rivers National
21 Forests. And the El Dorado MVU is in production right
22 now. So that should be released, give or take, within
23 the next 30 days. And the Cleveland is in the draft
24 stage of their MVU production, so that's probably not
25 too far behind. Once we get the final environmental

1 documents approved, producing the maps are a matter of
2 perfecting our database data and going through some
3 iterations to make sure they're as correct as possible.

4 With our snow parks and OSV program, both the RO
5 and Division staff is in the point of collaboration
6 where we've worked closely together to get these things
7 pinned down and work out the details of those programs.

8 The OHV program and grant applications, most
9 forests attended one of the two meeting that Dan
10 Canfield was talking about, so we had a high
11 participation rate. In fact, we had many people in a
12 lot of cases from forests attending those meetings so
13 that we could figure out how it was all going to work,
14 particularly our patrol captains. This is a process
15 that's totally new to them because the forest staff
16 themselves had been doing the grant applications in the
17 past. So this is kind of all new ground for our patrol
18 captains. And the OHV staff has been excellent as far
19 as working with those folks to try to figure it out and
20 get those guys up to speed.

21 Many forests in the region did submit
22 applications and were working to get the grants
23 completed for the final submittal in May. The OLGA
24 system, I think it's working really well overall. It's
25 definitely a new direction for us, and it's a change

1 once again in the application process. But my
2 impression is that once we work through this first
3 year, it's going to start getting a lot easier for us
4 as a forest to apply. People are going to start to get
5 it, and it will be a lot better in the long run.

6 The Regional Office also worked closely with the
7 Division staff to develop a template for the soil
8 conservation plan. There are some changes in the new
9 legislation that requires some different components for
10 the soil conservation plan, and we worked with the
11 Division staff and developed a template to help
12 streamline the application process and also hopefully
13 that will benefit the Division staff because they'll
14 have a more consistent document to review from all of
15 our forests. So we hope that will benefit the both of
16 us.

17 On the law enforcement side of things, we have
18 completed a Regional Forester's order, and an order to
19 be able to cite for OHV violations, which will make us
20 a little bit more effective on the ground. And for the
21 LE grants, we coordinated region wide in order to get
22 our grant total amount pretty close to what was
23 available. We wanted to do that internal coordination
24 for several reasons because we felt that we could more
25 appropriately allocate the dollars that were available

1 proportionally to the forests that needed them most.
2 You may know that the total amount available for LE
3 funds for this year was lower than it has been in
4 previous years as a result the new legislation and some
5 changes in the process.

6 We also appreciate the Division provided
7 certified OHV training, and that some of our regional
8 forest staff did complete ATV training, so now they're
9 able to get out on the ground a little more easily and
10 legitimately and review our OHV trail systems, which is
11 definitely a benefit.

12 There has been a lot of points that we have
13 coordinated and collaborated with the public and OHV
14 Division. I'll just hit a couple of these. The Forest
15 Service and OHV Division Deputy Director are having
16 regular coordination meetings. We've also improved our
17 internal websites. We're going to emblem the external
18 websites so the public can see more easily what's going
19 on, where the emblems are, that sort of thing. We've
20 had the Regional Forester and directors both write
21 periodic articles in the Sacramento Bee and
22 San Francisco Chronicle.

23 And the two things at the bottom here I wanted
24 to hit, if you're going through your brief with me, are
25 that the OHV MVU map, as you may know, is not super

1 user friendly. There is not a lot of reference points.
2 It was designed as a legal instrument in order to
3 enforce the rules. And we're working to develop a map
4 that's a little bit more user friendly and overall more
5 useful for the public. So it will have potentially
6 things like topography and more key location type
7 things on the map so that the public could actually use
8 it, rather than have their MVU map and then have to
9 have a recreation map and use them together. So we're
10 working towards that. Potentially that could be before
11 2010 that we start to see those. We hope it's before
12 then, but we will see. We're early in the process
13 right now.

14 I think the other exciting thing that is
15 happening with MVUs is the opportunity to make the
16 routes downloadable through the Internet into GPS
17 units, so that more and more folks are savvy with GPS,
18 more handheld devices often include GPS capabilities.
19 That could be your own personal triquarter, so to
20 speak.

21 With regard to open grant projects, the forests
22 are working to close out their existing past years
23 grant projects. And I can even give you a specific
24 example of the Lake Tahoe Basin Management Unit that
25 closed out a restoration grant last year and got a lot

1 of excellent restoration work done on the ground. In
2 fact, we exceeded our original estimate of what we were
3 able to get out. And in addition, we ended up
4 restoring, for example, five miles of trails. And
5 while we lost that opportunity, we were able to create
6 an equivalent amount, approximately five more miles of
7 new trails that were sustainably designed with some
8 matching dollars that weren't state OHV dollars.

9 I'm happy to take any questions that you have.

10 COMMISSIONER SLAVIK: Just real quick, you
11 talked about law enforcement officers being able to
12 cite OHV violations. That seems to be huge.

13 GARRETT VILLANUEVA: Yes, maybe I did understate
14 that. It's very important because, the example I think
15 that's kind of framed out here is that unless they were
16 operating off-road, we weren't really able to cite them
17 riding without a helmet or riding double, basically
18 violating California laws for OHV use, so it's pretty
19 important.

20 COMMISSIONER SLAVIK: When does that go into
21 effect?

22 GARRETT VILLANUEVA: I can find that out for
23 you. I don't know off the top of my head.

24 COMMISSIONER SLAVIK: Might be something the
25 user community might want to know about.

1 GARRETT VILLANUEVA: I think it's in effect now.
2 The order, I believe, is signed. Yes, that would be
3 good public notification.

4 CHAIR WILLARD: I've got a question.

5 On route designation, in the past, historically,
6 there have been a lot of trails that have gone through
7 the forest and then gone through private property and
8 then come out on the backside and then continued on in
9 the forest. But I understand it's U.S. Forest
10 Service's policy to not have those become designated
11 routes because it's a dead end into private property.
12 And I'm just wondering if that's the case, if you're
13 doing that, and how much effort has been spent on
14 trying to secure easements over those private
15 properties.

16 In the past, the trails went through the private
17 landowner's property with their permission. So I would
18 believe that they would be able to grant an easement
19 for some fee, and I'm just wondering if that's been
20 going on or what's going on with that situation.

21 GARRETT VILLANUEVA: I can kind of address that.
22 I don't have any specific examples. Yes, if we don't
23 hold an easement already through private property and
24 we've got a route that comes up to private property and
25 even extends through to the other side in some cases,

1 if we don't hold an easement on that, we can't show
2 that on the MVU map because we can't guarantee that
3 access would be there.

4 In easements, those generally take a long time
5 to acquire. It's not a quick process. So what I think
6 will be happening in those cases is we might be seeing
7 some cases where the route either dead ends or
8 potentially we could see some cases where the route is
9 showing on both sides of the private property;
10 although, I don't believe that's generally our
11 approach.

12 And then the MVU is an annual update process.
13 It's going to be an iterative process, a dynamic
14 document that will change over time. And what I hope
15 to see what happen is that as those priority problems
16 are identified, we're going to be going after those
17 first and then chipping away at them over the years.
18 It's kind of, in my opinion, a legacy of problems that
19 there's now a more imperative need for us to address
20 than even before.

21 CHAIR WILLARD: Yes, I mean there are a lot of
22 routes that do that, and I think it would be important
23 to try to secure those easements. I think they're
24 available in a lot of instances. You just need to go
25 in and ask, start negotiating and see what can happen.

1 It does have a lot of significant impacts on trails
2 through the forests, so I would encourage the U.S.
3 Forest Service to try to secure those to make the
4 system as complete as possible, so you don't have those
5 dead ends.

6 Also, on the DEIS process, I went to, I think it
7 was, the U.S. Forest Service's website for the
8 Stanislaus yesterday, and it indicated I couldn't get
9 to any of the documents. It said under maintenance.
10 Someone had told me that he had experienced the same
11 problem in another forest and that it had been going on
12 for a number of days. So I wanted to bring it to your
13 attention that the public may be having some difficulty
14 in obtaining the documents during the 60-day review
15 period. And, also, if it's a problem that goes on for
16 more than a few days, you might want to consider adding
17 onto the 60 days to give the public the appropriate
18 amount of time to review the documents and make
19 comment.

20 GARRETT VILLANUEVA: That ultimately is a
21 decision for the forest supervisor in those cases, but
22 we can bring it to their attention. Do you know
23 specifically where that was?

24 CHAIR WILLARD: No, I don't. I did check the
25 Stanislaus myself yesterday, and that was down. The

1 other forest, it might have been the Inyo. I'm not a
2 hundred percent sure, though. It was a conversation I
3 had with someone. I wasn't paying too much attention
4 to the exact forest. I was getting the concept, and I
5 went and checked, and they were right.

6 And is there some way that we can be noticed of
7 the remaining DEISs, the draft environmental impact
8 studies, just so that we're aware of the process? And
9 are we still on schedule to have it all completed by
10 the end of this year?

11 GARRETT VILLANUEVA: That's the current plan.
12 And I believe what should be happening with every DEIS,
13 it should go to the state clearinghouse, and I believe
14 the Division staff should be able to access those as
15 far as dates, and they're available on-line as well for
16 every forest, but I can get a specific schedule.

17 CHAIR WILLARD: I would appreciate it. That
18 would be great. I would like to see how the rest of
19 the forest schedule is going to do.

20 Commissioners, any other questions?

21 Commission LUEDER: Just to follow up on the
22 easement issue through private lands, it might be
23 something to consider, if the Forest Service isn't in a
24 position to pursue easement, that we be notified or
25 Division be notified that it's something that could

1 possibly be pursued by the state on behalf of the
2 Forest Service, and potentially we could look at
3 securing some of those high-priority easements. If the
4 Forest Service's timeline is five years to acquire an
5 easement, maybe the Division's is two years. So it's a
6 potential to look at a collaborative approach.

7 COMMISSIONER SLAVIK: Garrett, question about
8 DEIS. Are we paying for those documents or is that
9 coming through the Forest Service budget process?

10 GARRETT VILLANUEVA: That is a good question. I
11 believe there was a large amount of funds provided by
12 the state for that process.

13 COMMISSIONER SLAVIK: Under planning is where
14 that comes?

15 COMMISSIONER McMILLIN: Tens of millions of
16 dollars.

17 GARRETT VILLANUEVA: Yes, I don't know the
18 amounts off the top of my head.

19 COMMISSIONER SLAVIK: I know at one point in
20 time it was kind of a contentious issue, whether the
21 state was going to pay for planning, and then things
22 fell apart. We didn't have anything to show for it,
23 something like that.

24 Phil, could you address that, whether we're
25 paying for planning and those environmental documents?

1 KATHY MICK: Hi, I'm Kathy Mick, the regional
2 program lead for the Forest Service. We did have
3 several installments of funds under the MOI that we had
4 through the OHV Division and Commission. I think the
5 final installment through a grant came in 2007 for
6 2007/2008. And basically when you include the
7 inventory, I think it was around \$12 million. And then
8 the Forest Service has been using appropriated funds to
9 cover the rest of the planning work.

10 We have 18 national forests in the region. A
11 couple of them did EAs; two forests didn't do anything,
12 just printed MVUs; and the rest are doing EISs. The
13 EISs have been running anywhere from about 800,000 to
14 over \$1.5 million. So when you add it all up, it was
15 well exceeding the amount that we got from the OHV
16 Division, and we're still at it.

17 So I think when we finally settled the numbers,
18 although it's kind of hard to pinpoint every dollar
19 that we've spent from appropriated money to the
20 project, we'll end up at somewhere around, a total
21 expenditure, some from the Division, some from the
22 Forest Service, I think we figured around \$25 to
23 \$28 million to designate the routes and produce the
24 motor vehicle use maps.

25 COMMISSIONER VAN VELSOR: With your application

1 requests to the Division grants program and you also
2 have monies coming in on the stimulus program, are you
3 seeing an overlap? In other words, are you going to be
4 possibly funding the requests that you made to the
5 Division grants program?

6 KATHY MICK: To my knowledge right now, we're
7 not going to be doing any double dipping. What you may
8 see is additional work accomplished, but some of the
9 stuff under the American Recovery and Revitalization
10 Act, a lot of the trails work that I'm intimately
11 knowledgeable about is going to happen on some of the
12 non-motorized trails, and a lot of that is in deferred
13 maintenance.

14 In terms of the ten percent projects that were
15 supposed to be shovel ready, and those were the ones
16 that folks are already getting started on, I don't have
17 the list in front of me to know if any of those were
18 motorized. And as we start to see what's approved --
19 because there were a set of projects that were bundled
20 and put forth, and then we've only been notified for
21 the ones that were in the ten percent, the seven-day
22 shovel ready. And then probably later in the next
23 coming month, 45 days, whatever the time period is,
24 we'll find out about the additional projects that have
25 been funded. And then we'll be able to sort out where

1 the money is going for which actual projects.

2 But I can guarantee you that, like the BLM, we
3 won't be doing any double dipping, and we'll definitely
4 find a way to avoid that.

5 COMMISSIONER VAN VELSOR: I'm not concerned that
6 you will be double dipping, but it's possible that your
7 application to the grants program then will not need to
8 be funded, so there may be less money requested to the
9 OHV grant program because you will be funding the
10 projects that you have applied for with stimulus money.

11 GARRETT VILLANUEVA: In all of the situations I
12 can think of, there is really no overlap as far as the
13 projects being the same. They're really separate
14 between the stimulus proposals and the projects that
15 have been requested by forests for OHV grant money.

16 KATHLEEN MICK: Just if I could add one more
17 thing, the other thing is that we didn't typically put
18 forth projects for the stimulus funds that were already
19 in our work plan and were already planned for work for
20 this year. It was sort of the stuff we'd like to do if
21 we had money. It was mostly for the deferred
22 maintenance. And if we did have money, we could do it.
23 If we didn't, we could go along kind of as we had. We
24 consciously did not put forth things that were already
25 part of our regular program of work that we were

1 already receiving funding for or that we knew we might
2 get funding for.

3 DEPUTY DIR. GREENE: Out of that \$650 million
4 that the Forest Service received from the stimulus
5 package, do we know ultimately how that will break down
6 state to state? It did identify trail maintenance
7 money. Is that money, in fact, all non-motorized or is
8 there some to that goes to motorized?

9 KATHLEEN MICK: We will ultimately know what the
10 breakdowns are, but we don't right now. But we can get
11 that as that comes along. But, no, it depended on the
12 project that people put forth, so there's two things.
13 One, there is the stimulus funding, and then also
14 there's the budget, which it appeared that trails
15 overall were going to be up this year for the first
16 time in a long time, that we might actually be up in
17 funding for trails.

18 And you have to think of trails as trails
19 cumulatively, and then we do the work breakdown based
20 on where needs are. We just go after what maintenance
21 and types of things that are planned and don't
22 typically segregate motorized and non-motorized. We
23 just go after trail work. It's usually only for the
24 grant program that we segregate out the isolation more
25 to the motorized because that's all the grant funds can

1 be spent on.

2 CHAIR WILLARD: Commissioners, any other
3 questions? Thank you.

4 So we will open it up to public comment on both
5 BLM and U.S. Forest Service, and I will allow people to
6 have two bites at the apple. In other words, if you
7 want to make a comment on BLM, and you also want to
8 make a separate comment on U.S. Forest Service, then
9 you can come up to the podium twice, if you would like.
10 And you can also combine them and do it at one time.
11 So your pleasure. Fred Wiley. On deck is Karen
12 Schambach, Ed Waldheim.

13 FRED WILEY: Good morning, and thank you again
14 for the opportunity to speak. First, I want to talk a
15 little bit about the Forest Service. Fred Wiley with
16 the Off-Road Business Association.

17 In talking about the parcels of land that were
18 privately owned and routes dead ended into them and at
19 one point crossed through them and will not under the
20 Travel Management Plan, there is another partner that
21 hasn't been addressed in this, and that is the industry
22 and the private sector. There are funds and time
23 available through them to look at these easements and
24 acquisitions to complete that process.

25 So I would like to know if the Forest Service

1 has a list of those trails throughout the region where
2 the private segment could begin to look at those as a
3 partner to make sure that we can keep those routes
4 open.

5 The other thing that I want to comment on is to
6 both BLM and the Forest Service and the Commission. It
7 is incumbent upon this Commission to use their position
8 on this, we'll call it the bully pulpit, to comment on
9 issues, whether they be federal, state or local, when
10 it comes to managing OHV within this state. We have
11 had recently the Omnibus Bill in Congress that was
12 defeated, but we expect that to come back. This
13 Commission should be able to take a position and
14 comment on that. We have other issues of importance
15 coming up with everything that has to do with the
16 off-road community in itself.

17 I would like to see the people that we are
18 funding make a strong effort to make sure that this
19 Commission is informed of anything that is an issue
20 within the off-road industry so that you have
21 opportunity to meet and commit, one way or the other,
22 whether it's for us or against us, but at least have
23 that opportunity in place. And I think due to the fact
24 at the high level of funding, we fund positions within
25 both organizations, that they should be able to make

1 sure that you're informed on a timely basis on what
2 affects us.

3 CHAIR WILLARD: Thank you, Mr. Wiley. And I
4 guess I need to underscore that. I've asked both BLM
5 and U.S. Forest Service to keep us informed, and I
6 think it really is important for the Commission to be
7 as fully informed as possible. And I know a lot of
8 this information is available if we go and search, but
9 it would just be a lot more helpful if the agencies
10 could take a more proactive approach in informing us of
11 various issues or planning processes that will be
12 impacting the OHV recreational opportunity in the
13 state. It really is important, and I for one really do
14 want more feedback from the agencies.

15 So please consider this a plea to take a more
16 active role in assisting us to help you have a better
17 program. I guess that's ultimately the goal.

18 COMMISSIONER SLAVIK: Just to follow up on that,
19 do we have a mechanism for once we get that information
20 to then generate a statement from the Commission, a
21 formal statement from the Commission?

22 CHAIR WILLARD: I think this is one of the areas
23 that I start thinking about with the policies and
24 procedures, and we can talk a little bit about that a
25 little bit later when that agenda item comes up.

1 But, yes, this is sort of a new era, if you
2 will, with the Commission, and we're sort of feeling
3 our way. But that's one area where we certainly need
4 to figure out how best to manage information and to do
5 so to become more effective in working with Division in
6 doing the best we can to make sure the program is run
7 well, but more importantly to advocate for the program.

8 COMMISSIONER SLAVIK: That's what I'm talking
9 about, the advocacy side of it, where we issue a formal
10 statement that we all sign and agree to that goes out
11 to the public in some form.

12 CHAIR WILLARD: Right, absolutely.

13 Mr. Waldheim is up, and on deck is Dave Pickett.

14 ED WALDHEIM: Ed Waldheim, California Trail
15 Users Coalition. Rich Farrington always provided us
16 with a chart on the progress of how we were going
17 through on the route designation, the inventory, and so
18 forth. I would suggest that Gary at the next meeting
19 send you or provide the staff with a timeline of each
20 forest, where they are on the different things you
21 asked and the things about the documentation. So that
22 should be done. I'm surprised they don't have it, but
23 they used to do that.

24 Also, I'm also glad to see that they are
25 accepting the fact that the maps that they are putting

1 out are useless for the public. That is the reason
2 that CTUC has a set of four maps that we've put out.
3 Some of you have probably never seen them, but I'll
4 bring them next time for you to get a set of them. And
5 on the grants, we've put in for seven more. These are
6 user friendly. They're nothing but a way for the
7 public to be able to go and see the areas and stay on
8 designated trails.

9 As far as the Bureau of Land Management is
10 concerned, I think the State of California needs to be
11 a little bit more than information purposes, I mean the
12 State of California, the Commission, and the Division
13 for that matter. We've worked on five management plans
14 in the California desert, seventeen years I've been at
15 this now, 20 years working on it. Never in our wildest
16 dreams did we know what we planned on would be subject
17 to being given away. You have all of these energy
18 companies coming in there and staff at the Bureau of
19 Land Management, oh, you can't go in there because
20 that's a wilderness area or that's a DWMA, or that is a
21 tortoise preserve or whatever the designation is, you
22 can't touch it. You can't go in there. But we have
23 these open areas over here that you can take.

24 So all of a sudden what we thought was sacred
25 for the public to use and recreate is just given away.

1 They make no bones about it. From Mr. Pool down, they
2 are not fighting for our recreational opportunities.
3 And it's really shameful when you think about it.

4 You went through the planning process. You sat
5 at the table with all parties involved, Twenty-Nine
6 Palms, marine base, Fort Ord, they were all at the
7 table at the time. Not once did any of these people
8 say, oh, but I'm going to come back after you sign the
9 plan and I'm going to take it away from you. That's
10 exactly what is happening, and it's disgraceful that it
11 is happening.

12 I would like to get a strong statement from this
13 Commission to Mr. Pool, the BLM management, enough is
14 enough. You have enough lands of other designations.
15 Unclassify those designations; do something. Why
16 should we have to give it up? Because what are you
17 going to do with the folks? Any of you who are
18 off-roaders, or jeepers, or rock and mineral
19 collectors, you are not going to go into the garage and
20 look at it on virtual TV. You're not going to do that.
21 You're going to go out there. With your help or
22 without your help, they're going to do it. So what
23 you're creating is a class of violators out there
24 because you are not providing the opportunity we should
25 do.

1 In 1971, when we created this program, it was to
2 manage the off-highway vehicle program. We have failed
3 miserably in trying to make sure that we maintain the
4 management of this program. If you don't manage it,
5 it's going to be total chaos. And we're finding it
6 more and more. So we definitely need your help on
7 this, to get the message to the Bureau of Land
8 Management that they need to fetch up to what they
9 planned. The management plans that they did, they
10 should uphold it. They should not just give it away,
11 which is what they've been doing lately at Twenty-Nine
12 Palms military base is a perfect example of trying to
13 not give it away. Right now the senator's staff there,
14 Mr. Peterson from Senator Feinstein's staff, was given
15 a document from the Barstow BLM office, how many
16 visitors do you have. They went and looked at their
17 permits, 100,000. Oh, that's not a big impact, so we
18 can go and take it over. That is a lie. We have close
19 to a million people in Johnson Valley, not 100,000.
20 They just asked one staff person had does the permits,
21 oh, I have about 100,000. That's it. So now the
22 senator thinks we've only got 100,000. So stuff like
23 this is going on, driving me crazy. Please help us to
24 protect our areas.

25 COMMISSIONER VAN VELSOR: May I ask a question

1 of Mr. Waldheim?

2 CHAIR WILLARD: Sure.

3 COMMISSIONER VAN VELSOR: I'm curious, are you
4 going to attempt to make your maps consistent with the
5 Motor Vehicle Use Maps from the standpoint of the route
6 system?

7 ED WALDHEIM: The maps -- I apologize, I can
8 give you these here. The maps that we put together are
9 strictly a public relations document. That is what it
10 is. I don't come up with these numbers. Some of the
11 errors, I know visibly, others I don't. I rely 100
12 percent on the staff of the agency to give me, what you
13 call, the routes.

14 Sequoia National Forest, we had to produce our
15 maps for Friends of Jawbone, and we didn't have it from
16 Sequoia because it isn't finished. So what we did is
17 we eliminated everything on the Sequoia that wasn't
18 street legal, and we left only one trail in there, and
19 we wrote on the top, you'll see it on the new map,
20 "Contact Sequoia National Forest for the map." But as
21 soon as that material comes out with the map, we will
22 put those on there. But we will not put them all.

23 When you look at the MVU map, they put all of
24 the designated routes on the map. We never put all of
25 the routes. You can't put spaghetti on there and

1 expect the public to know where to go. We're going to
2 put out -- we're managers in ourselves. We feel this
3 is where we want you to go because 90 percent of the
4 public will follow the designated route. It's marked
5 on the ground, marked on the map, bingo, you got
6 yourself a good trail system. So it's a public
7 relations way to get people to go where they're
8 supposed to go, but we definitely work with the
9 agencies. We don't do it by ourselves.

10 CHAIR WILLARD: Mr. Pickett, and then on deck
11 John Stewart.

12 DAVE PICKETT: Dave Pickett, District 36,
13 Motorcycle Sports Committee. Commissioners, it is so
14 refreshing the questions that are coming from you
15 folks. It's just unbelievable. I'm just sitting in my
16 chair, just can't wait to get up here and say
17 something.

18 But, Chairman Willard, you brought up a request
19 to the agencies to supply you with documents, a process
20 that the public has to deal with from any agency. I'll
21 use the Forest Service specifically. Sometimes
22 obtaining a print copy of the DEIS or the FEIS or the
23 SEI, what have you, did any of you get a print copy of
24 any of the DEISS that have been submitted? That would
25 be something that I would like the Forest Service to

1 supply, and you'll get your little UPS 12-pound package
2 for the Tahoe, which is three times the size of the
3 Omnibus Bill that the federal government is using.
4 Almost an impossible document to go through.

5 There are people in this rooms that have spent
6 hundreds of hours combing through, I believe it's 3900
7 pages, some outrageous amount with maps, et cetera,
8 et cetera. And if you go through each of the 17 DEISS
9 as the process goes through, it will fill an eight-foot
10 file cabinet three deep by the time everything is done
11 if the average width. This is an impossible task to go
12 through the whole thing, especially with the time
13 limits that are put on.

14 Most forests are doing the automatic extension
15 after the debacle with the Eldorado. They wouldn't
16 budge on the thing, they finally got an extension on
17 it. Most of the forests are doing it voluntarily. I
18 appreciate that. I think it should be automatic that
19 you guys are sent print copies because it's much easier
20 than trying to go on-line and do it, and if you want to
21 get into it and then they're down for maintenance, what
22 have you. But I think it just should be automatic.

23 Deputy Director, was the figure from the
24 stakeholder meetings total to the Forest Service for
25 this process \$12,800,000 overall since we went back?

1 Paul, you were on stakeholders at that time.

2 DEPUTY DIR. GREENE: I think that's what
3 Kathy Mick indicated earlier. I don't know what it is
4 off the top of my head. Martha? It's 12.8.

5 DAVE PICKETT: I just wanted to have correction
6 for the record. It's 12.8. That's serious money. I
7 believe the Forest Service is meeting about the same
8 amount on a combined effort on this process. Travel
9 management plan is a monster. Number one of my phone
10 calls I get at home is on this issue. This thing is a
11 monster. You guys need to get your hands around this
12 thing because what's going in place now is going to be
13 in the future forever.

14 And if we're going to continue funding it with
15 user fees, then we have to have input that means
16 something, not blanket just no comments are going to be
17 paid attention to. It has to mean something. But as
18 Mr. Waldheim just said, comments from you as a
19 collective Commission on representing us is a powerful
20 tool that has not been used. And it needs to be used
21 more and more. That's what I have to say. Thanks.

22 CHAIR WILLARD: Thank you. John Stewart on
23 deck, then Mr. Tammone.

24 JOHN STEWART: Good morning, Commissioners.
25 John Stewart, California Association of 4-Wheel Drive

1 Clubs. I want to thank Mr. Keeler from the BLM for
2 posting that map about the BLM Desert District and
3 bringing up the topic of energy.

4 I would like to expound on a couple of items
5 that are very current that Mr. Keeler did not really
6 address. On March 11th, Secretary Salazar of the
7 Department of the Interior issued a memorandum about
8 expediting or sparing the solar -- not just solar but
9 renewable energy projects on public lands. Throughout
10 his statement, it was referencing a lot of the Southern
11 California desert lands. In the news this morning, a
12 federal task force has been set up to evaluate desert
13 regions for renewable energy projects and issues. So
14 these things are coming fast.

15 I spent about the last six to nine months
16 pulling together a lot of the GIS data about land
17 ownerships in the California deserts and looking at the
18 energy projects that are scheduled. The information is
19 on-line. It's available if you dig.

20 What Mr. Keeler's map there does not really show
21 you, though, is the full breadth of the issues
22 involved. In other words, his map shows some of the
23 cursory or overview of the land management. It does
24 not really plot out where all of the energy
25 developments are. And all of the energy developments

1 start with geothermal. Geothermal has a big impact on
2 a major OHV area in Southern California via the
3 Superstition Mountains and Ocotillo Wells SVRA, plus
4 some newer energy developments that are geothermal
5 through the geothermal band up through the desert
6 region. Solar, solar is huge. As Jim noted, about
7 five acres per megawatt are required. Wind is also
8 big, big impact.

9 But what is really missing off of that map is
10 the existing designated route systems from the existing
11 desert plans and the travel management plans that BLM
12 has done within their five Desert District offices.
13 Once you start laying those over these areas where the
14 energy developments are, you will see that there is a
15 tremendous impact on OHV opportunity, not just within
16 the open area, as has been mentioned, but in the
17 dispersed areas which are critical to the 4-Wheel Drive
18 touring opportunities, to the hunting opportunities, to
19 the rock hounds, to the equestrians, to a whole breadth
20 of recreational opportunities that are there.
21 Recreation is being squeezed out of the desert.

22 Now, you have one other major thing coming up
23 which is proposed wilderness. There is more proposed
24 wilderness coming. An extra 600,000 plus acres is
25 being proposed for the desert region. This is being

1 looked at now as a major impact on not only recreation
2 but also an impact on potential energy sites. I have
3 begun to pull together information about how this new
4 wilderness proposal will impact recreation. It's going
5 to be another huge impact.

6 So throughout this, we have major impacts coming
7 up through additional proposed wilderness. We have the
8 Johnson Valley and the Marine Corps proposal to take
9 over and eliminate a large OHV area, and we have energy
10 projects that are a proposal. Please take a stand and
11 help save recreation. Thank you.

12 CHAIR WILLARD: Thank you.

13 Mr. Tammone. And, Mr. Tammone, this time if you
14 could keep it on the topic and within the time frame,
15 we would all appreciate it.

16 TOM TAMMONE: I'll give it a try. Like I said,
17 we need to have one set time for both individuals and
18 organizations.

19 Anyway, I'll take the Forest Service first. I
20 have a lot of issues with the Adventure Pass Program.
21 One is it seems like either it's done with user or
22 development. Development I don't have so much of an
23 issue with. It seems everyone says it's a high-use
24 area. It seems like all of the OHV people are always
25 having to pay the user fee and buy the adventure pass.

1 It seems all of the non-motorized people for some
2 reason don't end up having to buy one.

3 Again, we had \$90 million taken out of our fund
4 because we couldn't spend it, and we get user fees.
5 Same goes for DAC. El Mirage, I don't even think they
6 put in an operations grant last year. They just
7 approved another user fee for El Mirage. So something
8 is definitely wrong, if not communicating between
9 groups and what the issue is. But we got all of this
10 money that we can't spend, and we're paying user fees.
11 We shouldn't have to be paying them. And, again, we
12 shouldn't be the vermin that occupy the land until
13 somebody else comes along and decides we want to use
14 it, especially when we're paying around \$100 million in
15 our tax money, fuel tax registration fees, et cetera,
16 et cetera to run this program.

17 We invest all of this money, and then after all
18 of this, they can just come along and redesignate the
19 land, and we're gone. That's just plain wrong. I know
20 you're dealing with cross governments here between
21 federal and state, but need to be some mandate that
22 when we pay for opportunity, we get something out of
23 it. And it's just not happening. Thank you.

24 CHAIR WILLARD: Thank you. Deputy Director, is
25 this a good time to break for lunch or would you like

1 to keep moving?

2 DEPUTY DIR. GREENE: Well, if I may, just as
3 everybody is getting in the swing of things, we
4 actually missed the public comment period, which was at
5 11 o'clock. My apologies. That will not happen again.

6 I don't know whether or not you would like to
7 take a break now and do public comment. I would ask,
8 with the Commission's indulgence, if we could perhaps
9 hear the item on the agenda of the Rubicon Trail, the
10 cleanup and abatement order. We do have somebody here
11 from El Dorado County that I know has to leave soon.
12 If that's a possibility on behalf of the Commission.

13 CHAIR WILLARD: So let's do that.

14 DEPUTY DIR. GREENE: We do have to go to
15 11 o'clock public comment periods, if there are any
16 comments.

17 AGENDA ITEM - 11:00 PUBLIC COMMENT PERIOD

18 CHAIR WILLARD: Yes, so those would be public
19 comment for non-agenda items, just general.

20 So Bruce Brazil, and Dave Pickett will be next.

21 BRUCE BRAZIL: Bruce Brazil, California Enduro
22 Riders Association. I'd like to make a recommendation
23 for land acquisitions for the OHV opportunity. In the
24 past many years, Division has been unable to find
25 viable properties for the SVRA. I think part of the

1 problem is the size of the properties that they're
2 looking for. So maybe it's time to put a little
3 emphasis on the counties to provide some OHV
4 opportunity. You've got Santa Clara County. You've
5 got Metcalf Park there. It's really a showboat for
6 what a county can do. They also do not have any
7 requests in for sheriffs or for restoration for OHV
8 damage in their counties, so parks are working.
9 Whereas, you do have other counties year after year
10 their sheriff's department is putting in requests for
11 law enforcement. Most of those same counties have got
12 no legal OHV opportunity or at least not run by the
13 county.

14 So I'd like to suggest that maybe a little more
15 emphasis goes to the counties to put in grants for land
16 acquisition for OHV. Or, a little bit more creative,
17 that the Division gets involved, and once a viable
18 piece of property could be found and purchased, maybe
19 have the Division purchase the property, then either
20 lease the property to the county, so that they can
21 operate it as an OHV park, or have the county be a
22 concessionaire. I don't know legally or statutorily
23 what would work for them.

24 But these properties would not have to be
25 multi-thousand acre properties like the SVRAs tend to

1 be. The county parks are a few hundred acres. Gets
2 the illegal OHV use taken care of, provides an
3 opportunity. I think it's a win/win. Thank you.

4 CHAIR WILLARD: Dave Pickett; John Stewart next.

5 DAVE PICKETT: Dave Pickett, District 36,
6 Motorcycle Sports Committee. Quick and dirty on this.
7 As Commissioners, you may not be aware of something
8 that's become a major issue for organizations that wish
9 to hold special events on public lands. The cost to
10 recovery process that's in place in some cases is way
11 over the top and is not allowing organizations to
12 financially have a special event on public lands that
13 are supported by green sticker funds. This is getting
14 way out of hand.

15 And I'm just going to give you a generic example
16 where you have 300 OHV folks, all green sticker legal,
17 paid their fees on dedicated user trails that are
18 getting cost recovery quotes in the \$10,000 plus range.
19 This is a serious situation. Events that have taken
20 place that fall under the guidelines of BLM and Forest
21 Service, it's killing the clubs. I just want you to be
22 aware of this. I'll be glad to talk to you off-line
23 about this, show you the documents. Our clubs have to
24 use the requirements put forth just to hold a special
25 event on public land. And in some cases our clubs have

1 done it for over 50 years in the same areas on the same
2 trails. Thank you.

3 CHAIR WILLARD: John Stewart, Ed Waldheim.

4 JOHN STEWART: Good afternoon, Commissioners,
5 John Stewart, California Association of 4-Wheel Drive
6 Clubs. This past weekend saw the running of the 47th
7 annual Tierra Del Sol Desert Safari, which is a major
8 jeep event, 4-Wheel Drive event that's been held for 47
9 years in the Southern California region. This year, we
10 had 1,259 registered participants. We had 72 on-site
11 vendors. We had an estimated crowd of other people in
12 the surrounding region of close to 15 to 20,000 people.
13 This is a significant economic impact, a positive
14 impact to the local community. The local community
15 really welcomes the recreation activity in the region,
16 and we came off with minimal problems as far as the
17 impacts to the noise or injuries or whatever. So it's
18 a very well-received event.

19 A couple of things that we do with this event is
20 we provide and pay for, as organizers, the trash
21 removal. We pay for the extra Porta Potties to be
22 brought in. We build a whole infrastructure, build it
23 and tear it down within a few days.

24 One of the things that I'd like to thank the
25 Ocotillo Wells SVRA staff for is a very informative and

1 a very educational program that they have. They had a
2 booth in the vendor's area where they presented an
3 environmental display, and that was always crowded with
4 some of the young kids that frequent the event. Now,
5 as events organizers, we provide a rock wall and few
6 other entertainment for the kids, but what really drew
7 the kids' attention was their ability to interact and
8 learn about the natural environment out there, and the
9 Ocotillo Wells staff put on a tremendous display and
10 really accommodated that point.

11 Overall, we had a very positive event. We look
12 forward to having more in the future. We'd like to see
13 our 50th out there, but the 50th is going to be
14 contingent on the fact that we have well managed and
15 run SVRAs and areas in order to have recreational
16 events. These are what people are coming out to see.

17 People are coming. I don't have the exact
18 figures, but we had probably a third of our
19 participants were brand new, first timers to this type
20 of activity, so that there is a new crop of people
21 coming out. And until we or unless we start getting
22 them, showing them what is appropriate for directions,
23 we risk the entire environment. These things are
24 important for the future. So thank you.

25 CHAIR WILLARD: Ed Waldheim, and then Karen

1 Schambach.

2 ED WALDHEIM: Ed Waldheim, CTUC. I forgot to
3 tell you at the beginning about OLGA. OLGA is a
4 Swedish girl that we've all been falling in love with
5 and working diligently with for a long time. And Peggy
6 Fernandez, the Forest Supervisor in Los Padres, she
7 insisted on meeting OLGA. And the staff and the users
8 out there were just having a field day. Finally, when
9 we told her what it was, she couldn't believe we pulled
10 the wool over her eyes. It was fantastic.

11 But one other team member showed up, she'll kill
12 me, but Barbara Greenwood is also one of the four who
13 worked definitely on this. Barbara, stand up so that
14 we can recognize you. She did not get introduced
15 earlier this morning. That's the fourth person of the
16 team that's been working so great.

17 Next item, Ed Waldheim for the California City
18 Economic Development, EDC. We have put in a bill
19 through Senator Ashburn to allow a city with 200-square
20 miles in its borders to be able to designate specific
21 trails for off-highway vehicle opportunity to bring
22 people into the cities to get food and services. We
23 tried that many years ago under AB 1201, and it failed
24 miserably because too many conditions were put on
25 there, nobody could ever use it. Just wanted to let

1 you know about this. If you feel like supporting us,
2 send a letter to Senator Ashburn's staff. I would
3 appreciate it if you would do that.

4 We're not opening up the cities to off-roaders.
5 That's not the case whatsoever. There are some people
6 who are going to be pushing and saying, well, they're
7 going crazy. It's very, very designated. You have a
8 law that you cannot be closer than 650 feet to a city
9 with an off-highway vehicle. So it's very specific,
10 something like the bicycle trail that you use in
11 places. In Utah, they have an ATV trail that you can
12 use, and it's been very, very beneficial to the town
13 businesses. It's made the difference between
14 restaurants closing or staying open. And I never
15 thought that off-highway vehicle would be the impetus
16 of keeping things going in a city and small
17 communities, and this is where it's really affecting
18 us.

19 Ridgecrest is thinking of looking at that also.
20 Also, the vice-mayor, Mike Edmundson, he's part of the
21 California City Leagues -- I go to those meetings, the
22 California Desert Leagues Association, and he's working
23 on forming a committee within the California Desert or
24 California City of Leagues to create a committee on
25 tourism. Tourism is also OHV. We have to think in

1 terms of tourism, the economic benefit that we bring to
2 the local communities, the small communities where
3 these activities take place is huge. It's absolutely
4 huge. So it's tourism that we are promoting and
5 helping to get done in a responsible manner.

6 So just wanted to let you know that that's on
7 the plate. We're working on that. If you're involved
8 with California City of Leagues or the Cessation of
9 Governments, please support this idea that off-road
10 vehicle, hiking, the equestrian people, the rock hound
11 folks, all that is tourism when it all gets down to
12 dollars. We need to make sure we promote that and get
13 it out. Thank you.

14 CHAIR WILLARD: Thank you. One more, Kyra.

15 KYRA: Kyra, I really don't have a last name.
16 I'm Kyra with California Off-Road Vehicle Association.

17 And I know you can't take action today, but I'm
18 going to ask that you put something on the agenda for
19 next time around because travel management on the
20 ground has become an absolute diaster. And to condense
21 binders in my office full of papers, I would just say
22 that the public participation is marginalized with
23 statements that we are confused and misunderstand the
24 process. I've come to realize that these are actually
25 euphemisms. They're euphemisms for: The forests get

1 to make up the rules as they go, they don't have to
2 comply with basic laws such as NEPA, actual
3 mathematics, and scientific integrity rules.

4 CORVA has amassed a lot of evidence supporting
5 these statements and allegations that I'm making, such
6 as scientific integrity, the fraud, deceit. They're
7 all referenced in our comments to the forests. I have
8 two of them, sets of comments here today. One of them
9 hot off the presses.

10 And I understand, like I said, you can't make
11 any decisions today. But if you can just put it on the
12 agenda, respectfully I would request that so that this
13 can be discussed in an open format. Because we have
14 gone to not only our local individual forests but also
15 to the region, and, like I said, the responses are we
16 are confused.

17 Well, when I didn't understand NEPA, they didn't
18 call me and say please, don't give me your comments.
19 As soon as we gave them comments that actually had
20 meaning, all of a sudden our comments were a little
21 more interesting, and I was confused.

22 So I'm looking for an investigation regarding
23 their data integrity. An example, we'd like the Forest
24 Service to reconcile the counts that they justify to
25 use grants, for example, for their visitor user

1 numbers. They're multiple times larger when they're
2 applying for a grant than they are in their claimed
3 counts for travel management.

4 Let me give you two examples. Plumas National
5 Forest, in their DEIS, they claim they have 2,000 OHV
6 visitors a year; in their grant, 102,000. That's
7 100,000 people versus 2,000 people. Tahoe National
8 Forest, in their DEIS, they have 140,000 people -- I'm
9 rounding the numbers, 140,000 people. In their grant,
10 just shy of a million. Big numbers there; kind of a
11 problem.

12 In the Plumas, this is hot off the press,
13 3:00 a.m. this morning I printed this, the amount of
14 proliferation that the Forest Service has put in their
15 document, got a big document saying we've done all of
16 these terrible things, we're stealing from the Forest
17 Service. It really says that we are stealing from the
18 Forest Service. We've done all of these terrible
19 things. There's so much proliferation.

20 We actually calculated the land mass of the,
21 quote, proliferation that they have claimed. We
22 doubled the numbers. We said roads are 20-foot wide,
23 ATV roads were, I believe, five-foot wide, and a single
24 track we said was three-foot wide. And when you look
25 at the percentage of the roads even being discussed,

1 it's point two percent. That's one-fifth of one
2 percent, but they left that out of the document.

3 So I mean I can go on for hours, which is not
4 the purpose. All I'm asking is that it be put on the
5 agenda for next time to discuss, and discuss the
6 possibility of launching an investigation of the Forest
7 Service because this agency has paid out so much money
8 for a process, a process that doesn't seem to be
9 putting out real numbers. And thank you.

10 CHAIR WILLARD: Okay. I think that's it on
11 public comment.

12 Deputy Director, do we have time to handle the
13 El Dorado County Rubicon situation before lunch?

14 DEPUTY DIR. GREENE: That would be up to the
15 Commission.

16 CHAIR WILLARD: How much time do you think it
17 would take?

18 DEPUTY DIR. GREENE: I couldn't tell you because
19 you'll have public comment, I'm sure. I would not have
20 imagined this would have taken us this long this
21 morning, so.

22 CHAIR WILLARD: Let's go ahead and do it.

23 AGENDA ITEM III(D)(3). OTHER DIVISION REPORTS

24 DEPUTY DIR. GREENE: If I may for purposes of
25 background, you have the information in your binders,

1 on January 23rd, the California Regional Water Quality
2 Control, Central Valley Region issued a draft cleanup
3 and abatement order for the El Dorado County portion of
4 the Rubicon Trail. At that time, El Dorado County
5 Department of Transportation was named as the
6 discharger. Water Board staff had been out on the
7 trail during the summer and said at that point in time
8 concerns about the Rubicon Trail, whether or not it was
9 being adequately managed, concerns regarding sediment
10 discharges to the surface waters, ongoing human
11 sanitation problems, and soil and water contamination
12 from petroleum-based automotive fluids.

13 This draft cleanup and abatement order requires
14 the county to take steps to obviously cease this
15 discharge and then provide additional steps for the
16 ongoing management of the trail. As a draft order,
17 public comments were then accepted. That closure of
18 public comment period was scheduled for February 23rd,
19 but with the sheer volume of the comments that the
20 Water Board received, they extended that date to
21 March 31st.

22 There was a meeting yesterday with the Water
23 Board and some agencies and concerned parties. At that
24 time, the staff of the Water Board shared with us that
25 there will, in fact, be a Water Board hearing on this

1 issue either April 23rd or 24th. I don't think that
2 date has yet been determined. We will certainly let
3 you know when that date is identified.

4 I have asked today that Tom Celio, the Deputy
5 Director of the El Dorado County Department of
6 Transportation, present to you an update regarding this
7 issue. Just wanted to make sure that the Commission
8 certainly knew about it given the long history that the
9 OHV program has had for funding the Rubicon Trail, this
10 very important trail to the community. So if I may,
11 Mr. Celio.

12 TOM CELIO: Good morning, Mr. Chairman, Members
13 of the Board. Tom Celio, Deputy Director of
14 Maintenance and Operations for El Dorado County.

15 In July of 2008, the responsibility for Rubicon
16 Trail management was transferred from the Parks and Rec
17 Department of El Dorado County to the Department of
18 Transportation due to fiscal issues. Right now our
19 Parks Department is about one person, and they didn't
20 have the mechanism in place to really move projects
21 forward and really get an awful lot accomplished. So
22 they asked our department, directed us to kind of take
23 the helm.

24 So as of July 1st of '08, it's been my
25 responsibility and my staff's to try to get some things

1 out on the trail, get our arms wrapped around some of
2 the issues out there with the off-road use of this
3 trail. That was declared a public road since 1887, so
4 it's been around a while. And at that time, it was a
5 road, and they didn't have any four-wheel drives back
6 then. They had 1920 Buicks with 19-inch skinny tires
7 going all the way to Tahoe. Today it takes a little
8 bit more to go through that trail.

9 This summer we took a field trip with the
10 regional board at their request and were able to spend
11 some time with them, and subsequently they spent a
12 little bit more time out on the trail. They told us at
13 that time that there would be a draft order coming to
14 the county. We expected that. And, of course, our
15 goal is to keep the trail open and do everything we can
16 within our resources to try to meet the water quality
17 guidelines out there, but at the same time keep the
18 opportunity for OHV use on the Rubicon Trail open.

19 The first thing we did is look at what grants
20 had not been fulfilled at the time of taking
21 responsibility for the trail. There were some things
22 that needed to be buttoned up, and we had some
23 internally-funded projects that hadn't got off the
24 table. Two major issues, major water quality issues
25 were Gurley Creek Bridge and Ellis Creek crossings.

1 Both of those locations right now are water crossings.
2 They're driving through the stream. Other agencies
3 over the last many years have suggested there be
4 bridges or water crossings installed to keep folks out
5 of the water.

6 That was our first priority. Our staff got on
7 that and worked diligently to secure funding from the
8 Federal Highway Bridge Program, along with a grant from
9 this Commission to do the preliminary engineering and
10 environmental work, which we are working on as we
11 speak. The bridges' timeline, we intend to build those
12 the summer of 2010 if everything goes smoothly;
13 otherwise, they would have to be put off until the
14 environmental has been dealt with. We're hopeful that
15 they can get through that process as quickly as
16 possible.

17 One of the other items was human sanitation on
18 the trail. It comes up all the time, huge issue. The
19 trailhead at Loon Lake is primarily where most of the
20 folks access the trail. There is no facility there.
21 So number one on the priority list was to get a
22 restroom installed. It was funded, but nothing had
23 moved forward. So we got a contract in place
24 immediately, had a blaster out there. One of the
25 interesting parts about this, as soon as I and my staff

1 saw what was before us, we said, well, has the
2 environmental been done. Thankfully, the Forest
3 Service Pacific District had been working on the
4 environmental for that project. We met with them out
5 there. I said where is the restroom supposed to go.
6 They said right there, solid granite. So we put a
7 project together quickly; got a blaster in there; did a
8 nice neat project; got a hole in the ground; and
9 installed a CXT in one day. It was just the desire to
10 get it out. Now we have a restroom at the trailhead.
11 Good start.

12 One of the issues in the board order, which I
13 won't go through here today, is sanitation on the trail
14 and sediment. That's two of the largest issues. We're
15 addressing the bridge crossings, which I think water
16 quality wise is a huge success. It will be great when
17 those things are in place. Sanitation on the trail, we
18 were attempting to do an assessment. We have a grant
19 application in to do an assessment for the feasibility
20 of putting more facilities along the trail, but there's
21 huge issues there that we're going to have to all work
22 through, but that's our goal. At this point, we're
23 still assessing the Regional Board draft order. We
24 will have our report to the board by the 31st. We're
25 receiving comments from the public on it, as well.

1 And the other huge item here that's going to be
2 very helpful to us, the California Geological Survey
3 staff has done a trail assessment for us in GIS format.
4 It's a management tool that can be used to identify,
5 assess, build projects, scopes of work, and monitor
6 work that's been done on the trail. We should have
7 that in our hands within the next couple of weeks. We
8 intend on using that as one of our tools in the toolbox
9 to help maintain and do operational things on the
10 Rubicon Trail.

11 So those are some of the quick hits that we
12 tried to do over the last eight months of
13 responsibility for the Rubicon. Obviously, El Dorado
14 County is trying to step up to the plate as quickly as
15 possible and do our best to maintain this trail. At
16 the same time, user groups are our biggest asset out
17 there. They did a lot of volunteer work. We're
18 working on our volunteer program for public/private
19 partnership approach to maintaining the trail.

20 And I'd be happy to take any questions if you
21 have them.

22 CHAIR WILLARD: Has the Regional Water Quality
23 Control Board given you a date where you have to meet
24 certain requirements?

25 TOM CELIO: Yes, it's in the board order.

1 There's some timelines for coming up with a management
2 plan, addressing each one of the issues. That's one of
3 the things that we'll be hopefully discussing with them
4 as far as whether these timelines are reasonable to
5 attain, given the short construction season on the
6 Rubicon Trail, which is at about 6800 feet and higher
7 in some locations. Right now there is six or seven
8 feet of snow up there, and so the window for
9 maintenance projects is very short.

10 CHAIR WILLARD: Just trying to get an idea, is
11 this something you've got to get it all done this year,
12 is it next year, what is it? Give me a sense of this.

13 TOM CELIO: What they want to see this year is
14 what our plan is. And we're working on that right now.
15 Some of the timelines that are on here, September 30th
16 of '09, they want to see a complete operation of
17 maintenance plan of projects proposed for the season.
18 By October 31st, they want to see the first report
19 regarding trail use and maintenance activities.
20 September 30th of 2010, they're directing us to have
21 the bridges complete. Of course, it was common
22 knowledge that the bridges were being worked on at the
23 time the draft order came out. We would just like to
24 see a little more flexibility as far as the delivery of
25 the bridge projects. Typically a bridge project takes

1 three years minimum from scoping, plans, environmental,
2 and construction. The quickest part of this whole
3 project is going to be building the bridges.

4 DEPUTY DIR. GREENE: You'll see those timelines
5 on page six and seven in your binder.

6 COMMISSIONER VAN VELSOR: Yes, I took a chance,
7 sir, to review the study that was conducted by the
8 Water Board. I thought it was done well, quite sound
9 and appropriate for the scope of work that was being
10 done. And one of the main issues is the level of
11 sediment that's flowing into the stream systems. And
12 my sense is, from reading the materials here, that's
13 caused from the condition of the trail and the
14 connectivity of the trail to the stream system and the
15 flow of water across the trails dumping sediment into
16 the stream system. So while the bridges are an issue,
17 it won't change that impact. And I'm curious if you
18 are planning or have you initiated work on trying to
19 address that issue of the problem?

20 TOM CELIO: Sure. Prior to our department
21 taking responsibility for managing the trail, we were a
22 participating department as far as implementing some
23 maintenance projects on the trail. We have done some
24 rock fill, water bar work near the Wentworth Springs
25 Campground area, which is basically kind of the west

1 end of the beginning of the Rubicon Trail.

2 What we do has to be funded by something outside
3 of the road fund because the Rubicon Trail is not a
4 county maintained road. It's a public road in
5 El Dorado County. So we can do work as directed by the
6 board of supervisors, as long as it's funded by
7 something other than our gas tax funds that pay for
8 county roadwork.

9 The other side of the plan is to do ongoing
10 treatments on the trail for sediment problems. In our
11 field trip with the regional board, there were several
12 areas identified where we could do some minimum -- most
13 of these projects are smaller in nature and will just
14 need to be maintained on a regular basis. Primarily
15 the water bars, sediment basins in a few areas,
16 redirection of some of the flow, those types of things,
17 breaking up so that the trail does not become a stream
18 itself during snow melt, those types of things, most of
19 it could be done. It's just going to take a lot of
20 effort and a significant amount of money.

21 One of the things that's going to help us up
22 there, and in cooperation with the Pacific Ranger
23 District, they have a huge stockpile of material.
24 Getting material up onto the Rubicon is difficult.
25 It's an hour-and-a-half drive just to get up there.

1 Try that in a dump truck full of rock, it's an all-day
2 job just to get one truckload. They have a stockpile
3 of thousands of tons of tunnel rock, which is granite
4 material from the tunnels that were built back when
5 Loon Lake and the other Desolation Lakes were put into
6 the SMUD system. And so we have a permit with the
7 Forest Service to pull that material out. It's at
8 Gurley Creek, so it's close. We can haul four or five
9 loads a day. So as far as having material on site,
10 it's similar material, so we're not bringing odd-type
11 rock out there. It's all granite. We've got that
12 permit in place. Whenever we're funded and we have
13 dollars to do those projects, we're ready to go.

14 CHAIR WILLARD: Commissioners.

15 COMMISSIONER LUEDER: Just real quick, I have no
16 doubt that the Department of Transportation and
17 El Dorado County is the correct agency for this trail
18 to be under. I think it's a huge improvement to have
19 the Department of Public Works, Department of
20 Transportation involved in this because they have the
21 expertise to maintain this facility.

22 My suggestion is that these user groups that you
23 mentioned be made aware -- because I understand you
24 have a finite amount of staff to put towards a number
25 of projects, not just this one. And so potentially

1 those user groups could apply for some grant money in
2 the future to help with restoration or operations of
3 this facility. So that might be something you look
4 into.

5 TOM CELIO: It's my understanding that that has
6 actually taken place at this time, given the new
7 opportunities for nonprofits to apply for grants. One
8 of the things that's important to us and has been
9 brought up in public discussion is if you use volunteer
10 labor, they need to know what they're doing. So a part
11 of our immediate future plans are to do some training
12 with not only volunteers, but our own staff on the
13 specific types of projects that need to be done on the
14 Rubicon because it is a one-of-a-kind trail.

15 COMMISSIONER SLAVIK: Just a thought here, that
16 whole volunteer effort, considering the scope of work
17 on the Rubicon, may require something more than just a
18 part-time effort on volunteerism. And have you given
19 any consideration to a more formal organization of
20 volunteers, maybe with some kind of a paid director,
21 somebody in charge of that that can do that, not on a
22 24-hour basis but at least a five-day-a-week basis
23 rather than part-time?

24 TOM CELIO: That has been considered and is
25 something that we definitely want to look at for the

1 immediate future is to have staff available, at least
2 one person, that is more of a trail manager that can be
3 out there monitoring on the projects as much as
4 possible and to be a trainer of volunteer groups, as
5 well. That's a great suggestion, and it's on our list.

6 We've just been caught in a situation where
7 we've gotten the responsibility, had seven months to
8 kind of get some things on the ground. Sometimes you
9 just can't move fast enough. But that's where we're
10 at.

11 CHAIR WILLARD: Okay. Thank you. I think we
12 will have public comment on this topic now.
13 Randy Burleson, Dave Pickett, John Stewart.

14 RANDY BURLESON: Well, it's not morning any
15 more, so I guess it's good afternoon Commission and
16 staff. Commissioner Slavik, that's a great idea. I
17 think you'll be pleased to see our grant proposal
18 because we've proposed -- I'm Randy Burleson, President
19 of Rubicon Trail Foundation, and tireless, sometimes
20 tired I guess, volunteer for Friends of the Rubicon.

21 As I was saying, we have proposed working in
22 conjunction with the county to staff a volunteer
23 coordinator and several volunteer positions on a
24 part-time basis through the summer to really address
25 the issues of continuity of volunteerism. The

1 Department of Transportation is doing a great job.
2 They really picked this project up part way through,
3 and they're working well with the established Ad Hoc
4 Rubicon Oversight Committee. That's been the group to
5 go to to resolve problems for the past seven or eight
6 years. And Rubicon Trail Foundation and FOTR
7 participate regularly in that on a monthly basis.

8 When it comes to this Regional Water Quality
9 Board issue, they are working with some incorrect and
10 incomplete information, and the Rubicon Trail
11 Foundation really welcomes the opportunity to set the
12 record straight. Some of the common misconceptions
13 about the Rubicon Trail are population, mileage, and
14 difficulty.

15 We have a 2001 study on back country sanitation
16 that came up with this 35,000 number that you've seen
17 in reports, but it's kind of lost its context along the
18 way. Back country sanitation, really they were
19 interested in how many people or how many times people
20 needed to stop on the trail, shall we say. And they
21 said 35,000 user days, which is different than vehicle
22 days, which is different than number of vehicles.
23 There's usually multiple users per vehicle, and the
24 vehicles are usually on the trail for multiple days on
25 a weekend, so 35,000 user days translates to about

1 15,000 vehicles, and that was a 2001 survey.

2 FOTR did a survey in 2005, and we figured there
3 were about 5,000 user days on the trail, which is about
4 11,000 vehicles, and traffic has continued to reduce a
5 little bit over time. There was a substantial
6 reduction in use after closure of the lands around
7 Spider Lake, and that's been reflected in the user
8 counts.

9 Mileage of the trail, again misconception. It's
10 a 22-mile long trail system. There are a few areas of
11 the trail that have problems that need correcting.
12 Focusing on those few miles of trail is problematic
13 when you look at the rest of the trail that's healthy,
14 and it really is a linear experience.

15 The other thing that I wanted to say was much
16 has been made of the difficulty of the trail. Every
17 year for the past 30 years, Mark Smith has taken Jeep
18 Jamboree USA, which is a parade of stock vehicles,
19 through the trail once a year, actually multiple times
20 for corporate trips. And there are built-up OHVs that
21 use the trail, as well, and there's also -- I think my
22 friend, Jacqueline, who is a self-proclaimed soccer
23 mom, drives a H3 Hummer SUV through the trail. It's a
24 range of experience and multiple options available.

25 Anyway, just three things to think about,

1 misconception of the trail; population, it's not as big
2 as they say it is; mileage, it's a long trail with
3 small problems along the way; and difficulty, it's a
4 full range of OHV adventure. Thank you.

5 CHAIR WILLARD: John Stewart, Ed Waldheim.

6 JOHN STEWART: Good afternoon, John Stewart,
7 California Association of 4-Wheel Drive Clubs. I'd
8 like to make a brief comment about the quality of the
9 data that some of these assumptions are being based on.

10 In 2005, there was a, quote, study done. The
11 study involved taking some grab samples. And when you
12 look at the results or the methodology for that study,
13 there was no determined methodology of how these
14 samples would be obtained. And one thing is notable is
15 that low-levels of grease and oil were identified in
16 the oil and soil samples, low-levels. These low-levels
17 were actually below the EPA water standards. So does
18 that indicate a problem, no. No further studies were
19 apparently done because it really did not indicate that
20 there was a problem.

21 There is an observation, a consequent
22 observation of sediment. Yes, if sediment could be a
23 problem in a trout or fish spawning bed area, but this
24 particular area, due to the low water falls, is not
25 fish habitat. It does not support a viable fishery

1 habitat because there is no way for fish to get up into
2 this, and the water level itself is too low year round
3 to support that.

4 There's a lot questions like this that we're
5 really thankful for everything that the California
6 Geological Group has stepped up with an assessment of
7 the trail, and it is through this assessment that will
8 provide the county, and the county has stepped forward
9 to actually move forward and actually provide some
10 management and some maintenance on this trail.

11 This is something that the prior land managers
12 with the responsibility basically failed to do. They
13 failed to follow through with it. And it has been at
14 the urging of the user community, the Rubicon Trail
15 Foundation, the Friends of the Rubicon that have been
16 the driving force to actually improve the trail
17 conditions over the course of the last few years.

18 And this is something that should be recognized
19 as the users have been actively involved. They care
20 about it. They want to protect it, and they want to
21 see it to be an experience that they enjoy and not the
22 sanitation issues that it has been in the past. They
23 have been actively cleaning it up, making sure that it
24 remains clean. They have been actively engaged in
25 education campaigns to change attitudes of how the

1 users of the trail approach their use experience.

2 So this is something that a lot of people are
3 working on. And from the user community, we are
4 thankful that we now have a partner that is just as
5 interested in keeping the trail open, being the County
6 of El Dorado. And we appreciate working with them, and
7 we look forward to working with them. We do know that
8 we face challenges in the future. We're working to
9 overcoming those challenges and creating a viable
10 recreation opportunity. Thank you.

11 CHAIR WILLARD: Ed Waldheim, Karen Schambach.

12 ED WALDHEIM: Ed Waldheim, California Trail
13 Users Coalition. Incredible, one day to put a CXT in
14 in a rock thing. You guys rock. You're incredible.
15 Congratulations to you for doing it. Randy,
16 congratulations for you keeping -- where are you, back
17 there -- for getting that going, keeping groups going.
18 I know what it takes to keep nonprofits going. We're
19 really pleased with you doing it. If you look at the
20 grants, the sheet that I gave you, the county put in
21 for \$369,000. Randy only put in for \$78,000. He
22 should have tripled that one. Next year he can do
23 better on that.

24 One thing, Mr. Chairman, I think it would be
25 very appropriate, Mr. Jack Raudy over here, he led our

1 public relations team many, many years ago with the
2 Commission and public relations folks and newspapers on
3 the tour of the Rubicon. I think with a whole bunch of
4 new folks on the Commission, it probably would be very
5 appropriate to do that. We stayed overnight at Spider
6 Lake. I don't think they can let you do that anymore.
7 You swim from one end of the lake to the other. It's
8 an incredible experience up there. If you've never
9 done that, you have to schedule that. Ms. Greene over
10 there, she'll put her coveralls on, and she'll fix any
11 jeep or any vehicle that breaks on the trail because
12 that's her expertise. So please schedule that for the
13 Commissioners to go in and see what the folks are
14 doing.

15 It's an incredible trail, just like the trail we
16 have down in the south, the Hammers, which the DAC is
17 going to tour on Friday. Next Friday they're going to
18 be touring that, and the DAC meeting will be on
19 Saturday taking off out of the Barstow Select Inn in
20 Lynwood. So if you want to go join them on that one,
21 you can go see what the Hammer is about in the south,
22 just like the Rubicon is here on the north. So it's an
23 incredible asset for the 4-Wheel Drive community. We
24 need more of that, but please go to that one. Thanks.

25 CHAIR WILLARD: Karen.

1 KAREN SCHAMBACH: Karen Schambach, Public
2 Employees for Environmental Responsibility, Center for
3 Sierra Nevada Conservation, and a 25-year resident of
4 Georgetown where the Jeepers Jamboree begins and home
5 on the Rubicon Trail.

6 First, I'd like to say, since it's my first
7 opportunity, welcome Mr. Van Velsor to the Commission.
8 Happy to see you.

9 This is an issue that is near and dear to my
10 heart and something I've been involved in for many,
11 many years. I'm on the Rubicon Oversight Committee.
12 Ms. Greene and I have been together up there on
13 numerous trips, and I've been up there with other
14 folks, as well. This Commission or this program has
15 funded, I would daresay, probably \$600 or \$700,000 -- I
16 know at least \$400,000 just for the trail management
17 plan -- up there over the years since about 2003. And
18 yet we still have serious enough problems up there that
19 the Water Board issued the draft cleanup and abatement
20 order.

21 And I think part of the reason for that is that
22 the county and Mr. Celio has been involved with it,
23 even when Parks was there, and he's done a good job.
24 And I think Parks did the best they could given the
25 fact that they had no staff. There were some grants

1 that I'm aware of that were written that included
2 staffing. The management plan included staffing. And
3 about a year ago, there was an issue on the Rubicon
4 that came before this Commission, and Supervisor
5 Sweeney came, and he had this stack of documents, which
6 was the Rubicon Trail Draft Management Plan and draft
7 EIR. He said, let's just hold off, some of you may
8 remember that; hold off, we're going to settle this
9 thing next month. Well, he proceeded to shelf that
10 plan.

11 And I think what the county would like to do is
12 manage the Rubicon on sort of an ad hoc basis, and it's
13 too big of a deal. I mean it's a huge economic
14 resource for the community of Georgetown. People want
15 to see it remain open. They want it to be something to
16 be proud of.

17 First, the Spider Lake closure was nothing to be
18 very proud of and now the cleanup and abatement order.
19 And yet I personally welcome this abatement order
20 because I think it will finally force the county to get
21 off the dime and actually do what needs to be done to
22 clean it up up there.

23 And what it's going to take is not volunteers.
24 I mean the problems up there are pretty enormous, and
25 it's going to take some heavy equipment. It's not

1 going to be a bunch of shovels and volunteers and
2 shovels to take care of some of the bigger issues.

3 It's amazing we don't have a user count, as
4 somebody pointed out. That's because the trail
5 management plan just got shelved, and there are basic
6 things that are needed that we don't have. One is the
7 user count. We don't have a recorded right of way. So
8 one of the problems is the trail keeps getting wider
9 because when somebody tries to cite on the trail for
10 somebody going off, we have certain users who will go
11 in as so-called expert witnesses to the court, because
12 they know there is no recorded right of way, and say
13 this officer can't cite because he can't prove that
14 this person was off the right of way.

15 So the basic thing needed, and the thing that
16 this program has already paid for, is a trail
17 management plan. And yet it wasn't delivered, and
18 there seems to be no interest in forcing the county to
19 come forward with it. I just don't understand. That's
20 just throwing money away. We would have staff if they
21 finally are asking for staff. I think a lot of the
22 things we're doing is a direct result of the cleanup
23 and abatement order.

24 It's a shame that it took that to get things
25 moving, but at least it has. I think the county needs

1 to be held to the timelines because given their record,
2 they won't otherwise do it.

3 The bridges, the grant that this Commission
4 approved for -- and I'm going over my time; do you want
5 me to finish my sentence -- said that the bridges would
6 be completed in 2008, last summer. Well, now it's
7 2010, 2011. And those are important fisheries.
8 Despite what somebody else said, those are documented.
9 Ellis Creek is spawning. It's a trout spawning area.
10 So these are things that need to be taken care of and
11 need to be done in a timely manner. Thanks.

12 CHAIR WILLARD: Thank you. Well, I guess that
13 concludes our morning program.

14 DEPUTY DIR. GREENE: If I may, just on a follow
15 up just to the Commission, certainly, any sort of order
16 coming from a fellow state agency is a serious issue,
17 and certainly this Division is keeping all of you in
18 the loop. Please be assured, the Division is committed
19 with working with the Regional Water Quality Control
20 Board on this issue.

21 And I think, as Ms. Schambach said, we have an
22 opportunity now with the county and the state and
23 U.S. Forest Service because, in fact, some of the
24 sediment on the trail is coming from Forest Service
25 land. That issue needs to be resolved once and for all

1 to be able to move forward in a way that gets this
2 trail back to a model of what a trail should be, and so
3 certainly we have a commitment to try and do so.

4 CHAIR WILLARD: Commissioners, any other
5 comments before we close for the morning? Let's
6 adjourn until after lunch, and let's be back here at
7 1:30.

8 (Lunch break taken, reconvened at 1:50 p.m.)

9 CHAIR WILLARD: Deputy Director, do you have
10 more of your report that you need to do before we can
11 move on with the other agenda items?

12 AGENDA ITEM III(D)(2). OTHER DIVISION REPORTS

13 DEPUTY DIR. GREENE: I have just a few updates
14 that were on the agenda that I want to make sure I let
15 you know about. One of them was an update on
16 legislation and noted that SB 4 and AB 134, also
17 alluded to during the public comment period, there are
18 a couple of other pieces of legislation that have been
19 introduced out there. We will forward those along to
20 you. We did not have those at the time. That would be
21 Senate Bill 435 and AB 1361.

22 What I'd like to do today is focus on SB 4 and
23 AB 134. If I may, before I turn it over to the Chief,
24 for AB 134, the Blakeslee bill; SB 4, the author is
25 Oropeza. This is identical to a bill that was proposed

1 last year, and did not go forward. This would ban all
2 smoking in all 279 State Park units throughout the
3 system. It will be going through policy meetings
4 starting next month. We will certainly track it. It's
5 really all of the information that I can give you at
6 this time. We're trying to get some clarification
7 about what that, in fact, would mean. We've heard
8 everything that it might be certain units, it might
9 include your tent, it might include your RV. Nothing
10 is clear to us at this point in time, but we'll try and
11 provide you updates as we go through the legislative
12 cycle and provide you that.

13 So at this point I'd like to turn it over to
14 Chief Jenkins on AB 134.

15 CHIEF JENKINS: AB 134, the Blakeslee bill, does
16 three primary things. The bill is in your materials
17 there, and if you'd like, I can walk you through the
18 individual lines on the bill, but that's fairly
19 tedious. So if you have any questions afterwards, I
20 can show you the page and line number to find the
21 things that I'm talking about. Let me go over it in
22 brief first, and that may be sufficient.

23 The three things that AB 134 does, number one,
24 it exempts an exemption, which is hard to fathom. So
25 in the Vehicle Code, CVC 1803, it says that if you

1 violate one of the provisions of the Off-Highway
2 Vehicle Codes, so that's in Division 16.5, it's also
3 called the 38000 section, so it's all of those codes
4 that apply to off-highway vehicle operation. So
5 Section 1803 says, if you violate one of those laws, it
6 doesn't get reported by DMV, so it's not tracked.

7 When SB 742 was passed, there was a new
8 provision that was included in there so that if you
9 violated 38301 of the Vehicle Code -- and there's going
10 to be a lot of numbers so bear with me, I'll explain
11 what it is. If you have violated this other code,
12 38301, says if you go into a closed area, you're in
13 violation. It has a stepped penalty with that. So if
14 you do it the first time, it's one penalty. If do you
15 it subsequently within seven years, the violation gets
16 higher and higher.

17 In order for DMV to track that, we need to have
18 in the Vehicle Code the authority for them to do it.
19 So back up to what I was just saying. This one section
20 1803 says, if you violate an off-highway vehicle
21 section, they're not going to track it; with one
22 exception, previously it said with one exception, if
23 you violate the provision for entering a wilderness
24 area, we're going to track that. So that's been in
25 there.

1 Now, when SB 742 was passed, what should have
2 happened was we should have gone back to 1803 and
3 included that when you violate the closed area, which
4 is a different code than the wilderness closure, that
5 will also be tracked. It didn't happen at the time.
6 So this bill will go back and correct that. What this
7 will do is this will allow DMV to reprogram their
8 computers, do the things, spend the money it takes to
9 rewrite their cobalt programing, or whatever it is, and
10 it will require DMV to track violations of 38301,
11 violations of a closed area.

12 It lists in the bill other codes, as well. Once
13 DMV got to looking at this, and everybody else, they
14 found there are several other things that aren't being
15 tracked that have stepped violations. In other words,
16 we weren't the first ones to miss this. A number of
17 other things have been passed over the years, including
18 a previous Blakeslee bill that was done several years
19 ago. You may recall several years ago Blakeslee
20 sponsored legislation that said if a child is operating
21 an ATV and a parent is allowing them to do it without a
22 safety certificate, then we can cite a parent instead
23 of citing the child because we don't like citing kids.
24 The whole, get your crayon out and sign right here
25 doesn't really fly real well. Blakeslee had passed a

1 legislation with steps and fines that grew over seven
2 years and with that piece of legislation, failed to go
3 in and fix 1803.

4 So this time around they're changing it so that
5 DMV will now track violations of closures, which is one
6 code. They'll continue to track the multiple
7 violations of entry into a wilderness. And there's
8 three others, the fire district, there's allowing the
9 child to operate one where they can't reach and operate
10 all of the controls, and allowing the child to operate
11 without a safety certificate. So that's the entire
12 list of provisions that now will be tracked. That's
13 more or less just a technical correction that's
14 included in this bill.

15 Hand in hand with that then is another section
16 of the bill that corrects another part of the Vehicle
17 Code that has to do with point counts on your driver's
18 license. Generally speaking, in the Vehicle Code, if
19 they track the violation, if it's reportable, in other
20 words, they report it to DMV so that they can track it,
21 it also gets reported as points on your driver's
22 license. Since we've had the 38,000s section, Division
23 16.5 of the Vehicle Code, they have not assigned points
24 to violations of those codes because the license that
25 you have that the points would be assigned against is

1 what allows you to drive on a highway. If you're
2 operating off-highway and you violate the point count,
3 they have not felt that that's appropriate to have
4 those points count against your highway license.

5 So the second portion of what this piece of
6 Blakeslee legislation does is says that same list of
7 five violations that are now trackable will not count
8 as points on your driver's license. So that's the two
9 things. They can now track all those citations, but
10 they won't count as points.

11 The third item is the safety item that is
12 actually a new law. So those last two things are
13 modifying existing law. The third piece of this is
14 that it proposes a new law that will essentially mirror
15 what was done with the safety certificate in the past.
16 As you recall, I said in the past, if a child was
17 riding without a safety certificate, we didn't want to
18 cite the child, so the first Blakeslee legislation
19 three years ago said you can cite the adult.

20 This piece has a provision that if a child under
21 the age of 14 is operating a vehicle in violation of
22 California Vehicle Code 38304 -- now, 38304 is the
23 piece that says you have to be able to reach and
24 operate all of the controls. So if a child is
25 violating that law, instead of citing the child, we can

1 now cite the adult. The importance distinction to keep
2 in mind here, we're not creating a new violation. The
3 violation has always been there. It's always been
4 illegal for anybody, child or otherwise, to operate a
5 vehicle where you can't reach and operate all of the
6 controls. This can be motorcycle, an ATV. It could be
7 grandpa's pickup, any vehicle. You've got to be able
8 to reach and operate all of the controls. It's always
9 been against the law. It's still against the law.
10 It's just that now we can cite as officers in the field
11 the responsible adult that put the child behind the
12 wheel or on the motorcycle or on the ATV. So it gives
13 us a new tool in that way. Those are the main
14 provisions of that.

15 There is one caveat here to bring to your
16 attention. Right now, as it's currently drafted, the
17 author, when they were picking up language to fold into
18 it, was looking for other code sections that had
19 stepped violations. And so right now the language
20 that's in there has a violation set at \$125 for the
21 first violation, \$250 for the second, and \$500 for the
22 third. That's awfully high because right now without
23 this legislation, violation of the reach and operate
24 all controls provision only costs \$35. And so we have
25 been talking to the author's office, various

1 communities of interests have been talking to him and
2 saying, why don't you back it down, start it at \$35 and
3 escalate it from there. Because as it stands, by the
4 time you add up all of the court assessments and
5 whatnot, the \$125 ticket becomes \$484, the \$250 becomes
6 \$875, and the \$500 becomes \$1,750.

7 And so what the fear is you would have that
8 effect built in that a fine is just ridiculously high.
9 Some officers are less inclined to write the citation
10 and will give a warning, give a pass on it. We want
11 compliance, and so we want reasonable fines, and so
12 that's something that the author's office has indicated
13 they're willing to look at.

14 DEPUTY DIR. GREENE: If I may just for a moment,
15 this issue, many of you remember at the last Commission
16 meeting we brought it to your attention, many in the
17 audience had expressed concern. I just need to make it
18 really clear that the author's office came to the
19 Division for technical assistance. The Division has no
20 stance on this bill. The Governor's Office has no
21 stance on this bill. So when we're referencing "we,"
22 in this particular case it is providing technical
23 assistance to the author of this bill. So I just want
24 to make sure that everybody is aware of that.

25 COMMISSIONER McMILLIN: Why don't we take a

1 stance? Wouldn't it help to take a stance so that from
2 region to region to region to region we can tell if
3 people are second or third offenders? Hasn't that been
4 a problem in the past?

5 DEPUTY DIR. GREENE: Until the administration
6 takes a position on a bill, the Division has no ability
7 to take a position on any bill that's out there. It
8 doesn't preclude the Commission from taking a stance,
9 but, as representatives of the administration, the
10 Division can't take any position.

11 CHAIR WILLARD: Commissioners, any further
12 discussion on this topic before we move on with the
13 Division's reports?

14 Deputy Director, is that the end of your report?

15 DEPUTY DIR. GREENE: For legislation, yes. And
16 I don't know whether or not there is any public comment
17 before we move into the public safety update. I know
18 there were a number of people last time who had
19 expressed the interest I think on a collective desire
20 to try and address some of the issues that were
21 reflected in the proposed Blakeslee bill.

22 CHAIR WILLARD: I don't see any that were
23 specific to these two items, but there are several that
24 are all. If those members of the public would like to
25 make comments on this now? Mr. Waldheim.

1 ED WALDHEIM: Ed Waldheim, CTUC. Thank you,
2 Mr. Jenkins, for making the report on this. This one
3 has a great concern for us, especially the high fee
4 portion of it. So you're 100 percent correct, we need
5 to figure out some way to make it make more sense.
6 However, having said that, I am very, very worried that
7 we are requiring the kids to have the certificate.

8 When the Commission originally we came up with
9 that program, for history purposes, Mr. Henry Argonia
10 banned us from riding in Red Rock State Park. We said
11 we've got to do it with the family. He said you have
12 to have a license. We said, no, you don't. He said,
13 yes, you do. So we came out with the ATV training
14 program so we could go on the 14 freeway on Dove
15 Springs over to the El Paso. That's where our
16 beginning was for the ATV training program. And since
17 we have done that, the staff tried to ban us again from
18 Red Rock, but they went back and found the original
19 agreement. We do have that.

20 I am worried that we do not have enough training
21 programs in place readily available for the folks to
22 get this training. And so at the Visitor Center in
23 El Mirage, Rose is working very hard to set up a
24 continued, ongoing basis the training. She had 40
25 people at the training class last weekend with the

1 staff working there. But that's one place down in
2 Southern California. You can't find them. You have to
3 go to the Honda Training Center possibly and make
4 appointments and go get it. It is not readily
5 available, and that is a break in our linkage to get
6 the education to the kids to do what they need to do.

7 We're going to give them a ticket for not having
8 a certificate, yet you go try to figure out how to find
9 it. So somehow we need staff's help or Division
10 staff's help or somehow we need to figure out how can
11 we get this out there, more readily be available before
12 we go put something in place like that.

13 CHAIR WILLARD: John Stewart, and then Dave
14 Pickett.

15 JOHN STEWART: John Stewart, California
16 Association of 4-Wheel Drive Clubs. Mr. Waldheim
17 expressed the deal about training. Yes, training and
18 education has got to precede any enforcement, so I
19 won't belabor that point.

20 I do have concerns when you start looking at the
21 fines and the fees attached to them in that the fee
22 must fit the crime or the punishment must fit the
23 crime. Some of these fees, you get it down to the
24 point where, yes, it's meaningful, but I would caution
25 you, perhaps some of these fees may be a little bit

1 outrageous compared to the infraction that's involved.
2 But, yes, I think above all in that, an education
3 program has got to be readily available and enforce the
4 fact that you have to have the education. It's
5 imperative for the public safety.

6 Then when you look at the part of consistency of
7 knowing if somebody has gained licensed points for an
8 off-road infraction, by all means, that's a very
9 worthwhile item and something that should move forward
10 because that affects the ability of a person to
11 sensibly and responsibly operate any kind of a motor
12 vehicle. So perhaps rather than lumping them into one,
13 they should be broken out and addressed as individual
14 ones that can stand alone and be easily identifiable
15 and argued about and accepted as an individual rather
16 than lumping them into packages where you're putting
17 something that may be an unreasonable burden just to
18 try to get something good for another person. So thank
19 you.

20 CHAIR WILLARD: Karen Schambach.

21 KAREN SCHAMBACH: Karen Schambach, Center for
22 Sierra Nevada Conservation and PEER. And I'm really
23 happy to see this bill because it addresses a concern
24 that I've had about SB 742, which had escalating fines
25 for additional violations but no means of tracking

1 those.

2 As for the fine for letting your child drive a
3 vehicle without being able to reach the pedals, I think
4 \$100, we're talking about children's lives, so I think
5 it should be at least \$100; although, on the other
6 hand, if a parent is frankly that stupid, I don't know
7 if the fine is going to make any difference. I think
8 at least it might get their attention. Thanks.

9 DEPUTY DIR. GREENE: We have made a huge push in
10 the last year to make sure that everybody who wants
11 training has access to it. If the Commissioners hear
12 about any areas or members of the public who is having
13 a difficult time getting training, please let us know.
14 We have been working diligently with providers of the
15 ATV classes throughout the state.

16 We're now putting all of our park personnel
17 through ATV training. Next summer we hope to be able
18 to provide training in Bakersfield and Fresno counties.
19 I know for a long time it was very difficult, but I
20 really believe that we've made a lot of progress.

21 CHAIR WILLARD: Thank you. Okay. So now we're
22 ready to move on to our next agenda item.

23 AGENDA ITEM III(D)(4). OTHER DIVISION REPORTS

24 DEPUTY DIR. GREENE: Item No. Four, this is,
25 again, a staff update to an issue that came up at the

1 last Commission meeting. The last committee meeting we
2 heard from a number of interested parties about
3 concerns of illegal OHV use down in the Southern
4 California desert. We were requested by the Commission
5 to examine this issue. Today we have an update.

6 SUPT. PELONIO: Good afternoon, John Pelonio,
7 Public Safety Superintendent for the Division. You
8 have the written update. I'll just do a quick synopsis
9 in the interest of time.

10 At the last Commission meeting, you were
11 presented with some testimony regarding some issues
12 down in the Wonder Valley area. It was assigned to the
13 public safety team to investigate what's going on down
14 there. And we went down, and I don't know if everybody
15 is familiar with the Wonder Valley area. It's within
16 the Morongo Basin. It's north of Twenty-Nine Palms
17 along the Amboy Road. It's a desert area. There is a
18 mixture of different property owners, there's BLM,
19 private property, and some state school lands.

20 We had three meetings, the first was with the
21 public agencies, BLM, San Bernardino County Sheriff,
22 and San Bernardino County Code Enforcement. They
23 advised us that the San Bernardino County Counsel has
24 issued a legal opinion saying that the dirt roads in
25 the Wonder Valley are highways and not open to

1 off-highway vehicles that are not street legal.

2 The second meeting was at a local resident's
3 home, it was a variety of people from the greater
4 Morongo Basin area, to give us their interests. They
5 disputed the claims that had been provided to the
6 Commission and indicated that they would like to
7 continue to operate their off-highway vehicles on those
8 roads.

9 The third meeting was with the reporting parties
10 or their representatives. They took us around and
11 showed us some of the areas where they were having
12 problems, and they told us that the President's Day
13 weekend was the busiest weekend of the year.

14 So we made some additional contacts. We
15 contacted the Highway Patrol, and they told us that
16 they felt that those roads, because they were dirt and
17 roughly graded, were not highways, so they didn't have
18 any problem with off-highway vehicles being on those
19 roads. We also contacted the State Lands Commission.

20 The team and some other officers went down to
21 the area. We had five officers down in the Wonder
22 Valley area over President's Day weekend. We had made
23 arrangements with the other agencies so that we would
24 take any calls for service, and we would be out looking
25 for violations, particularly OHV violations. We did

1 not find any violations. We were not able to issue any
2 citations or make any arrests. We had no calls for
3 service. Conditions that weekend were ideal. It had
4 been raining. There was no dust generated from driving
5 on the roads. It was clear and cool, ideal conditions
6 for riding off-highway vehicles. The only non-street
7 legal vehicle that we observed was one ATV on private
8 property, and it was being operated legally.

9 CHAIR WILLARD: The area in question, is it one
10 specific small little area, like one road, one access
11 point, or is it many different access points throughout
12 a larger area? I just want to try to get a sense of
13 the magnitude of the problem or potential problems.

14 SUPT. PELONIO: There are a couple of maps in
15 your packet. The Wonder Valley area is roughly
16 10 miles by 20 miles. We focused our surveillance
17 activities in the areas from which the complaints had
18 come, so we were watching those properties because we
19 figured that if somebody were targeting that private
20 property, we wanted to be there to observe that and
21 take some action. We did have patrol throughout the
22 area.

23 CHAIR WILLARD: Okay. Commissioner Slavik.

24 COMMISSIONER SLAVIK: I read that report with
25 some interest and read the letters from the people that

1 were doing the complaining, too. You didn't draw any
2 conclusions from that or should I ask for a conclusion
3 after you wrote that report?

4 SUPT. PELONIO: Our role was to gather factual
5 information and report that. We did not come to
6 conclusions.

7 COMMISSIONER SLAVIK: It seemed like, just
8 reading the report, that it was people crying wolf.
9 There were some pretty serious allegations about what
10 was going on there, and, in fact, you went down there
11 with what should have been a very busy day, and it was
12 virtually nothing going on.

13 SUPT. PELONIO: That aspect of it is correct.
14 We saw virtually no off-highway vehicle use the days
15 that we were down there. As far as the other
16 allegations of what's happened in the past, they did
17 provide us with some documentation and photographs
18 about what has happened in the past. Some of those
19 issues are criminal issues that are kind of beyond our
20 scope, and it's really the sheriff's department's
21 responsibility, and they do deal with it.

22 The residents on all sides down there were very
23 complimentary of the public agencies doing what they
24 can with what resources they have. Of course,
25 everybody wants better law enforcement in their

1 neighborhood.

2 COMMISSIONER SLAVIK: I mean the question would
3 be, given the activity that State Parks went down there
4 and monitored, is there a response that we should make
5 or should staff make to the residents down there to
6 either lay to rest the situation or at least put it in
7 perspective?

8 CHAIR WILLARD: Well, have the findings been
9 made to the people that have made the complaints? Have
10 they been told, hey, we went down there and didn't see
11 much?

12 SUPT. PELONIO: They are aware. I have heard
13 from them since the information has been posted on the
14 website.

15 CHAIR WILLARD: Do you have any interesting
16 comments?

17 SUPT. PELONIO: Well, yes, I spoke with one of
18 them yesterday, and he told me there would be
19 representatives up here today. So I don't know if
20 there is someone here who might want to address that.
21 I can't really speak for the public.

22 CHAIR WILLARD: We'll ask for public comment
23 when we're done here and see if anyone wants to say
24 something.

25 SUPT. PELONIO: I believe there is also a

1 representative from the San Bernardino County Sheriff's
2 Office. I don't know if he's planning on speaking.
3 No, apparently not.

4 COMMISSIONER VAN VELSOR: Is it possible that
5 the off-road vehicle folks that ride in that area were
6 aware of the surveillance?

7 SUPT. PELONIO: We made a point of not notifying
8 the public that we were going to be there. Frequently,
9 when you're doing a targeted enforcement detail, you
10 want the public to know.

11 In this case, we had to work with the local law
12 enforcement agencies, so they knew we were coming, but
13 we did not announce it to anyone else because we wanted
14 to see what actually took place on what was reportedly
15 the busiest day of the year. We didn't want anyone to
16 change their behavior and skew what we saw.

17 COMMISSIONER VAN VELSOR: Second question, it
18 seems important to resolve the issue of the road,
19 whether or not the roads are highway legal or all
20 vehicles. And it seems odd that you would have two
21 enforcement agencies with differing opinions. Who is
22 the authority, which agency has the authority to make
23 that determination? And it seems like that issue
24 should be resolved at some point before the conflict
25 can really be addressed effectively.

1 SUPT. PELONIO: That's an accurate observation.
2 A solid decision as far as where off-highway vehicles
3 are allowed would help to resolve the situation. The
4 problem is that there are differences of opinion
5 between the different agencies, and it's a frequent
6 debate around the state, different counties taking
7 different interpretations and different agencies.
8 There are provisions in the Vehicle Code for counties
9 to enact an ordinance or resolution to determine what
10 types of vehicles are allowed on a particular road
11 within their jurisdiction.

12 The county has that authority. I was not able
13 to locate an ordinance or resolution to that effect for
14 those roads, but that doesn't mean it's not there.

15 CHIEF JENKINS: If I may, what this goes back to
16 is 38301. There is a section in the Vehicle Code that
17 deals with this that is somewhat ambiguous. Earlier on
18 in the Vehicle Code, it basically says any public way
19 that's maintained with public funds used by vehicles is
20 a highway. So everything is a highway. That could be
21 an open area if you're doing some maintenance in the
22 open area. Everything is a highway. Then when you get
23 into the Division 16.5, 38000 section, right at the
24 front end is 38001 that gives the exemptions that says
25 these highways are not going to be treated like the

1 rest of the Vehicle Code, and they're going to be
2 treated as off-highway. This gets to that definition.
3 That's why we're defined as off-highway. And it lists
4 then a series of exemptions, service roads, logging
5 roads, et cetera. And the one that usually comes to
6 the focal point on this type of a discussion is roughly
7 graded roads.

8 So what it comes down to is there is no further
9 definition in the Vehicle Code to describe what a
10 roughly graded road is. And so that's what John was
11 alluding to was that it essentially comes down to the
12 counties needing to take some proactive action to say
13 we're going to treat these roads as highways or treat
14 them as off-highway.

15 And I know that a number of Northern California
16 counties have been struggling with this, and I believe
17 that actually the county down there might have made
18 contact with some of the other counties. There's a lot
19 of counties talking to each other. This is an ongoing
20 topic right now in a lot of places in California. It's
21 not crystal clear in the law, and that's why we've had
22 our own discussions with CHP, and it's virtually
23 impossible to just make a blanket statement black and
24 white this is what it is everywhere in the state. The
25 law doesn't read that way.

1 COMMISSIONER VAN VELSOR: So if the county were
2 to make a determination that this is available for all
3 vehicles or highway only, then that would supersede the
4 CHP?

5 SUPT. PELONIO: They have the authority under
6 the Vehicle Code to enact an ordinance or resolution
7 that would then decide the issue, and then CHP would
8 have to comply with that.

9 CHIEF JENKINS: To be clear, it wouldn't
10 supersede the CHP. It would define for the CHP how to
11 treat that road. When lacking a definition, CHP treats
12 it as 38001, roughly graded.

13 CHAIR WILLARD: But absent an ordinance, it's
14 still going to be a gray area. They would have to take
15 a positive step, the county's board of supervisors, and
16 pass an ordinance?

17 CHIEF JENKINS: Absent that ordinance,
18 essentially one agency is treating it one way and
19 another, another. It will come down to a judge will
20 either uphold the ticket or they won't.

21 CHAIR WILLARD: Thank you, John. I guess I
22 could see if there is some public comment on this
23 particular item.

24 ED WALDHEIM: Ed Waldheim for California Trail
25 Users Coalition, Partnership of Johnson Valley, a

1 Division of CTUC.

2 It's very interesting how the squeaky wheels
3 always gets the attention, and it just drives me crazy.
4 Here I have \$311,000 going to these folks in grants for
5 enforcement; 100,000 for the code enforcement; \$400,000
6 for practically no opportunity. We are talking about
7 locals living in their home trying to go from one place
8 to another or even trying to get to Johnson Valley open
9 area. And yet we have areas that we have off-highway
10 vehicle recreation, and I'm dying to get enforcement
11 people to get them on the designated trails. I don't
12 get any attention. So either I'm doing something wrong
13 as far as trying to become the squeaky wheel to get the
14 attention. But to have four rangers from the
15 Department of Parks and Recreation, Off-Highway Vehicle
16 Division going over there to go do this non-issue
17 thing, it just blows my mind, when I have people going
18 bananas in the OHV areas. It doesn't make any sense
19 whatsoever.

20 And what we have here is folks who are
21 deliberately trying to create an issue with the board
22 of supervisors, San Bernardino County, Riverside
23 County, they're now trying in Kern County, where they
24 will do everything in their power to discredit the
25 off-highway vehicle recreation people, lie, cheat, do

1 different pictures, put Internet, and defame our sports
2 in front of politicians in order to achieve their goal
3 to wipe out opportunities for OHVs. This is what we're
4 having right now. And make no bones about it, they're
5 doing it.

6 I have been at the meetings where they have told
7 their members, call a sheriff 30 times if it's on the
8 same issue, I don't care; you keep calling them. Guess
9 what, the sheriff after a while says, you know what, if
10 Paul Slavik continues to call me 30 times on the same
11 issue, I'm not going to pay any attention to you
12 anymore. Kern County set up a special hotline for
13 OHV-related complaints. In the last month and a half
14 they received one. When you listen to the people like
15 these folks over there that have been talking about it,
16 and others, they claim we're going amuck, totally
17 uncontrollable situation. And when staff went out
18 there, they find out firsthand it is not so.

19 So I don't know how to solve this problem. The
20 only thing I would like to request or hope, let's not
21 spend so much resources on things that are not an issue
22 and put our resources where we desperately need it.
23 It's just getting totally out of hand. And especially
24 with the grants, \$400,000 to deal with this. That's a
25 local city issue. If I started to drive my motorcycle

1 in Glendale like Paul Slavik used to do 40 years ago,
2 guess what, they're going to be after me. You used to
3 do it on New York; you remember that?

4 CHAIR WILLARD: John Stewart.

5 JOHN STEWART: John Stewart, California
6 Association of 4-Wheel Drive Clubs. This does identify
7 a problem that is underlying, that is prevalent
8 throughout the state, mainly in how the different
9 counties treat gravel or unmaintained roads or roads
10 that are not graded, gravelled or paved, and that type
11 of thing, in other words, roads that could be used as a
12 connector to get from one point to another. And this
13 is something that perhaps the Commission or the
14 Division should work with with the various counties and
15 the various agencies in order to clarify this because
16 it's something that comes up frequently within the
17 forest as to how the Forest Service treats a road that
18 the county has as an unmaintained road and governing
19 traffic over it.

20 So the fact that the people are driving green
21 sticker vehicles, at least you hope that they are
22 registered green sticker vehicles, but the fact that
23 they are driving an unlicensed or non-street legal
24 vehicle on these roads, if it is for a short period of
25 time to get from point A to point B to go for

1 recreation, then it is something that applies to all
2 counties, and somehow we need to solve this problem in
3 order to get some clarity and some consistency so that
4 everybody is on the same page. Thank you.

5 TERRY WEINER: Hi, my name is Terry Weiner. I'm
6 a staff person for the Desert Protective Council. I'm
7 here today representing the Alliance for Responsible
8 Folks, which is a coalition of property owner groups
9 and conservation groups from San Bernardino, San Diego,
10 and Riverside counties. They asked me to come up today
11 and talk about this report from their point of view for
12 them because they work, and they can't afford to take a
13 day off, and they can't afford the plane fare up to
14 Sacramento.

15 They want to thank the Commission and the
16 Division for going out and responding to their letters
17 of concern and complaint as promptly as they did. That
18 was really a very good thing to do. They were
19 disappointed, however, that there was no report back to
20 them. They were disappointed that they asked for a
21 written report and were told that they would not get
22 one, if they wanted to know what the written report
23 was, they would have to show up at the next Commission
24 meeting, this meeting, in order to get it. Of course,
25 it was posted on the website in early March.

1 Also, this report is extremely incomplete, and I
2 will say I'm kind of ashamed of some of the comments
3 I've heard thus far, which are of the type of blaming
4 the victim. First of all, one visit out to an area
5 where there have been complaints and broader complaints
6 than what letters were submitted -- e-mails were also
7 sent, and there were also letters from other counties
8 that were delivered at the December 3rd, meeting.

9 The point is that one weekend of monitoring
10 doesn't give you enough to make a conclusion on. And,
11 frankly, I don't live in Wonder Valley. I have six
12 friends who live out there, and I've spent considerable
13 amounts of time. One friend of mine would shut his
14 windows and doors during the summer because he couldn't
15 stand the noise. He chose not to write a letter, and
16 there are others like that. And so the people who do
17 speak up are the ones who take the flak for actually
18 speaking up on behalf of themselves.

19 This is a residential community, and it is true
20 that people get driven out of their homes on weekends.
21 Now, it was remarkable, and the whole community
22 couldn't figure out why this President's Day weekend
23 was so quiet. Now, some people left the area that
24 weekend because they were expecting the worse. So I
25 wonder, maybe the Division and Commission didn't inform

1 the public out there that they were coming out and
2 monitoring. I wonder if somehow that information was
3 leaked because I know one party out there actually had
4 apply for a staging permit because they had more than
5 ten individuals going to their property that weekend
6 and not a single vehicle was driven. This is just like
7 very strange and extremely, extremely unprecedented, a
8 President's Day weekend with no action, very weird.

9 The issue in San Bernardino County, their
10 ordinance is that you cannot ride a green sticker
11 vehicle on a road that's a community service road
12 maintained by a community service district. And so the
13 CHP, I'd like to know as part of that report who that
14 watch commander was who says they don't agree with
15 that, and they don't think there's a problem.

16 Wonder Valley, by the way, it's not north of
17 Twenty-Nine Palms, it's east. North of Twenty-Nine
18 Palms is the marine base. I don't know how many
19 hundreds of people live out there. All of these roads
20 are used by people who are going and coming from their
21 residences. If all of a sudden green sticker vehicles
22 can be using these roads, it will be a huge safety
23 hazard. The dust, the noise will be a nuisance for the
24 public. I'm out of time.

25 We would like to see a more complete report,

1 which would include the other documentation that
2 Mr. Pelonio referred to, the documentation of the
3 photographs and letters that have been identified
4 previously. What are you going to do with that
5 information? Just because it wasn't happening that
6 weekend, there is still documentation. And also to
7 include the letters that were written as part of the
8 report, the residents who wrote their own report of
9 what happened on that January 16th visit, and that
10 should be part of the report for you. I'm sorry I
11 don't have more time. Thank you.

12 CHAIR WILLARD: Thank you.

13 Would you like to speak now, Karen?

14 KAREN SCHAMBACH: Karen Schambach, Public
15 Employees For Environmental Responsibility. But I'm
16 actually going to speak as a resident, somebody who
17 first became aware of this program and became one of
18 your nightmares because of this very issue. It's easy
19 for people who live in the suburb area to talk about
20 rural residents crying wolf or being troublemakers or
21 all of the references to them that are made. And
22 they're simply people who want to be able to enjoy
23 their homes in peace and quiet. And these are not
24 folks -- I know that a lot of these people that live
25 out there in Wonder Valley, these homes have been there

1 for decades. Since the Homestead Act, people have
2 lived in these homes. And their quality of life is
3 being adversely affected very significantly.

4 And this program, one of the reasons it was
5 created was to help deal with these issues. And this
6 is probably the most difficult issue that you have to
7 deal with, but you have to. These are the people that
8 are going to make your life hell, frankly, because they
9 think, and I believe and I agree, that they have a
10 right to peace and quiet of their homes.

11 And this issue that comes up about multiple use
12 and what's a highway and what's not, I think it would
13 behoove the Division and Commission to take a strong
14 stand against expanding use of green sticker vehicles
15 onto roads that are in residential areas for the
16 protection of the program because you're making enemies
17 of these people. These people don't even know about
18 OHVs until this happens. And once they do become
19 aware, they're not happy about it. And I'll address
20 this more when we talk about the strategic plan. But I
21 think that's something that's missing, and the
22 strategic plan should strongly address, is this issue.
23 Thank you.

24 CHAIR WILLARD: Thank you.

25 CHIEF JENKINS: Chair, a couple of

1 clarifications. One, we want to make it crystal clear,
2 we're not drawing any conclusions that anybody was
3 crying wolf or anything else. We were asked to check
4 into something. We did a very highly publicized first
5 visit, where we let people know we were coming. We set
6 up appointments. We talked to various people. And
7 then based on information from a number of sources, we
8 slipped down on there on another time that as far as we
9 can determine we were not expected at all.

10 And I just have to say, I find it very
11 uncomfortable that anybody would suggest that our
12 officers would leak that information. Our officers'
13 careers and lives are based on their integrity, and to
14 question that integrity is just unacceptable.

15 COMMISSIONER VAN VELSOR: May I respond to that?
16 I wasn't intending when I asked if there was a
17 possibility that I was questioning the integrity of
18 your officers.

19 CHIEF JENKINS: I wasn't referring to your
20 comments.

21 DEPUTY DIR. GREENE: The Division needs to
22 respond to issues of private property. We need to
23 address issues when people have complaints. We will
24 continue to do that around the state where the
25 Commission feels that it's appropriate, where the

1 Division has information that leads us to believe that
2 it is appropriate. We need to make sure that this
3 program works and works properly. And so our
4 commitment will be to continue to examine these issues
5 long term.

6 And so far as who we need to respond to, it
7 would have been inappropriate for us to release
8 information to anybody but the Commission, given the
9 fact that the Commission asked us to go down there.
10 The preliminary document had to go up on the web. It
11 was provided to the Commission. It's a public document
12 with all of the Commission materials. That's the
13 reason why we posted it to the web. I have no desire
14 to offend anybody. I have a desire to create a
15 situation where people in neighborhoods can get along.
16 That's the ultimate goal, that is, how do we engage in
17 this dispute resolution.

18 The fact is that a few visits do not make a
19 conclusion. So today where we are making a conclusion.
20 We are simply issuing a report. The Division
21 encounters opposing perspectives on this issue, and the
22 fact is we will never make everybody happy, but we will
23 continue to make sure that people are abiding by the
24 law. We'll work with the appropriate agencies to make
25 sure that we can help them do that. We're certainly

1 not imposing, nor do we want to impose on San
2 Bernardino County, it's their jurisdiction and BLM's,
3 but we do want to be a partner to help find peace
4 throughout the state.

5 CHAIR WILLARD: The original complaints were
6 made to the Commission. The Commission requested
7 Division to look at it, and they did. I'm 100 percent
8 positive they did so in the most appropriate manner
9 possible. The Commission and Division I know takes
10 complaints from property owners very seriously, as
11 we're required to by statute. So that's why when the
12 complaints were made, we made the request.

13 As to what we would do now, I really don't know.
14 I mean other than perhaps we could ask Division to now
15 officially give the report to those parties that made
16 the complaint; we can do that. They probably already
17 have it off the web, but officially we can send it down
18 to them and say we've looked into it, and this is what
19 we found out.

20 The comment that one weekend doesn't make a
21 report, perhaps there's some validity to that, but we
22 don't have the resources to be monitoring complaints
23 all over a large state every weekend. So I think we
24 did the best we could with the resources that we have,
25 and I think that the local owners are going to have to

1 take it up with local law enforcement. And I just
2 don't know what else we can do about it. I want to
3 thank Division for looking into it and doing so, I
4 think, in a very professional manner.

5 DEPUTY DIR. GREENE: We will continue to do it.
6 We will continue to look at all areas as we're passing
7 through on our way to do site visits. Certainly this
8 area is an area we will continue to monitor over time.

9 CHAIR WILLARD: Yes, it's in no one's interest
10 to have people breaking the law. That's bad for the
11 program in general. And if that's going on, we want to
12 stop it. So we were kind of hoping to find some people
13 and make sure that they saw it, but we didn't find
14 that. So I don't know why, but I'm confident that
15 Division did a very good job of trying to investigate
16 the situation. And so I think there's enough said on
17 that. Unless Commissioners have any other comments, we
18 can move on.

19 COMMISSIONER VAN VELSOR: I would just like to
20 ask then: You folks are satisfied with the report as
21 is, and you're not planning on doing any further
22 investigation?

23 CHIEF JENKINS: We're certainly happy to, if the
24 Commission believes we should. At this point probably
25 the most proficient way to proceed would be to continue

1 to contact local authorities in the area who have eyes
2 on the ground on a daily basis.

3 Now that our officers are familiar with the
4 terrain and they've driven around, and seen the lay of
5 the land, when they're communicating with local agency
6 personnel, they can talk much more conversantly and be
7 very familiar with what's being described. So that
8 might be economically the best way to proceed.

9 And as the Deputy Director mentioned, as we're
10 passing through the area, we can certainly stop in now
11 and then unannounced and see what we see, at the
12 Commission's pleasure. In any case, as in the rest of
13 the state, any time, our grants staff and our officers
14 are traveling. We make it a practice to drive through
15 known opportunity areas or problem areas just to see
16 what we can see. So we're always trying to do that
17 throughout, particularly with people who have brought
18 it to your attention. So I wouldn't say it's the end
19 of the report, per se. I would suspect that this will
20 be something that we will be talking about for some
21 time.

22 COMMISSIONER VAN VELSOR: I guess from my
23 perspective, considering that the folks who initiated
24 the request from the standpoint of the conflict aren't
25 satisfied yet, they still feel that there's some

1 problems, and I don't think it's necessarily something
2 that we should lay to rest, but it sounds like that
3 you're still planning on maintaining some oversight in
4 looking into this issue a little bit further.

5 CHIEF JENKINS: Yes. And certainly you could,
6 for instance, put it on future agendas just for updates
7 when we do our statewide, what are we seeing going on
8 around the state. Certainly if something has come to
9 our attention or if we've been able to be in the area,
10 we can include that, keep you informed of what we know
11 when we know it.

12 CHAIR WILLARD: That sounds like a good plan,
13 keep us apprised of the situation. I'm sure Division's
14 travels, when you're in the neighborhood, you'll check
15 in and see what you can see. That would be good, and
16 let us know if you see anything that you want to tell
17 us about.

18 COMMISSIONER VAN VELSOR: It would be worthwhile
19 for the folks that are still having problems to
20 continue to maintain contact for the Division around
21 this so that they can be kept abreast of some of the
22 problems that you're experiencing.

23 AGENDA ITEM IV(A). BUSINESS ITEMS

24 CHAIR WILLARD: Consumer Product Safety
25 Improvement Act of 2008, which prohibits the sell of

1 products that are marketed to children, and
2 specifically this has impact with the sell of youth
3 sized OHV products. And did Division want to give any
4 initial comments before we had a guest speaker give us
5 a report?

6 CHIEF JENKINS: Perhaps I can give just a very
7 brief summary and then we can go to it.

8 The Consumer Product Safety Act, for those of
9 you who may not have heard of it, was passed on
10 August 14th, 2008, and it went into effect just this
11 past February 10th. This act concerns lead content in
12 children's toys or products produced primarily for
13 children.

14 When it was originally passed, it appears that
15 the intention was aimed at the toy market, the paints,
16 the lead content of things that children might put in
17 their mouth and play with. When the law came out and
18 the Consumer Product Safety Commission began to enforce
19 this, it became apparent that it was going to apply to
20 a much wider range of things. It includes bicycles,
21 Legos, library books made before 1985. There are many,
22 many products in our society that contain lead that we
23 may not realize. Lead is a common element in many
24 metal alloys. It's even used in, for instance, plastic
25 fenders on off-highway vehicles in order to make them

1 more flexible. Lead is all around us, oddly enough.

2 This law says that you cannot exceed 600 parts
3 per million in those products, and that will drop next
4 year to 300 parts per million, and in 2011 to 100 parts
5 per million. The way it affects our common interest
6 here, which is in working with OHV issues, off-highway
7 vehicle issues, is that what it has resulted in is the
8 makers of ATVs and motorcycles, that are designed for
9 children under 12 years of age and under, cannot now
10 sell those vehicles as of February 10th. They have had
11 to pull all of those vehicles off the showroom floors
12 and not sell them.

13 Now, like I said, it's not just the lead in any
14 of the metal parts on the engines. It's the plastics.
15 In order for them to get those back on the showroom at
16 any point, they would have to have a third party
17 analyze all of it and certify that there is no
18 possibility of lead contamination to a child that
19 was -- and I think the words they used are mouthing,
20 sucking. Don't let your kids suck on the ATVs.
21 However, getting that certification is no simple task,
22 and it does not look like that will be happening any
23 time in the near future.

24 The result, the net effect, the effect to us in
25 the program on the ground is that, number one, our

1 ability to continue to provide training, which we've
2 been really focusing on quite seriously for the last
3 several years, to get young people trained with ATV
4 safety certificates, will become very, very difficult
5 because we won't be able to buy the vehicles, the
6 youth-sized vehicles to train them on. And in some
7 cases we will not be able to buy the replacement parts
8 for the vehicles even to keep our current fleets
9 operating. So that could have an undesirable backlash
10 on us. Also, families that are going out looking for
11 vehicles to purchase for the younger members of their
12 family, with these vehicles no longer being available
13 for purchase, may result to buying a vehicle that's too
14 large for the child that they're putting it on, and
15 going back to what we were talking about earlier,
16 violating that provision the child has to reach and
17 operate all controls. We've been working with the
18 manufacturers in the industry for years to get young
19 people on age-appropriate sized vehicles, and now this
20 severely impacts our ability to provide those
21 appropriate sized vehicles.

22 I know there has been an exemption requested,
23 but perhaps the speaker might be able to give much
24 better information on that.

25 CHAIR WILLARD: Thank you, Chief. I'd like to

1 call Tom Yager, he's vice-president of Safety Programs,
2 Specialty Vehicle Institute of America to give us a
3 little overview, a little more in-depth on this issue.

4 TOM YAGER: Thank you, Mr. Chairman,
5 Commissioners, staff and Chief, that was an excellent
6 summary.

7 Just a couple of points, children's products are
8 defined broadly as intended primarily for children 12
9 years of age and younger. Any product, as was
10 mentioned, that contains 600 parts per million of lead
11 is considered a banned hazardous substance in the
12 Consumer Product Safety Commission vernacular. And it
13 affects a broad, broad range of products, as you can
14 imagine.

15 We did seek an exclusion for ATVs and
16 motorcycles because they really don't represent a
17 hazard from lead to kids. CPSC told us that they would
18 not consider an exemption until after their rules were
19 finalized, and that just happened. On March 11th, they
20 published their final rules for exclusions.
21 Unfortunately, the CPSC interprets the act such that
22 lead in products will not result in the absorption of
23 any lead. The preliminary work that's been done with
24 respect to the lead absorption from ATVs and
25 motorcycles is less than you would find in drinking

1 water. So the lead hazard does not exist, but because
2 CPSC interprets that any lead, they feel that the
3 leeway that Congress gave them in the act to provide
4 exemptions doesn't allow them the flexibility to do
5 that; therefore, the likelihood of getting an exemption
6 is small at best.

7 So now it's become a battle between CPSC and
8 Congress. So what we are trying to do, we've had
9 representatives on the hill all last week meeting with
10 CPSC staff and also meeting with members of the
11 Consumer Protection Safety and Security Subcommittee.
12 It's a subcommittee of Congress which has CPSC
13 oversight. Mark Prior, Senator Prior from Arkansas, is
14 the chair of that committee. Senator Barbara Boxer
15 serves on that committee. So it would be advantageous
16 to let those representatives know of your views, and we
17 would hope that Congress acts quickly to resolve this
18 issue because for the power sport industry, it's a
19 \$1.5 billion issue. It's huge.

20 That's the latest with respect to this. I would
21 encourage you to visit the MIC, Motorcycle Industry
22 Council, website at www.mic.org, and there is a great
23 deal of information on this issue and also a mechanism
24 to contact your legislators. Thank you.

25 CHAIR WILLARD: Maybe you can wait a second. We

1 might have some questions for you.

2 DEPUTY DIR. GREENE: Just for clarification
3 purposes, for instance, a valve stem whether it's a
4 dirt bike or a Schwinn ten-speed, is a combination of
5 lead and brass and therefore both products are banned.

6 TOM YAGER: There's issues of accessibility, if
7 it's an accessible part. Internal engine parts, for
8 example, it's not an issue. But metal alloys in levers
9 and wheels, those kinds of things are accessible and
10 contain higher than 600 parts per million.

11 DEPUTY DIR. GREENE: So the same thing applies
12 for any used parts, if you're going in to find
13 replacement parts, as well?

14 TOM YAGER: Yes, that's going to be an issue, as
15 well. It doesn't affect use. It affects commerce. So
16 you can still use them. You can't buy new ones, and
17 you can't buy replacement parts.

18 So from a safety perspective, which is where
19 I've spent the bulk of my 24 years with the
20 associations, this is a huge issue because from a child
21 safety perspective, the number one issue by far is kids
22 riding adult-sized ATVs. So this just eliminated
23 appropriately-sized vehicles from the marketplace. So
24 my fear is we're taking an issue of lead that poses
25 virtually no threat and putting in place a situation

1 that's been demonstrated to have tremendous safety
2 issues associated with it.

3 CHAIR WILLARD: Commissioners, any questions of
4 Mr. Yager?

5 COMMISSIONER McMILLIN: Was there an author of
6 the original bill? And you said the intent was for
7 kids putting stuff in their mouth and stuff.

8 TOM YAGER: Right. That was the genesis of it.

9 COMMISSIONER McMILLIN: Do you believe that, or
10 do you believe there was an undertow? Just asking your
11 personal opinion.

12 TOM YAGER: My personal opinion is that it was
13 an unintended consequence of the legislation.

14 COMMISSIONER McMILLIN: So how did they begin to
15 interpret it for things such as quads and motorcycles?

16 TOM YAGER: Because of the definition.

17 COMMISSIONER McMILLIN: How did that even come
18 on their radar?

19 TOM YAGER: Because they broadly define youth
20 product as intended for age 12 and younger.

21 DEPUTY DIR. GREENE: We've heard of libraries
22 now who have been removing books from their shelves
23 that are dating back pre-1985 because some of the ink
24 that was used have a lead level that's not appropriate.

25 The bill was trying to deal with the numbers of

1 products, children's toys coming in from China that had
2 high levels of lead. Today it's affecting the jewelry
3 market, clothing market, it runs the gamut. It is a
4 Catch-22 because the law was flawed but now the
5 Consumer Product Safety Commission is responsible for
6 its implementation.

7 COMMISSIONER McMILLIN: So there was an original
8 bill that had an author?

9 TOM YAGER: Yes, HR 4040.

10 COMMISSIONER SLAVIK: Tom, I understand that the
11 industry has had a self-imposed limit. From what I
12 heard in Europe, maybe EU countries, imposed a thousand
13 parts per million. And that was deemed a safe limit
14 for lead in these kinds of vehicles. Do you have any
15 idea about that?

16 TOM YAGER: I'm not familiar with the European
17 regulations.

18 COMMISSIONER SLAVIK: Something you might want
19 it look at. And there might have been some studies
20 done somewhere else that says, hey, that's perfectly
21 safe, there's no threat to anybody with that kind of
22 level of lead. Somehow somebody jumped the gun on this
23 thing.

24 TOM YAGER: The intent of the Congress was that
25 CPSC would, in fact, provide exclusions. CPSC's

1 interpretation of that part of the bill, that says
2 exposure to any lead, so those three letters, that
3 three-letter word, that is hanging everything up.

4 COMMISSIONER McMILLIN: So why doesn't the
5 author of the bill go back and make a change?

6 TOM YAGER: That's easier said than done.

7 CHAIR WILLARD: He's moved on. He's busy with
8 something else right now.

9 TOM YAGER: That's what we're working with.
10 Senator Prior was involved in that. I believe Senator
11 Stevens from Alaska moved on to other things. But we
12 are definitely working on that right now.

13 CHAIR WILLARD: I think what I'd like to do is
14 finish up questions of Mr. Yager, and then have public
15 comment, and then we can discuss it amongst ourselves.

16 CHIEF JENKINS: Just an FYI, you had asked, it
17 looks like Representative Bobby Bush, a democrat from
18 Illinois, was the sponsor of that original legislation.

19 CHAIR WILLARD: I guess there are no other
20 questions. Thank you, Mr. Yager. So we'll hear some
21 public comment. There is quite a few to go through.
22 Mr. Tammone.

23 TOM TAMMONE: I came all this way and I learned
24 something today, that this whole issue with this lead
25 content in OHVs is coming down to a three-letter word,

1 any amount. I'm not an engineer, but I'm a mechanic,
2 and I'm somewhat familiar with manufacturing, and there
3 is no such thing as never. There is no such thing as
4 any, and there is no such thing as not. Everything has
5 some. This has some. This table has some. This has
6 some. Everything in this room has some kind of lead in
7 it. So there is no way to comply with this law.

8 If you've ever read the material safety data
9 sheet for lead, you would say it's horrible stuff, and
10 perhaps it is. But the problem is go and read the
11 material safety data sheet for just about anything a
12 motorcycle is made out of. You can make the same
13 argument for just about any material that would be even
14 conceivable or possible to consider making a piece of
15 equipment or motorcycle or anything out of. What are
16 we supposed to do, stay home and play on our computers?
17 Those are toxics waste, too. I hate to tell you that.

18 Do we have to comply with everything when it's
19 just virtually -- obviously it's uncompliant. At what
20 point do we just say of a bill, we can't just comply
21 with this. It just simply can't be done. You just
22 eliminated the human race. You've eliminated all
23 existence. Nothing in this planet has absolutely no
24 lead. Thanks.

25 CHAIR WILLARD: Brad T. Garden. Fred Wiley, and

1 then Ed Waldheim.

2 FRED WILEY: Good afternoon, Fred Wiley with the
3 Off-Highway Business Association. I'm here today to
4 talk about the effect in California. I represent many
5 of the businesses that have had to pull their equipment
6 off of their shelves throughout the state. Some of
7 them are suffering from a three to ten percent loss of
8 business on this one particular type of product alone;
9 already suffering from as much as a 40 to 50 percent
10 loss of business due to the economy. This is
11 devastating to these people. We're going to lose
12 businesses that have been there for 40, 50, and 60
13 years that have been handed down through generations
14 due to a law that has no scientific data behind it that
15 shows that these pieces of equipment cause any illness.

16 It's important that this Commission take a
17 position and send a letter to the state representatives
18 telling them that they need to do something about this.
19 Our life structure and business within this state is
20 challenged as we see it now. If they're going to pass
21 laws, they need to have meaning behind them. They need
22 to have facts behind them. And when they make a
23 mistake and get the language wrong, they need to fix
24 them right away. We don't need to wait years for them
25 to fix them. So I would ask the Commission to take a

1 position and take a stance and tell our state
2 representatives to do something about this. Thank you.

3 CHAIR WILLARD: Ed Waldheim, John Stewart.

4 ED WALDHEIM: Ed Waldheim, CTUC. Fred Wiley
5 said it very, very well. Do you realize that poor
6 President Obama has just had the rug pulled from
7 underneath him. He wants to create stimulus. He wants
8 to create jobs. And while he's doing that, we're
9 completely taking the job market away from him. You go
10 figure that out. I can't now technically network with
11 my son and take apart an engine to work on it to teach
12 him how to do mechanics. Technically, if they get
13 really bad on that, you working on your cars can't
14 teach your kid to work on it because, as Tom Tammone
15 says, everything has lead in it.

16 This whole thing is absurd. It is beyond
17 absurdness. So I strongly suggest you send a strong
18 message and make a motion, you ask Division, you ask
19 your appointing agency, five of you are from the
20 Governor, you're from the Senate Leader Steinberg, and
21 have them really push it. This is going to cripple
22 California. The ripple effect of this, it's no words.
23 It's insanity. It is totally insane.

24 So please do something on this and have the
25 Governor send a letter in there and have him talk with

1 his buddies up there and with Obama and the other
2 people and get this resolved. This makes absolutely no
3 sense whatsoever.

4 CHAIR WILLARD: John Stewart, Karen Schambach.

5 JOHN STEWART: John Stewart, California
6 Association of 4-Wheel Drive Clubs.

7 A little over 200 years ago, then president
8 John Adams made a profound statement and is quoted, "In
9 my many years, I have come to the conclusion that one
10 useless man is a shame; two is a law firm; three or
11 more is a congress." That seems very applicable today
12 in that we have congressional action that has had such
13 a profound impact on the economic issues or on the
14 economic condition of the country. And it's a shame
15 that something can't be done or they can't recognize
16 and realize that they have made a mistake, and they
17 have to correct the mistake soon. It is a serious
18 economic impact. Thank you.

19 CHAIR WILLARD: Well, this seems like a pretty
20 easy one from my perspective. I think the thought
21 behind the legislation was very well intended. I'm
22 sure all of my colleagues are like I, very interested
23 in the safety of children and applaud the goal of the
24 legislation, which is to keep lead away from children
25 with all of the known health hazards that that has.

1 However, unintended consequences, I mean that is
2 sort of an overused phrase sometimes, but it's
3 obviously very true here, because the unintended
4 consequences are twofold. On the one hand, you've got
5 the serious economic consequences. I think we heard
6 \$1.2 billion, which is not insignificant, especially in
7 an economic environment where we're trying to stimulate
8 business. So that's definitely not a good thing.

9 However, I think the real important issue for me
10 is the fact that this legislation has the very real
11 potential for actually causing harm and perhaps even
12 death to our children. The fact that we no longer can
13 allow children to ride on appropriately-sized OHV
14 vehicles, puts them at great risk when they will ride
15 larger vehicles that aren't sized appropriately and put
16 them in a very dangerous situation. So I'm very
17 concerned about that aspect of this legislation, and I
18 think we should take a position on it. I'd like to
19 hear what my fellow Commissioners have to say on it.
20 So anyone else have any other comments?

21 COMMISSIONER LUEDER: Thank you. Just
22 anecdotally, I spoke with a local dealer, who is a good
23 friend of mine, been in business for 40 years, and I
24 asked what impact is this having on your business. And
25 he said, well, you know, we're already down a large

1 percentage, 40 to 50 percent in sales and service this
2 year. And our youth product line and maintenance and
3 accessories is about 25 to 30 percent of that. So it's
4 extremely significant to many dealers who are primarily
5 mom and pop businesses. They're not big business.
6 They're struggling just like everybody else is.

7 So I support that this Commission take a stand
8 and basically request immediate exemption for
9 youth-sized ATVs and motorcycles and send that letter
10 to the Consumer Product Safety Commission with copies
11 to Senators Boxer and Feinstein.

12 COMMISSIONER McMILLIN: I agree. I think we
13 ought to cc every U.S. senator there is and every
14 Congress member. I'm amazed, I'm a member of CORVA and
15 I'm a member of the American Sand Association, and I
16 haven't gotten any e-mail blast on this. We're
17 speaking to the choir here. We've got to get out an
18 e-mail blast, a chain letter going. I haven't received
19 anything from anybody. I don't know how we do it. Do
20 we have Daphne write a letter on our behalf, and then
21 get us copies back so that we can start sending it out?
22 It's got to be concise. It's got to be simple. It's
23 got to be an action item if we do an e-mail blast.

24 CHAIR WILLARD: I think there are two things we
25 talked about. First of all, we continue to discuss it

1 and vote on whether or not we should take a position.
2 And then I think the Commission, one of the actions we
3 may decide to do is decide to write a letter to the
4 various legislators.

5 The other thing I think we're talking about is
6 how do we get the word out. I think that's just us
7 talking to the folks we know that are in the position
8 to make that happen. And I think we can do that, some
9 of them are sitting out there listening. Any other
10 comments?

11 COMMISSIONER SILVERBERG: Well, it seems pretty
12 reasonable to eliminate this unintended consequence as
13 fast as possible. So I'm in agreement to get a letter
14 together right away.

15 COMMISSIONER SLAVIK: I wonder if a letter is
16 the best instrument for this. If we need something
17 stronger or maybe Tim or somebody can suggest
18 something, a better way to do this, because this is
19 very important, obviously. And I think Ed's comment
20 about somehow getting the Governor to kind of weigh in
21 on our side or somebody with some horsepower beyond
22 what this Commission has, if there is any possibility
23 of that, we ought to ask for it.

24 COMMISSIONER VAN VELSOR: I agree. It appears
25 that there are unintended consequences here, but I

1 don't have a good sense of how children might access
2 parts of the vehicle that might be problematic, and I
3 would be curious to hear what you had to say from the
4 standpoint of if there is any real threat here, either
5 one of you.

6 DEPUTY DIR. GREENE: The chances of a child
7 getting injured on an inappropriate-sized vehicle are
8 much higher than the child getting sick from sucking on
9 a valve stem.

10 That being said, we have said on repeated
11 occasions that some of the Chinese products coming into
12 the U.S. are completely inappropriate particularly in
13 California where we care about our air. And some of
14 the Chinese manufacturers have made concerted efforts
15 to try and work to get these levels down.

16 I think there is a bigger issue here in terms of
17 looking at some of the issues that we have with Chinese
18 products. But in this particular instance, I think
19 that it is appropriate for some sort of stand to be
20 made that can say that we care about child safety and
21 don't want children getting injured on inappropriate-
22 sized vehicles.

23 But in terms of right now not being able to get
24 replacement parts, I have a greater concern that you're
25 going to start see either kids or parents, whatever it

1 may be, riding on completely inappropriate-sized
2 vehicles. And not to mention, in some cases you have
3 adults riding on some of the small vehicles out there,
4 they can't get parts.

5 This is devastating the economy. Week after
6 week we continue to hear about people being out of
7 business. I recognize some people may say it doesn't
8 really hurt anybody. Quite frankly, some people don't
9 want any children on any OHVs. Given the sheer numbers
10 of family that are recreating together, this is going
11 to split families. And that is another concern that I
12 have, certainly.

13 CHIEF JENKINS: Also, the public law, if you
14 read through the entire thing, which is tedious, as
15 most laws are to read, but it does say that certain
16 electronic devices are exempt because it's just
17 technically not feasible to eliminate all of the lead
18 from them. That would include Xboxes, a lot of the
19 little electronic games that are designed for little
20 children.

21 So I think what I've been hearing you all
22 discussing would be that perhaps you're looking for the
23 same kind of consideration that's being extended to the
24 electronics industry, where I don't think any of us in
25 this room could say definitively right now that there

1 is no risk from lead from the vehicles; however, just
2 knowing that they've already made exemptions for some
3 products, it would take some expert to look at the
4 youth-sized ATVs and motorcycles, and then using their
5 expertise, apply that same sort of thinking, perhaps.
6 So just pointing out that they've already made
7 exemptions for some things, so I don't think you would
8 be looking at something that is completely new.

9 CHAIR WILLARD: Well, I'd like to put forth a
10 motion. I'd like to make a motion that the Commission
11 instruct the Chair to work with Division in writing a
12 letter that urges our lawmakers to -- and, again, I'm
13 not sure how to word the letter, and it will require
14 some work, but either to seek an exemption or to have
15 an amendment to the bill or to the statute. And that
16 we encourage them to do so as soon as possible, and
17 that the primary reason we give in the letter would be
18 the safety of our youth. I think the economic impact
19 is certainly a real important issue, especially to
20 dealers. But from our perspective, I think the real
21 important thing is the child safety, and I can just see
22 some really bad things coming out of this that we need
23 to do everything we can to prevent. And so I put forth
24 that motion for Commissioners' consideration.

25 COMMISSIONER SILVERBERG: I second the motion.

1 CHAIR WILLARD: Discussion?

2 COMMISSIONER McMILLIN: I think it's important
3 that that letter follow suit of work already in
4 progress and we try to hit it with one blunt force,
5 instead of a lot of side ideas on how to solve it.

6 COMMISSIONER SLAVIK: I asked a question is
7 there a better instrument, and we haven't gotten any
8 response that. I wonder about that.

9 ATTORNEY LA FRANCHI: I don't really think so.
10 In terms of timing, if you want to do this quickly, I
11 think the motion speaks to that.

12 If you tried to have staff do some more research
13 and come back with a suggestion for resolution or
14 something, that would mean you would lose whatever
15 months are between now and the next meeting. I think
16 the letter, kind of an open letter from the Commission
17 to the appropriate parties, I think that works.

18 COMMISSIONER SLAVIK: Can we do that before the
19 next meeting?

20 CHAIR WILLARD: Absolutely. That's the intent
21 of the motion is, if passed, to get a letter out in
22 short order.

23 ATTORNEY LA FRANCHI: Essentially what the
24 Commission would be agreeing to is delegating to the
25 Chair on behalf of the Commission to write the letter.

1 So if each of you have some criteria or some things you
2 would like to put into the motion to make it clear what
3 limits you might be interested in or whatever that
4 would clarify the delegation you're giving to the
5 Chair, that would be appropriate.

6 COMMISSIONER VAN VELSOR: Do we have the
7 opportunity to review the letter prior to it going out
8 or does that conversation have to take place here?

9 ATTORNEY LA FRANCHI: That's the rub. You're
10 absolutely right. It would have to come back for
11 public review, and certainly the letter itself would
12 have to be reported back later. Any time there is a
13 delegation of the Chair, there has to be a feedback
14 loop to the whole Commission. So certainly a copy
15 would go to the Commissioners once it goes. And then
16 to the extent you want to have a follow-up discussion
17 at the next meeting, you can do that.

18 DEPUTY DIR. GREENE: As another alternative if
19 the Chair wanted to work and provide a draft, you could
20 call a ten-day meeting, and we could do a conference
21 call, open to the public, and place that on the web and
22 that would be another alternative to be able to
23 facilitate movement.

24 COMMISSIONER VAN VELSOR: I guess the main thing
25 I would say is I support your position that we come at

1 this from the standpoint of the threat to children by
2 having this legislation take place. I would support
3 Gary's position that we are doing this from the
4 standpoint of protecting the health of children.

5 CHAIR WILLARD: Call for the vote. All those in
6 favor? Aye. Opposed?

7 (Commissioners simultaneously voted.)

8 CHAIR WILLARD: Motion passes.

9 Ten minute recess. Back at 3:30.

10 (Break taken, reconvened at 3:35 p.m.)

11 AGENDA ITEM IV(B). BUSINESS ITEMS

12 CHAIR WILLARD: Deputy Director, strategic plan.
13 Could you please give us a quick review of the progress
14 we've made since our last meeting?

15 DEPUTY DIR. GREENE: As all of you know, the
16 strategic plan, which you have in front of you, draft
17 two, is a comprehensive and collaborative-oriented
18 study and analysis with public comment, examination,
19 Commission input, public input, and knowledge from our
20 own Division staff. Just a bit of a background, going
21 back to October 26th, we posted it on the web for
22 public comments. On December 3rd, when we were all
23 together last, we heard a great deal of good comments
24 from people and some feedback. And then in January, we
25 conducted three public workshops in Redding, Fresno,

1 and Ontario. I would just like to take a moment to
2 personally thank all of the Commissioners for attending
3 those workshops. Some of you attended two of them, but
4 all of you got to at least one, and that was very
5 encouraging for both all of our staff and for the
6 public to see all of you there, so just a special thank
7 you for that.

8 Public comments, the final to get in for this
9 draft were due on February 13th, and there were
10 extremely valuable comments that we heard, numerous
11 comments via e-mails, letters, phone calls. Comments
12 ranged from everything from we believe that the draft
13 document fails in several respects, there is no balance
14 in this plan, to this is a very well thought out plan
15 with excellent goals. So always trying to work within
16 that framework.

17 Some of the themes we heard were that we needed
18 to pay more attention to the environmental education
19 and safety than we do. The concern is about reaching
20 kids at an early age to share with them about the
21 program, environmental, education, and responsibility.
22 We also heard concerns from the public about the way we
23 spoke about the gateway for children. We tried to
24 clarify this area and look at some of the language that
25 some people were concerned about.

1 Ongoing issues, some of which have been
2 discussed today, focus on trespass and violation of
3 closed areas, how we can try and help address some of
4 those, public health and safety, and also ways to
5 improve inner-agencies coordination.

6 Careful consideration was given to these
7 comments. And in particular, the public has given us
8 the information to be able to go back and really
9 examine the goals and the objectives in our actions.
10 So on March 8th, we posted this revised document on the
11 web, taking into consideration those public comments
12 that we heard from the interested parties.

13 I think some of the changes that you'll find as
14 you look through the document is the structure of the
15 document, which was done to try to make sure that we
16 are following the Department of Finance guidelines. We
17 took out the framework section that had been in there
18 that was causing a little bit of confusion. We tried
19 to add the marketing and outreach, the need for the
20 education component to making sure that people
21 understand the importance of the message that we need
22 to create. We tried to better clarify the greening of
23 OHV and to revise the new gateway sections. We tried
24 to expand upon some of the public health issues that we
25 need to look at as we look at responsible OHV.

1 The vision statement, which was omitted in the
2 first draft, was put in. Before today, we've heard a
3 lot of comments from people about the vision statement
4 being too long and difficult for people to remember,
5 and that some of you had asked if there was a way that
6 we could have one or two sentences that would capture
7 the vision statement so that everybody would be able to
8 say it. You have that in front of you. It's just an
9 item of discussion. Certainly would welcome any
10 feedback some of you may have. And then finally a
11 revision of the goals, objectives, and action section
12 that many people had commented on.

13 As we look to next steps and where do we go from
14 here, certainly we would welcome any comments today.
15 We'll still keep this edition up on the web for another
16 week, but welcome any comments if you want to get them
17 to us or the Commission members. We'd like to hear
18 from you. We'd like to hear your perspective on
19 whether you think we've made progress and do you think
20 we've captured your concerns.

21 Certainly we heard from some people that the
22 program shouldn't even exist. This issue is a little
23 bit more difficult for us to address. It's really not
24 appropriate for us to address in a strategic plan.
25 That's a different forum for a different discussion.

1 So we would ask that March 20th would be a
2 deadline for getting comments in to us. At that time,
3 we'll refine and update and begin with our final edits
4 taking us through March and April. Just as we move
5 forward, we will be providing a letter to the
6 Governor's Office, making them aware of our progress.
7 We still need to develop the performance measures,
8 which are those measures by which we are able to
9 measure our performance, our success in doing what we
10 essentially say we will be doing; the research
11 assumptions in our objectives and action items, how are
12 we going to find the resources to effectively achieve,
13 dedicate towards moving forward with some of those
14 items that we said we need to; and then finally, the
15 summary and the appendix which will include a glossary
16 of terms, maps, as well as the executive summary, and
17 to develop and implement a timeline for our strategic
18 plan goals, objectives, and action items. So we still
19 have some work to do before us here.

20 And then looking to get the document submitted
21 to the Resources Agency by May 1st with an approval
22 from the Governor's Office, and moving it on to
23 Department of Finance, which is really where we've
24 talked about in the past. And I think I also would
25 like to be able to send a copy to the Bureau of State

1 Audits, to be able to say that we've effectively been
2 able to work with the Commission and with the public
3 try to achieve that "shared strategic plan" in the
4 creation of a strategic plan, which will take us
5 through for the next five years building on our
6 strengths and to leveraging our resources. That's just
7 a brief overview of where we have come from, where we
8 are, and where we hope to go.

9 CHAIR WILLARD: Thank you, Deputy Director. I
10 want to compliment the Division on making huge, huge
11 steps forward with this revised plan. I was really
12 happy when I started reading through it. It started to
13 flow a lot better than the initial drafts. So, thanks,
14 a lot of work here, a lot of good work. I think it's a
15 really, really good plan.

16 I think we would like to talk about it now, but
17 would we have the opportunity to provide some detailed
18 written comments to you later after the meeting within
19 a week or so?

20 DEPUTY DIR. GREENE: Certainly, as long as we
21 have them by the deadline.

22 CHAIR WILLARD: Yes. And, in fact, Tim, maybe
23 you can elaborate a little bit on it. What I have in
24 mind is appointing a subcommittee of two Commissioners
25 to sort of review it a little bit more in-depth and to

1 take comments from other Commissioners that aren't on
2 the subcommittee, and then the subcommittee would then
3 submit comments to the Division; would that work?

4 ATTORNEY LA FRANCHI: No, that wouldn't work.
5 Two members of the subcommittee could operate to
6 provide their thoughts and input to the Division. But
7 for them to go out and gather comments from each of the
8 members would be, in essence, a meeting because it
9 would be more than two.

10 I think the appropriate way to do it would be
11 for each individual Commissioner to operate in their
12 individual capacity and provide comments like anybody
13 else to the Division. And then if you do want to have
14 a subcommittee, certainly the subcommittee could act a
15 little more formally but without having to have an open
16 meeting for those two to discuss it.

17 CHAIR WILLARD: Commissioners, comments,
18 questions?

19 COMMISSIONER VAN VELSOR: I really like the
20 ambitious nature of the plan. I think it's important
21 to shoot high because if you're going to achieve
22 excellence, you really need to be striving for the
23 best, and I like that.

24 A couple of areas that I would just like to
25 focus on, one being the possibility of setting

1 priorities within the objective strategy area. To
2 focus on obviously priorities, is it important for us
3 to look at specific areas first over others, and then
4 we would be more likely to focus our resources in a
5 priority fashion. So that's one thing that I think
6 would be worthwhile looking at.

7 Secondly, the establishment of measurements of
8 performance, and I believe that was discussed earlier
9 on in the process of developing the strategic plan,
10 that it's important to have performance measures so
11 that you can get a sense of if we're accomplishing the
12 goals and objectives that we've set out for ourselves.
13 So those are two areas that I think would be worthwhile
14 considering adding to the strategic plan.

15 DEPUTY DIR. GREENE: And if I may, the
16 performance measures are mandatory. That's a
17 requirement a requirement from the Department of
18 Finance, and that's some other work that we have to do
19 now.

20 If you have some suggestions in terms of
21 prioritization, we certainly would be willing to hear
22 those, as well. And where those would then be
23 articulated would be in the timelines that we would
24 have in the action items. So each one of those will
25 still receive a timeline. Certainly we would welcome

1 that feedback if you have some ideas for
2 prioritization.

3 COMMISSIONER VAN VELSOR: You intend on adding
4 timelines to the plan?

5 DEPUTY DIR. GREENE: Absolutely.

6 CHAIR WILLARD: Deputy Director, could you go
7 over the components that are missing from our current
8 draft?

9 DEPUTY DIR. GREENE: I'll grab the Department of
10 Finance guidelines in particular, but what still needs
11 to be done are the performance methods, so those
12 methods used to measure results and ensure
13 accountability; the resource assumptions, which are the
14 determination and allotment of assets or resources
15 necessary to carry out our strategies and to achieve
16 those objectives; the appendix section, which will
17 include the glossary of terms, the maps, and other
18 items that are necessary.

19 COMMISSIONER SLAVIK: Correct me if I'm wrong,
20 in looking at this strategic plan, although it talks
21 about opportunities in the future, increasing
22 opportunities in the future, it doesn't get specific
23 about that. And I think what I'd like to see, unless I
24 missed it somewhere in there, is specific areas in the
25 state that may be prioritized about where we should be

1 looking at to put OHV opportunities if, in fact, they
2 do come up. It seems to me when something does come up
3 and it's in the plan, we have a lot better chance of
4 maybe making it happen than if it's just a general
5 statement of more opportunity.

6 DEPUTY DIR. GREENE: Good point, Commissioner
7 Slavik, and that really is what we're looking for as an
8 amendment to the plan. What we're looking at is that
9 the plan lays out that needed data, and that needed
10 data helps us to essentially coalesce the information
11 that we still need to gather and develop in order to
12 have that final acquisition plan.

13 And that was one of the points mentioned today.
14 California is a very big state, and we don't have the
15 staff available who can canvass the state knowing every
16 ounce of land that might be available for acquisition.
17 As we mention in the plan, we want land close to urban
18 centers so that we can meet those issues of local
19 private property, trespass, and global warming. We may
20 also want to acquire segments on BLM and Forest Service
21 lands that cross private property, where we could
22 acquire or purchase an easement through a grant or
23 perhaps some sort of legislation. So that would be
24 another avenue. And then there are damaged lands that
25 are appropriate that we could perhaps purchase,

1 restore, repair, and then still provide for use.

2 So there are a variety of aspects to an
3 acquisition. The plan is essentially the beginning
4 that lays out the foundation of the need to acquire
5 some of that data to put together that acquisition
6 strategy.

7 COMMISSIONER SLAVIK: But we know the places
8 like Orange County and L.A. County, I mean you wouldn't
9 have to do any scientific data gathering to figure out
10 there is no place to ride there. So is there any
11 possibility of putting a couple specific places like
12 that in the plan now before we go on and do appendix
13 and a lot of other things that's going to take a lot
14 longer?

15 DEPUTY DIR. GREENE: We still need to develop
16 criteria which help us to determine our priorities. So
17 then the questions are: Would we look at numbers of
18 green stickers and red stickers? Would we look at
19 close to an urban center? Would we acquire land that
20 is adjacent to an SVRA or would we pick something that
21 is out on its own?

22 I think part of the problem that we've had over
23 the years is a catch as catch can approach. If
24 somebody has land, we go running. We need to be
25 systematic and thoughtful and strategic and political,

1 because we need to move things through a process.

2 CHIEF JENKINS: And, Tim, maybe you can help us
3 clarify this. I think what I'm hearing described is
4 more of an action plan that would flow out of a
5 strategic plan.

6 ATTORNEY LA FRANCHI: There are a couple of
7 things in the guidelines. There is one mandatory item,
8 which is the methodology that was used to develop the
9 strategic plan. So that's got to go in there, plus the
10 performance measures, and those sorts of things need to
11 be done.

12 But downstream, the next step would be to add to
13 this in a step two or three, if you will. And one of
14 those is the strategic acquisition plan appendix to the
15 strategic plan as you see it now. And that builds on
16 the goals that are here. For example, goal one and
17 two, goal one is an emphasis on getting the program
18 under control, managed, where all of the problems that
19 have been talked about with trespass and nuisance and
20 soil and that sort of thing, getting that existing
21 system under control where problems exist. Goal two is
22 begin to fill gaps in the system, and that's where the
23 acquisition piece comes in.

24 And so one of the next steps would be to develop
25 a strategic acquisition piece, which would be an

1 appendix in addition to this. Now that we've got the
2 basic premise of the strategic plan, now we can start
3 thinking about how do we actually implement that in the
4 context of the strategic plan. And out of that
5 strategic acquisition piece would be the kinds of
6 things you're talking about.

7 Depending on how far you want to go, what
8 locations, what kinds of selection criteria, what kinds
9 of specific goals, acquisition goals would be needed to
10 implement that goal two, which is to fill gaps and that
11 sort of thing.

12 The other piece that isn't here that would be
13 the next step would be specific implementation plans.
14 So right now there are action steps and goals and
15 objectives, but the only way those are going to make
16 any sense, and the priority issue goes into this, is a
17 team is assigned, for example, to start putting
18 together an action plan and implementing it for a work
19 plan, some specific work plan steps for developing, for
20 example, statewide curriculum for education, for
21 training. There's just a generalized kind of goal,
22 objective and action steps for that. But the only time
23 that really is going to make any sense is if there is a
24 team put together that's actually responsible for going
25 out and coming up with the curriculum and doing it.

1 So those two things are critical next steps to
2 this. One is that acquisition plan, and that will come
3 back, maybe we begin putting that together in the next
4 six months. And as that is put together, go through
5 the next process. Public gets a chance to comment on
6 it, Commissioners get a chance to work on it, review
7 it, comment on it, and get that put together.

8 And then the second piece of that would be the
9 specific action plans, work plans that work teams would
10 begin putting together. And before they actually go
11 out and jump off the cliff and start doing them, those
12 work plans would also get an opportunity for review so
13 that you've got kind of where we want to go, the ladder
14 is against the right wall now, and we are starting to
15 climb it, then you've got to assign the team to start
16 climbing that ladder.

17 So there are still several months of additional
18 work down the road. So, as Daphne says, this isn't the
19 end of it. This is just kind of the beginning to get
20 those two real steps, acquisition and work plans, in
21 place.

22 CHAIR WILLARD: Thank you. Any other comments,
23 Commissioners?

24 COMMISSIONER VAN VELSOR: I'm curious, would we
25 be able to work on this in a track changes format?

1 DEPUTY DIR. GREENE: Oh, I would love that.

2 CHAIR WILLARD: In Word document track changes.

3 DEPUTY DIR. GREENE: Absolutely.

4 CHAIR WILLARD: So in order for that to happen,
5 you send us this as a Word document?

6 DEPUTY DIR. GREENE: Yes.

7 CHAIR WILLARD: So you might as well do that.

8 DEPUTY DIR. GREENE: Okay.

9 CHAIR WILLARD: Anything else? We're all happy.

10 COMMISSIONER McMILLIN: I want to comment on the
11 revised vision statement. I think that's a nice
12 statement. I think it looks and feels more like a
13 vision statement. I would just like to add into that
14 somewhere, the Division will assure ongoing access and
15 increased opportunities or growth of such. It makes it
16 sound like we're going to keep it the same. I want to
17 make sure we get growth into that somehow. Ongoing
18 access, sounds to me like we are going to manage what
19 we already have, but then a real commitment to proven
20 resource management, community education, and
21 environmental stewardship, and that's important, too.
22 But growth of the program is important, also.

23 DEPUTY DIR. GREENE: Thank you.

24 CHAIR WILLARD: Well, I think we'll open up for
25 public comment at this time. Karen Schambach, followed

1 by John Stewart.

2 KAREN SCHAMBACH: Karen Schambach, PEER. I
3 would have liked to have seen this in a strike out
4 format because I'm trying to figure out where the
5 changes are, but it seems greatly changed, and that
6 might have been just impossible.

7 DEPUTY DIR. GREENE: Yes, it would have been.

8 KAREN SCHAMBACH: But I do see -- actually this
9 is the first time. I know it's been on the website,
10 but I haven't had a chance to look at it until today.
11 And I find a lot of it greatly improved. And some of
12 the things that some of us sensitive types objected to
13 are removed, and I appreciate that.

14 Kind of just following my comments earlier when
15 we were talking about the Wonder Valley, I think it
16 would be helpful if the mission statement and/or the
17 vision and the goals included something more specific
18 to being good neighbors. There's some kind of obscure
19 references to it, but I think it should be a direct
20 blatant part of the program. And so in the mission
21 statement forever have something about a commitment to
22 doing your part to protect rural quality of life by
23 directing OHVs away from residents.

24 On page five through seven, I don't know if it's
25 necessary to repeat that, the entire Public Resources

1 Code as far as the duties of the Commission,
2 recreation, maybe those could be summarized. I don't
3 know the reason why they're spelled out verbatim. I
4 don't object to it, but it seems like it's kind of
5 redundant.

6 Under program areas, again, maybe having a
7 program, an actual program area called community
8 relations. We certainly have a law enforcement program
9 which isn't identified here, but it's a part of the
10 program, and you could call it community relations if
11 you want, but I think it should be identified somehow
12 and that that is clearly a goal.

13 On page 23 up at the top, the top paragraph, it
14 refers to responding to calls from private property
15 owners with complaints of authorized use be a top
16 concern. It says that these concerns have resulted in
17 increased county ordinances and county planning
18 documents restricting OHV uses. In many cases these
19 restrictions are threatening areas historically open to
20 OHV use. Again, I think it would be more sensitive to
21 recognize that in addition to it impacting OHV
22 sustainability, that you have an obligation to be good
23 neighbors.

24 I'm running out of time. But other than that, I
25 see this is a great improvement over the last one.

1 Thanks.

2 CHAIR WILLARD: John Stewart, then Ed Waldheim.

3 JOHN STEWART: Good afternoon, Commissioners.

4 John Stewart, California Association of 4-Wheel Drive
5 Clubs. Congratulations, Deputy Director Greene for
6 getting out a very good looking strategic plan. What's
7 holding us up from getting it going? I'm excited it's
8 gotten this far, and I'd like to see it finished and
9 submitted to the Governor.

10 There's one little minor technicality that
11 jumped out at me here. If you look at page 21, line
12 548, it says, "Conversion to wilderness or roadless
13 areas while legislation is pending and being introduced
14 to create wilderness," legislation does not place
15 further restrictions on roadless areas. That's an
16 administrative action. Congress did call to have the
17 roadless areas defined, so it's just a minor
18 technicality, change in the wording issue to make it a
19 little bit clearer. Thank you.

20 CHAIR WILLARD: Ed Waldheim, followed by
21 Fred Wiley.

22 ED WALDHEIM: Ed Waldheim, CTUC.

23 On the mission statement where you state,
24 "funding to other public agencies," we need to add
25 public agencies, federal and land agencies. Let's

1 identify who these public agencies are. Because this
2 document is really skewed mostly for SVRAs for local
3 things, and we don't want to forget proper identity of
4 how important the federal agencies are.

5 On page seven, you say complete by January 1,
6 2009 strategic planning process. We've already missed
7 that date. Why would we put something in there that's
8 already gone. So just write down, we will complete the
9 strategic plan, and leave yourself open for that.

10 On page nine, you have the grants and
11 cooperative agreement. Your chart only picks up from
12 2001. I think that's a disservice to what we've been
13 doing since 1971. We've had an entire process since
14 1971 going on, millions and millions of dollars. We
15 haven't been here for 10 years, we've been here for
16 35 years; give me a break.

17 And also at the end, we need to have a history,
18 as I alluded to earlier. We do not have the historical
19 background of all of the grants that we have done.
20 This needs to get on the website. We have the data.
21 Get Brian Klock back out of the closet. He's waiting
22 to be used to be put to work again. He's the one that
23 kept it up to date until 1999, and bring everything
24 from '71 to 1990 up to date, put it in and make a
25 reference to that because we do have the data, and

1 we're acting like we don't have it, but we should have
2 that on the web page.

3 The portion on the back on page 41, I'm very
4 concerned that -- again, I covered that very
5 extensively -- grants and cooperative agreement, this
6 is a document that you're going to send to the
7 legislators. They won't give us money because we don't
8 have this vision, we don't have the strategic plan.
9 We're going to give it to them, but you haven't made a
10 case for us who recreate in the federal lands. The
11 federal lands provide for 87.6 percent of the land
12 mass. SVRAs only give me 12.32 percent. That's all
13 they give me, period.

14 So we're acting like it's an even PAR. It is
15 not an even PAR. Seventy percent of the visitors to
16 the State of California recreate in federal lands. It
17 used to be 80, but the SVRAs have picked up, so it's
18 changed. Deputy Director, she corrected me on that,
19 and I went back and looked at the numbers. Yes, in
20 truth looking at her documents, the SVRAs is at
21 30 percent.

22 But the fact still remains that we only have
23 12.32 percent of the land mass that we use for
24 recreation in the State of California in the SVRA
25 family. We need to really point that out. We're not

1 doing that. The amount of money that we spent on the
2 SVRAs is tremendous. What did I come up with? The
3 SVRAs cost us \$88 per visitor, and on the federal lands
4 it costs us \$31, using the grant fundings that we have
5 on that.

6 Since we found out the due date is the 20th,
7 we'll make some more comments on that. But the strike
8 over, I think it will be kind of cool to see what was
9 changed and what wasn't changed, because you have to
10 guesstimate of where we go on there.

11 But, please, last thing that I want to put on
12 there, my 30 seconds, on page 41, we should put in
13 there, Ms. Greene, the budget from the agencies. What
14 is your off-highway vehicle budget? You get money from
15 a bank. You go in and ask for a bank loan, you have to
16 give them a plan of what you're going to do. We're in
17 the same boat. You're giving money to these agencies.
18 You never ask them what their plan is. You don't have
19 a clue that their plan is.

20 I have, because I created the Waldheim budget.
21 I have it. Everybody makes fun of me with my Waldheim
22 budget, but I can show you any forest what their plan
23 is, what is their budget, and I can see if they're
24 cheating on us, they're not providing the services, or
25 where the thing is. I have it to 2005. It took me two

1 years to put it together while I was on the Commission.
2 So we need a budget from the agencies who apply for
3 money.

4 CHAIR WILLARD: Fred Wiley, followed by
5 Thomas Tammone.

6 FRED WILEY: What a guy to have to follow.
7 Fred Wiley with the Off-Road Business Association.

8 I'm really not the guy that anybody wants
9 editing this document, but I will tell you I have
10 attended the workshops, I've worked with the
11 Commission. I was instrumental in getting the original
12 audit in place that helped push it in this direction,
13 and I want to thank everyone who has worked very hard
14 on it.

15 I only have one simple comment, and it came to
16 me during the workshop, I think it was in Ontario,
17 where we had people commenting on the document in
18 itself and saying that it should create policy within
19 the SVRAs and the open land areas. My opinion is that
20 there isn't a place in this state where you can't go
21 where there isn't always air resource issues, water
22 issues, all those things. So I don't think the
23 document needs to create any further overlay in that
24 position. I haven't seen any, but I'm sure in the
25 final document, once we get to that point, we will have

1 the opportunity to comment, but I think it's important
2 not to add layers to the process. Thank you.

3 CHAIR WILLARD: Thomas Tammone.

4 TOM TAMMONE: Yes, I'll say it again, Thomas
5 Tammone. Anyway, I like it in here that it says more
6 capable opportunities. I need to acknowledge that we
7 need to have more capable opportunities for these
8 extreme vehicles. I say it needs to go to the next
9 step, and we need to come up with an extreme difficult
10 classification. We have easiest, more difficult, and
11 most difficult, and we need to go to the next step,
12 extreme difficult, double diamond classification.
13 There are a lot of vehicles out there that need it.
14 The rock hard sales the stickers. It's on their
15 website, so it does exist.

16 Anyway, as far as volunteer programs, yes.
17 Before I was cut off on the other housing issue, I was
18 going to say that would be good. It's in the strategic
19 plan. We use volunteers to get involved in that and
20 help deal with some of those issues as far as neighbors
21 and stuff so you don't have to burn up law enforcement
22 resources.

23 But we ran into little bit of a problem on these
24 volunteers. They're kind of like me. I'm sure
25 Paul Slavik remembers a group of four rebels from the

1 San Bernardino National Forest Association. Do you
2 remember that?

3 COMMISSIONER SLAVIK: Yes.

4 TOM TAMMONE: We're a vocal group. We expect to
5 be able to say things on message boards, like I think
6 the fact that the Deputy Director was keeping
7 \$90 million a secret is grounds for her packing her
8 bags, without being shut out of a meeting. We say
9 those kinds of things. We're vocal, and you're just
10 going to have to deal with us. You're going to have to
11 hang with us. We're a vocal group, one of the most
12 effective volunteer programs in the country.

13 CHAIR WILLARD: Mr. Tammone, we're talking about
14 the strategic plan please.

15 TOM TAMMONE: There you go, you just cut me off
16 again. I'm going to say this one last time, if you
17 want volunteers, they don't work for royal families.
18 Thank you.

19 DEPUTY DIR. GREENE: Commissioner Willard, if I
20 may, just as a point of interest, I know that when we
21 had started this process in the variety of meetings
22 that we held with the Commission, at that point in
23 time, it was a decision -- it doesn't mean the decision
24 can't be changed, but it was the decision from which we
25 have worked all this time that we would not look to

1 modify the vision statement.

2 I know there were a couple of comments made here
3 today. I don't know whether or not, in fact, people
4 are suggesting that we should now consider modifying
5 the mission statement, but we moved forward based on
6 the original meetings that we had with the Commission
7 saying we should not.

8 So the vision statement was one that was still
9 in flux, but the mission statement, as we've moved to
10 today, has never been touched. I just want to let
11 people know that.

12 CHAIR WILLARD: Thank you. So I think we can
13 conclude this business item with an understanding the
14 Commissioners will submit further comments to the
15 Division on their own behalf.

16 CHIEF JENKINS: Just one thought to keep in mind
17 as you go through, and for the public, too, as you're
18 submitting things -- by the way, thank you very much
19 for the comments, a lot of great ideas here.

20 Keep in mind there are a lot of things that if
21 we were writing this document as more of something like
22 a new version of taking the high road, we might have
23 written it much differently if we were trying to
24 catalog everything in the Division.

25 So keep in mind the purpose of the document.

1 The target audience largely is the Department of
2 Finance. For instance, Karen, I agree with you,
3 putting that stuff in there drove me nuts, why are we
4 reiterating the code. But keeping in mind it's a
5 Department of Finance document, and the chance they're
6 going to go back and dig up the code somewhere else.
7 So when they look at the document, it's there. It's
8 tedious to repeat it. Those are the sorts of thing.
9 So as you look in changing things in there, keep in
10 mind the purpose of the document.

11 We certainly wanted to take the opportunity to
12 try to do more than that, to use this opportunity to
13 establish clearly where we want to go. I mean all of
14 the strategic things, of course, but do a little bit
15 more than that, but that's why some of the things in
16 here might look a little dreary. It's because we're
17 writing to the Department of Finance.

18 DEPUTY DIR. GREENE: And that would speak to
19 Mr. Waldheim's concern about why we, in fact, have
20 something referring to January 2009. Three years from
21 now when DOF is looking at the strategic plan, they
22 will know it was 2009, but that's what exists in
23 statute, that we got the extension, but that is what
24 currently exists in statutes. So when we speak to the
25 program areas, that is why we wanted to specifically

1 say what is called out.

2 AGENDA ITEM IV(C). BUSINESS ITEMS

3 CHAIR WILLARD: So the next business item is
4 policies and procedures. And I'd like to start with
5 giving a little overview on what this item is about.
6 When I was appointed Chair at the last meeting, after
7 the meeting, I was looking for the manual on what to do
8 and how to do it, and I obviously found out there is no
9 manual. There are no policies and procedures other
10 than the existing code and statute. And I found that
11 somewhat lacking in detail, and also since the passage
12 of 742, the role of the responsibility of the
13 Commission has changed quite a bit.

14 And so I just thought it would be appropriate
15 for us to put together a set of policies and then
16 procedures that could guide the workings of the
17 Commission so that we can be more effective.

18 And there's two primary areas that I personally
19 view the Commission should be involved with. And the
20 first and the primary one is our responsibilities per
21 the statute, and they're clearly spelled out. They're
22 in that first section of the strategic plan. And so
23 that does give us, as a Commission, some specific
24 things to work on. And I wanted to make sure that we
25 were diligent in our efforts and that we did the best

1 job possible in fulfilling our responsibilities.

2 And then, secondly, I thought that one of the
3 areas that the Commission could play an important role
4 is to be an advocate for the program. And I think
5 there's a lot of opportunities for the Commission to
6 get involved in issues, such as the lead ban issue that
7 we heard earlier, and where the Commission can take a
8 stand and try to influence an outcome to the positive
9 benefit of our program. And so I'd like to see the
10 Commission become more engaged in learning about issues
11 and becoming proactive and again being an advocate for
12 our program.

13 That was sort of the genesis of where I was
14 coming from when I started to type away on a set of
15 policies and procedures. So maybe now might be a good
16 time, Tim, for you to kind of give us a quick overview
17 of the existing statutes and maybe some of your
18 comments on the draft.

19 Actually, maybe before we get into that, where
20 we would like to go with this is I'd like to see
21 policies and procedures adopted, not at this meeting
22 but perhaps at the next one. And if we need another
23 one after that, then fine. But I think what we could
24 do is appoint a subcommittee that would continue to
25 work on a draft, and then we could have it as a

1 business item at our next meeting. We will have had
2 time to review it, and we can talk about it. And if
3 the Commission feels it's appropriate at that time, we
4 can adopt it, or if we want to, we can carry on with
5 discussion to the next meeting. So that's kind of, I
6 think, where I would personally like to go with it,
7 subject to the Commission's, my colleagues' will, of
8 course.

9 So, Tim, can you give us your overview?

10 ATTORNEY LA FRANCHI: Yes. Just a few thoughts.
11 I looked it over for a couple of things. One, does it
12 basically reflect sort of the direction out of the
13 statute, which if you read the legislative intent is
14 kind of two pronged with two ways of implementing it.
15 The first prong is to maintain and enhance existing
16 opportunities and do the kinds of things
17 environmentally you need to do to sustain those lands
18 for those opportunities. And the second piece is to
19 enlarge on existing opportunities to meet future
20 demand. I'm paraphrasing. But essentially that's what
21 the Legislature was saying. There are a lot of
22 problems out there, OHV is growing, got to get a handle
23 on it management wise.

24 And so I think this document as drafted begins
25 to kind of emphasize that basic program approach.

1 There's two ways that, of course, that's done. One
2 through the SVRA program, which are dedicated models,
3 and then through the federal side of it or the public
4 land side of it, the local side of it through financial
5 assistance, which is the grants program.

6 So I kind of looked at this, and I think it
7 fits. It's headed in that direction. So I think it
8 fits well within the program direction. As far as the
9 specific duties of the Commission, the one thing you
10 need to keep in mind, I looked at it from the
11 standpoint of does it reflect what the Legislature has
12 said that the commissioners should be doing. And I
13 think it does that also. Gary, you drafted this
14 originally. It lays out basically verbatim what the
15 code says about what the Commission is supposed to be
16 doing, and so it does that very well.

17 And I also looked at it from the standpoint of
18 in terms of the procedures that are proposed, like
19 notifying the public three weeks before the meeting and
20 those sorts of things, does it fit within all of the
21 other requirements of other meeting laws and all of the
22 other requirements that are imposed. I think it does
23 that very well. So I don't have any concern with that.

24 The one place that might be interesting is the
25 term advocacy. The basic rule is if the statute

1 doesn't say you can do it, then unless there is an
2 implication, the Commission really can't spend its time
3 and public resources and all of the time of staff doing
4 it. And so the statute really doesn't address
5 advocacy, per se.

6 But I think it's a reasonable conclusion from
7 all of the statutory provisions that talk about being
8 aware of governmental activities that affect the
9 program. I think this morning's lead issue, I think
10 that's a perfect example of that kind of Commission
11 duty to be aware of governmental activities that affect
12 the program, enhancing and meeting existing needs and
13 sustaining the environment so those needs can be met.

14 And so implicit within that, I guess you could
15 call it advocacy. I think sometimes people think of
16 advocacy as more of a nonprofit group that's formed to
17 go lobby Congress for their particular point of view.
18 So advocacy can have different meanings. I think the
19 way you've got this addressed, I'm fairly comfortable
20 with it, but I think in terms of implementing that
21 advocacy role, it can be kind of a sensitive thing to
22 stay within this idea that administratively this isn't
23 a program to advocate one side or the other. For
24 example, advocate just for OHV to the exclusion of
25 environmental concerns. It's about advocating for a

1 well-managed balance program.

2 And I think that the way you've kind of put the
3 background together, I think that would work. And as
4 you go forward and begin to get your feet a little bit
5 more wet and deal with these issues, that balancing act
6 may become a little more clear. But I just wanted to
7 make that point about the use of the term advocacy is
8 more in the concept of promoting the program. The
9 program has to be viewed as a balancing act and
10 advocating for a balanced, well-managed program that
11 achieves those initial objectives of the legislation.

12 So that's a bit of a ramble, but overall I think
13 it's a good idea. I think it's necessary. It's
14 something that various commissions have put together
15 various procedures, but I think this is a really good
16 way to summarize those and bring them together into one
17 place. It's good.

18 CHAIR WILLARD: Thanks, Tim. On the advocacy, I
19 hadn't thought of the potential controversy that word
20 might have. That's an interesting point.

21 What I was thinking in my mind was the program.
22 And to me the program means both OHV use and care and
23 stewardship of the environment and concern for private
24 property. So that to me is the program. That's what I
25 mean by advocating for the program, as opposed to

1 advocating for OHV.

2 But if you've got a less volatile or
3 controversial term we can use, I'm all for hearing
4 about it, and we can come up with something. That's
5 the concept I had in mind, if you've got a better way
6 to phrase it.

7 COUNSEL LaFRANCHI: I can't think of a better
8 word. It's just a better way of clarifying how the
9 Commission intended the use of the word.

10 CHAIR WILLARD: Fair enough. I would love to
11 hear from my fellow Commissioners on this and see what
12 you guys think. Any comments? Commissioner McMillin.

13 COMMISSIONER McMILLIN: I like it. I think it's
14 a good document, and we talked about it on the phone,
15 just the two of us, but I think it's important.

16 ATTORNEY LA FRANCHI: Good.

17 COMMISSIONER McMILLIN: I think it's important
18 when we take on a job, we know what our duties are, and
19 I like the time frames in there. I think that's
20 extremely important, so both tables can hold each other
21 accountable for getting stuff done and moving it
22 forward. I like the advocacy part because we're only
23 here because we're passionate about what we believe in,
24 so it's a good idea.

25 COMMISSIONER SLAVIK: Under operational policies

1 and procedures, can you maybe explain -- and first of
2 all, you did an excellent job. That's a lot of work,
3 and I congratulate you for this.

4 "These functions and responsibilities require
5 the Commission to devote a substantial amount of its
6 efforts to fulfill these statutory duties." Can you
7 explain that a little bit? Are we working overtime?

8 CHAIR WILLARD: No, I think I meant during our
9 meetings, there is a substantial amount of effort that
10 needs to be done just to meet the requirements of the
11 statute. For instance, there's a three-year plan that
12 we've got to have done by January 1st, 2011. And if
13 you look at all of the various components of that plan,
14 there's a lot there.

15 Since I think I wrote that, I talked to Deputy
16 Director Greene, and Division is going to be doing a
17 lot of the heavy lifting. I had envisioned us doing a
18 lot of the work, and so maybe I was a little
19 overzealous in the use of that language because I was
20 thinking about that three-year plan, and what it
21 entailed, and how we were going to get all of that
22 done, we're better get cracking. So that's perhaps
23 where I was coming from.

24 COMMISSIONER SLAVIK: Maybe taking the word
25 "substantial" out would possibly make that a more

1 concise document. Because we basically spend all of
2 our time here, and you're not dividing it up into some
3 social time or something like that.

4 CHAIR WILLARD: No, that comes later.

5 Where was that exactly?

6 COMMISSIONER SLAVIK: Page two, bottom there,
7 under operational policies and procedures.

8 DEPUTY DIR. GREENE: It should be starting on
9 line four where it says, "substantial amount of its
10 efforts." Beginning on page two, that paragraph
11 identified as operational policies and procedures, down
12 to the fourth line, "substantial amount."

13 CHAIR WILLARD: Okay. Got it.

14 COMMISSIONER SLAVIK: It's semantics, but I kind
15 of read it a little differently.

16 DEPUTY DIR. GREENE: So perhaps, "require the
17 Commission to devote efforts to the fulfillment of
18 these statutory duties."

19 COMMISSIONER SLAVIK: Or its time.

20 CHAIR WILLARD: Okay. Good.

21 COMMISSIONER VAN VELSOR: I was noticing under
22 the agenda B, B(i), "The Commission shall provide any
23 suggested agenda items to the Deputy Director no later
24 than six weeks prior to the scheduled meeting." And I
25 think that's a good idea to get that information

1 available in a timely manner.

2 But is there a possibility of exceptions? In
3 other words, if a Commissioner needed to get something
4 in four weeks prior to, would that be a possibility?
5 Would there be some flexibility in that because there
6 may be things that come up.

7 CHAIR WILLARD: I think at that point it's going
8 to be up to the Chair. The Chair sets the agenda, that
9 was the concept in consultation with Deputy Director,
10 and also getting agenda items from the fellow
11 Commissioners.

12 Certainly, I, myself, personally if the agenda
13 had not been posted and someone came up in the fourth
14 week with some important item, and it fit, and it was
15 worthy of our consideration, then I would put it on. I
16 think this was sort of a goal, a guideline to try to
17 get going on, establishing the agenda sooner, rather
18 than later. So that's, I think, where I was coming
19 from with that.

20 COMMISSIONER VAN VELSOR: Fine.

21 DEPUTY DIR. GREENE: And certainly keeping in
22 mind, if I may, that in some instances where research
23 is necessary, we make sure that we've got the
24 information available to you. It's helpful, as much as
25 we can, to stick with the timelines; but certainly your

1 decision.

2 COMMISSIONER SLAVIK: This lead issue probably
3 would have fit into that, because that jumped on us
4 after that six-week deadline.

5 ATTORNEY LA FRANCHI: I think the point here,
6 because when I was looking at this originally, I sort
7 of massaged it, and my thought was that item B(iii),
8 you've got that three-week posting on the website, and
9 then by having the hardcopy notice mailed like we do
10 now, the ten days, provides a few days in there. If
11 the public or somebody sees something on that agenda or
12 somebody comes up with something in that time before
13 that ten-day notice period, there would be the
14 opportunity to add that if the Commission and the
15 Deputy Director consult and say, yes, we can staff it
16 or we can handle it. So there is that one-week time
17 period between the time it's finalized, put on the
18 website, and the time the hardcopy is mailed out where
19 there could be changes. So I just make that note, that
20 there is that opportunity to do that if people wanted
21 to do that.

22 CHAIR WILLARD: Good. Any other comments?

23 COMMISSIONER VAN VELSOR: Under (3),
24 acquisitions and development plan review, (C), plans of
25 new or expanded local and regional vehicular recreation

1 areas, now I'm assuming that those are county
2 recreation areas, they're not associated with the
3 Division; is that correct?

4 DEPUTY DIR. GREENE: Correct.

5 COMMISSIONER VAN VELSOR: And the Commission
6 currently has a responsibility to review planning for
7 our management plans for SVRAs. Would there be the
8 need to approve management plans for these vehicle
9 recreation areas?

10 CHAIR WILLARD: I think we're obligated, Tim,
11 aren't we, by the statute?

12 ATTORNEY LA FRANCHI: Well, there is a bit of a
13 distinction to be made here. For local and regional
14 vehicular recreational areas, that might be a city or a
15 county. And the code just requires the Commission to
16 receive public comment on those, so that's different.
17 That's why this doesn't pertain to the state vehicular
18 recreation areas because the Commission has a separate
19 duty to review and approve the general plans for state
20 vehicular recreation areas. So this was more of a
21 comment, review and comment; whereas, state vehicular
22 recreation areas is an actual approval of those plans,
23 roles, so it's a little bit different focus in the
24 statute in here.

25 DEPUTY DIR. GREENE: Correct me if I'm wrong,

1 but this particular section is not about management
2 plans but getting the architectural plans of what that
3 expansion would look like.

4 CHAIR WILLARD: Okay. If there aren't any other
5 comments from the Commission, what I'd like to do is
6 open it up to public comment, and then come back to the
7 Commission, then I'll make a motion, and then we can
8 decide what to do.

9 So I would like to encourage the public to give
10 us your comments. And this is your Commission, so this
11 is your chance to tell us how you think we can be more
12 effective. And if you want to have time to think about
13 it, you can also submit a few comments on this to our
14 website, and then we'll get them, and look at them, and
15 take them under advisement, as well.

16 So Thomas Tammone.

17 TOM TAMMONE: Thomas Tammone, I like this, get
18 the rebel out of the way first. Anyway, it says a
19 quorum. I know we've had some arguments about this
20 over the past. Why don't we put a number down there of
21 exactly what a quorum is just for clarity?

22 And I always beat on the Deputy Director. I
23 don't have any issues with the Deputy Director being
24 involved in the agenda. I know they talked about that
25 in the audit, the lacking of common vision. The

1 previous Commission went its way, and the Division went
2 another way. But I don't think it requires six weeks'
3 notice to the Deputy Director to decide whether to have
4 an agenda because we will never get meetings off. We
5 only got one meeting off last year, for whatever
6 reason, budget or whatever. But we just don't need
7 that. And I know we had some issues where a notice
8 didn't get out in time because there was some
9 gamesmanship supposedly going on between one of the
10 present Commissioners and Division, and they weren't
11 sending the notice out in time for them to get it out
12 for the ten days. But so I can see like two weeks or
13 maybe even three, but I think six weeks is a little
14 excessive. Thanks.

15 CHAIR WILLARD: Ed Waldheim, followed by
16 John Stewart.

17 ED WALDHEIM: Ed Waldheim, CTUC. Thank you,
18 Mr. Willard, for putting this together. I congratulate
19 you for sitting down and making this happen. It's a
20 hard job. You did a great job.

21 I would like to button it a little bit better.
22 Beginning each grant from the first public resources,
23 meet once prior to the beginning of each grant. Let's
24 put the date down. Staff has told you they want to do
25 it on a regular basis. Let's put the date down because

1 this time we didn't do nothing.

2 The calendar, I didn't see a single copy of the
3 calendar for the next meetings posted outside on a
4 piece of paper. They have to be out. It's nothing
5 that drives me more crazy when I don't know what's
6 going on for the whole year because we schedule our
7 meetings with all of the Forest Service around you.
8 You're number one, but if you don't put it in, I
9 schedule, and as it happened, I have not been able to
10 come to those. We had conflict because you came after
11 we did ours. You need to be upfront with everything
12 right at the beginning.

13 On (B), on the Commissioner shall provide
14 suggested agenda items to the Deputy Director, I'm not
15 going to take the Deputy Director off, but I would like
16 to put the Chair first. You get the agenda items. It
17 is your agenda. It is not the staff's agenda. It is
18 yours. So if you want staff to get a copy, that's
19 fine. But the Commissioner shall provide suggested
20 agenda items to the Chair and to the Commission. You
21 should be the first one to get that, so that piece
22 needs to be added on there, and that's it. Thank you.

23 CHAIR WILLARD: John Stewart, followed by
24 Karen Schambach.

25 COMMISSIONER McMILLIN: I have a question.

1 Would that then go through our new website, our new
2 e-mail thing that our new person...

3 ED WALDHEIM: After the chair decides on what
4 the agenda is, yes.

5 COMMISSIONER McMILLIN: But the ideas for agenda
6 would be e-mailed to Olivia, would be e-mailed directly
7 to the chairperson without audit.

8 ED WALDHEIM: It's his call.

9 ATTORNEY LA FRANCHI: Well, originally it was
10 contemplated that it would go directly to the Chair. I
11 had a concern about that because of the open meeting
12 rules where that, in essence, was a communication
13 between the Members and the Chair. Whereas, a
14 communication between the members and the staff, the
15 Deputy Director, does not violate the open meeting
16 rules.

17 So that's why I set it up that way, so that all
18 those communications came to them, and then she or the
19 Division assimilated them, put a suggested agenda
20 together, and then the Chair worked on it from there so
21 that we didn't have communications going directly
22 between the Chair and the rest of the Commissioners
23 outside the public meeting aspect. So I was just
24 trying to be sensitive to achieve the same end so that
25 you got the comments in without creating a problem with

1 the open meeting rules, so.

2 CHAIR WILLARD: Mr. Stewart.

3 JOHN STEWART: Good afternoon, Commissioners,
4 John Stewart, California Association of 4-Wheel Drive
5 Clubs. I like the idea of having the policies and
6 procedures described in this format. It puts some
7 boundaries and guidance in place in a formal structure
8 that's easy to understand and easy to find and track of
9 what's going on and who is responsible for what.

10 I would like to point out that a couple of the
11 issues I have have already been mentioned, but I would
12 need a point of clarification of one where it says,
13 "Hold a public meeting at least four times a year and
14 establish an annual calendar to do so."

15 Four times a year starting when? Is that on a
16 calendar year or the state fiscal year? That would be
17 important because at first point, it says meet once
18 prior to the beginning of each grants and cooperative
19 agreement cycle to collect public input. The beginning
20 of the grants cycle has been established as being the
21 second Monday in January; therefore, if you're working
22 off the calendar year, you're going to really crowd
23 getting a meeting in right immediately after the first
24 of the year in early January. So it's a clarification
25 of when the meeting year would be and actually at which

1 point in there the meeting that would cover the grants
2 be, the one for the Grants and Cooperative Agreements?
3 So just a little clarification on that. Thank you.

4 CHAIR WILLARD: I think I just took that
5 language out of the statute. It just says four times a
6 year.

7 DEPUTY DIR. GREENE: I think to Mr. Stewart's
8 concern, part of what we have to remember is that
9 ideally the grants will be awarded in July, and so the
10 expectation is that sometime between July and January,
11 there would be that opportunity for that meeting to be
12 able to fulfill this obligation as outlined in the
13 statute.

14 So whether or not it says a specific date, I
15 think we just have to keep a little flexibility, but it
16 would be sometime between that time. Now, keep in mind
17 you could say, if you wanted to try and narrow it down,
18 but if there are appeals, no grants will be allocated.
19 So that's where it starts to get problematic.

20 JOHN STEWART: Understood. Just a little
21 clarification for when the year for the fourth meeting
22 starts.

23 CHAIR WILLARD: Thank you. Karen Schambach,
24 followed by Bruce Brazil.

25 KAREN SCHAMBACH: Karen Schambach, PEER. This

1 is, I think, a very well thought out and put together
2 document. I have just one comment, and that's on
3 number ten, official positions. It says, "The
4 Commission can state an opinion or position on any
5 topic relating to or affecting the program. An
6 official position can only be made after the topic is
7 discussed and voted upon at a Commission meeting." I
8 think there should be some reference to a majority, not
9 just voted on but a majority vote.

10 And then the other thing is that I believe that
11 it would need to be publicly noticed. The practice in
12 the past has been that if there was going to be a vote
13 on a resolution or a letter, that that was included in
14 the documents, in the package so that the public had an
15 opportunity to review and comment on that prior to it
16 being approved.

17 CHAIR WILLARD: That's a point of clarification,
18 but I think the understanding is that we can't vote on
19 anything that's not on the agenda.

20 KAREN SCHAMBACH: Right. But, for instance, and
21 this is what prompts my comment, frankly, is the letter
22 about the ATV issue today. And I mean I have no
23 problem with the letter at all, but the way that it
24 transpired on this agenda, for instance, even though it
25 was in a business item, it wasn't agendized. It just

1 said the Commissioners will discuss this. There was no
2 letter in the package or available, so the public would
3 not have any way of knowing that you intended to write
4 a letter or pass a resolution, unless it actually said
5 that in the agenda.

6 Now, on (B), the other business items, it said
7 there is a revised draft that you're going to be
8 looking at, or for this particular item there is a
9 draft document to look at. But for Item (C), the
10 public didn't know that you were contemplating any kind
11 of a letter. So they just thought you were going to
12 discuss it. So, again, I have no problem with the
13 letter that you're proposing to send, but I don't
14 believe that it's appropriate to, without noticing the
15 fact that you were going to do a letter. I was
16 actually going to talk to Mr. LaFranchi about that.

17 I know the practice in the past is to include
18 the letter in the package so the public can review it
19 and then comment on the letter.

20 CHAIR WILLARD: There was no letter drafted. I
21 mean we didn't know.

22 KAREN SCHAMBACH: Right. So appropriately that
23 letter, you couldn't send that letter until the next
24 meeting or as was briefly discussed having a ten-day
25 noticed meeting and the public could attend by phone.

1 DEPUTY DIR. GREENE: And I think in the past,
2 actually, Ms. Schambach is correct, we've had language,
3 perhaps a way to notify, the Commissioners will discuss
4 and perhaps vote on, or there's something I think in
5 the past -- I can go back and look -- where we have
6 indicated that they may consider and vote on,
7 possibility of. I think it's just there was some
8 language that we had in there, but I'm not sure. I can
9 go back. But I think it's an accurate statement, that
10 you need to try to make sure the public has an idea.

11 CHAIR WILLARD: Okay. Point well taken. We'll
12 do that in the future. Thank you. There was certainly
13 no intent not to let the public know anything.

14 KAREN SCHAMBACH: No, I know. Like I said, I
15 have no objection to the letter, but it's sort of a
16 slippery slope to start down.

17 CHAIR WILLARD: Absolutely, I agree a hundred
18 percent. Thank you for pointing that out.

19 ATTORNEY LA FRANCHI: Ordinarily that's a better
20 practice, and that's what people try to do. But,
21 technically, there are occasions, such as this, where a
22 discussion implies that that's what the board is going
23 to be doing, is considering that topic and can decide
24 and take appropriate action as they see fit. So,
25 technically, it wouldn't prevent you from sending the

1 letter as you've done. I've seen it done. As long as
2 the public knows that that topic is going to be under
3 discussion, they would also be expected to realize that
4 there could be action taken on that topic.

5 But I agree, it's a better practice to try to
6 make it clear, but it's not always possible to have a
7 letter in advance until you've had the discussions. So
8 it would be a better practice to try to say, and take
9 appropriate action.

10 CHAIR WILLARD: Karen.

11 KAREN SCHAMBACH: It's just that, for instance,
12 in the past, as like when the Rubicon issue came up a
13 meeting or two ago, and there was a request for a
14 letter, and it was pointed out then that because the
15 letter wasn't -- actually, I think there was a draft
16 letter at that time, but there were some changes to it
17 or something like that, so it didn't go. But practice
18 has been to have at least a draft or some indication
19 that a letter is going to be sent.

20 CHAIR WILLARD: Okay. I can certainly, if we
21 already know we're going to be trying, that's something
22 we're going to vote on. The motion might not pass, so
23 we don't know if we're going to be sending a letter,
24 but certainly if we're contemplating voting on that, we
25 should include that.

1 But as to including a draft, I think that's a
2 little harder because we haven't really discussed it.
3 And I wouldn't want to put a draft out there that would
4 then ultimately change dramatically, and then we want
5 to vote on that, then what we have done, we've put
6 something out there that's totally different than
7 what's ultimately got passed. It doesn't seem to make
8 a lot of sense to me to provide a draft letter unless
9 we already thought this through.

10 KAREN SCHAMBACH: May I? Obviously in some
11 cases you don't have the time to go through the process
12 and send a letter. That's been the case sometimes,
13 where, because you didn't have the opportunity to
14 notice it, you just can't do it.

15 If you have the time, then it may take more than
16 one meeting. You may have to introduce a draft and
17 then have a final at another meeting, if there is time
18 for that. Sometimes it just may be that you're not
19 able to do it.

20 CHAIR WILLARD: I think we're going to take
21 counsel's advice, and, technically, I think we're okay
22 with what we did today. And in the future we'll try to
23 adhere to a better practice, if we can.

24 So, staff, if you can kind of, in the future
25 when we're setting agenda items, maybe probe a little

1 deeper into our minds as to what we may want to try to
2 accomplish, not that we would, but what we may, and
3 then word the agenda item appropriately. That would be
4 appreciated by, I'm sure, the Commission and the
5 public. So thank you for that.

6 And Bruce Brazil.

7 BRUCE BRAZIL: Bruce Brazil, California Enduro
8 Riders Association. I'd also like to make a little
9 comment on the topic of quorum. Typically a quorum is
10 considered as one more than half of the body. But that
11 is not a definite item. It can be changed. It could
12 be more; it could be less. So that should be defined.

13 And, secondly, how big is the body? Is it the
14 number of available Commission seats, which would be
15 nine at this point, or is it the number of positions
16 that are filled? I think both of those items should be
17 defined to prevent any future complications.

18 And second is under the public comments. Many
19 times, myself and others have stood at the podium, and
20 we've asked a question. We go sit down, and we get
21 silence. No one even says, oh, we'll try to get back
22 to you. So I'd like part of the policy for public
23 comment is that the public can make at least one
24 question and expect an answer back either at the
25 meeting or a follow-up. The public is supposed to be

1 trying to give you good comments, but sometimes we need
2 additional information or data in order to make those
3 comments. And it would also be up to the Chair to not
4 turn it into a debate or discussion, but just give us
5 the information that we're asking.

6 At the different meetings, we've got the
7 Commissioners here, we've got Division, we've also got
8 the agencies that are coming in here requesting grant
9 monies and such. And sometimes the agencies would be
10 the ones that would have the answers to our questions.
11 So we would like that to be taken under consideration.
12 Thank you.

13 CHAIR WILLARD: Thank you. Commissioner Slavik.

14 COMMISSIONER SLAVIK: I thought we had talked at
15 one time about maybe some other kind of format for this
16 kind of meeting, something similar to a round table or
17 something like that. Is that something that was ever
18 brought up or is that something that would be in the
19 procedures?

20 DEPUTY DIR. GREENE: That was in Commission
21 orientation. Commissioner Slavik, I think you were
22 asking if there was a time where we could have a less
23 formal arena in which to have some of these
24 discussions. I think that would be able to be done in
25 a workshop setting. There is nothing that prohibits us

1 from having a Commission meeting.

2 We've heard a number of items today that were of
3 interest for people that perhaps we could host a
4 Commission meeting in that workshop session to really
5 drill down into a particular issue and have a better
6 understanding and a give and take. I think that's what
7 you were referencing when we had that original meeting.

8 I don't know that that needs to be outlined here
9 in this document. I certainly think that that would be
10 feedback you would give the Chair, and the Chair could
11 ask that we set up a meeting in that format type
12 environment.

13 If I may, I'd also just like to bring to your
14 attention, because as former Commissioner,
15 Mr. Waldheim, is putting his jacket on, what I didn't
16 see in this document that may be something that we
17 should look at, would be something that outlines when a
18 policy is presented to the public, if, in fact, there
19 was a timeline that people thought was necessary for
20 review of a public document.

21 And I share this only in light of there was at
22 one point in time a policy which was proposed. It
23 created lots of discussion, and there was a lot of
24 animosity between some people who thought that it
25 should be there for -- it could be voted on at the

1 meeting at which it was presented. Other people
2 thought historically the Commission as a body looked at
3 it after two meetings, some people thought three. It
4 created a lot of tension.

5 And if there was a way perhaps to say if you're
6 going to raise a policy, certainly up to you as
7 Commissioners, if a policy were to be raised, it would
8 be considered and open for public to look at two
9 meetings, or three meetings, or one. Just some clarity
10 so the public knows, it doesn't get surprised and
11 something is in writing and that they have that
12 guidance. Just a suggestion.

13 CHAIR WILLARD: Thank you. Tim.

14 ATTORNEY LA FRANCHI: Maybe to put the quorum
15 issue to bed; that's five.

16 CHAIR WILLARD: It's five.

17 ATTORNEY LA FRANCHI: There are nine positions
18 on the Commission. There needs to be at least five
19 actively appointed members at a meeting to have a
20 meeting, so the quorum is five.

21 CHAIR WILLARD: So we can put that into the
22 policies and procedures.

23 ATTORNEY LA FRANCHI: At least five.

24 CHAIR WILLARD: And before we end the public
25 comment, I want to again ask you to submit further

1 comments, if you have them, over the next couple of
2 weeks, or actually next couple of months before the
3 next meeting, so that we've got more input. And I'm
4 sure you're going to come up with some good ideas and
5 can move forward.

6 I think what I'd like to do is perhaps entertain
7 two motions. The first, just to put forth a motion
8 that we adopt a set of policies and procedures. And
9 then the following motion would be to appoint a
10 subcommittee to work further on the draft, and to then
11 bring it back at the next meeting for our consideration
12 and ultimately vote on adoption.

13 So I'm going to make the first motion of moving
14 that the Commission adopt a set of policies and
15 procedures to be reviewed and considered and adopted at
16 the next meeting.

17 I make the motion that the Commission adopt a
18 set of policies and procedures to be reviewed and
19 finally adopted at the next meeting.

20 COMMISSIONER LUEDER: I'll second that.

21 CHAIR WILLARD: Discussion? The vote, all those
22 in favor, aye. Any opposed?

23 (Commissioners simultaneously voted.)

24 CHAIR WILLARD: Motion passes.

25 So the second motion would be to establish a

1 subcommittee. Actually, before we have a motion, let's
2 talk about who wants to be on the subcommittee. I'll
3 continue to work on it. Does anyone else want to work
4 with me on it?

5 COMMISSIONER McMILLIN: I would be happy to, but
6 we've talked about having a subcommittee -- I thought
7 we talked about maybe establishing a -- there's an
8 agenda item for a subcommittee, for somebody to be an
9 appointment to be the representative on the Off-Highway
10 Safety Education Committee. That's another item?

11 CHAIR WILLARD: Yes.

12 COMMISSIONER McMILLIN: I think we talked about
13 assigning somebody to -- is that the same as the
14 Consumer Product Safety? Completely separate deal,
15 okay.

16 CHAIR WILLARD: Separate. And that's another
17 agenda item where we're going to talk about
18 subcommittees. Kind of getting a little bit out of
19 sequence on our subcommittees.

20 COMMISSIONER McMILLIN: You want to see the full
21 menu before you start picking what you want.

22 I would be happy to help you on this one if
23 that's where you want me.

24 CHAIR WILLARD: I'll make a motion that we have
25 a subcommittee, to be determined, to work further on

1 refining these draft policies and procedures and to
2 bring it back at the next meeting. That's a motion.

3 COMMISSIONER McMILLIN: Second.

4 COMMISSIONER SILVERBERG: Second.

5 CHAIR WILLARD: Discussion. Call for the vote.
6 All those in favor, aye. Opposed?

7 (Commissioners simultaneously voted.)

8 CHAIR WILLARD: Motion passes.

9 Five-minute break, if we could, please.

10 (Break taken, reconvened at 5:05 p.m.)

11 AGENDA ITEM IV(D). BUSINESS ITEMS

12 CHAIR WILLARD: Just a couple more items and get
13 out of here. Business Item IV (D), Subcommittees.

14 Per the statute, the Commission Chair has the
15 power to appoint subcommittees to work on various
16 topics, and I think that's a great idea. And I'd like
17 to see the Commission spend some time in between
18 meetings working on specific issues or areas, both to
19 become better informed so that they can then impart
20 that information on to the Commission and also to,
21 again for lack of a better word, become advocates for
22 the program and work with various entities to do what
23 we can do to have a better OHV program in the state.
24 So that's the concept.

25 And I guess I'd like to just open it up for

1 discussion with fellow Commissioners to see if anyone's
2 got any questions, ideas, comments on the use of
3 subcommittees. And if it's a short discussion, then
4 I've got some ideas on specific subcommittees. And
5 then we can start getting some people on the
6 subcommittees.

7 Do you have any comments, Commissioners?

8 COMMISSIONER VAN VELSOR: I think it's a good
9 idea.

10 COMMISSIONER SLAVIK: I think it's a good idea,
11 and I think that the whole advocacy thing certainly has
12 merit. Any of us who have been around, a lot of people
13 don't have any idea as far as the program is concerned
14 or they have a lot of misconceptions about the program.
15 So to that end, I would certainly like to participate,
16 for instance, in my local area go to club meetings as
17 part of a subcommittee and maybe a couple times a year,
18 whatever it takes, to kind of be the face of the
19 Commission at a local area that has a venue.

20 District 37 comes to mind. They might have 30 or 40
21 clubs that meet at one place at one time, and I know
22 they would like to hear from us. I think, Mark, you've
23 probably got the same situation down there.

24 COMMISSIONER McMILLIN: They meet. I don't go.

25 COMMISSIONER SLAVIK: I don't go either. I've

1 been there, done that. And I'd be happy to be part of
2 your outreach committee.

3 CHAIR WILLARD: Let me frame that with some
4 specifics. I think it would be good if we had an
5 acquisition subcommittee. What that subcommittee would
6 do would be to work with Division to see what we could
7 do to acquire land suitable for an additional SVRA or
8 perhaps help a county buy some land to develop their
9 own, whatever it might be. But I think that that's a
10 real important aspect of the program that has
11 unfortunately not seen much activity for over many,
12 many years. But I think it's worth investing our time,
13 and so I think I'd like to have a subcommittee on that.

14 Another area is we've already talked about the
15 policies and procedures and perhaps even the strategic
16 plan, although that's not a good idea because we can't
17 collect the comments because of the open meeting rules,
18 so I think we'll just skip that one and submit our
19 comments directly on the strategic plan.

20 Another one might be private property interface.
21 We could have a subcommittee that could work with
22 Division on areas that are brought to our attention
23 that might be having some problems with private
24 property owners being negatively impacted by OHV use.
25 And so I think it would be good and appropriate to have

1 a subcommittee of a couple of Commissioners that could
2 investigate those situations and perhaps even meet with
3 homeowners and gather more information and come back
4 and work with Division and so forth.

5 So that's the concept. Does staff have any
6 input on the topic? It's kind of a benign subject, and
7 if not, we can move on to see if the public has
8 anything to say. Is there any public comment on this?
9 Mr. Waldheim.

10 ED WALDHEIM: I thought you would never ask me.
11 Ed Waldheim, former commissioner. You missed a big
12 one, awards. The Commission has always prided itself
13 on giving out awards. We've given out gold helmet
14 awards, given out awards to organizations for good
15 stewardship, awards for doing great things. The former
16 commissioner from Montrose, Judy Anderson, she was in
17 charge of that. I was in charge of that. Jan McGarvie
18 was in charge of that. The staff can pull up the
19 different awards that we have awarded. They have the
20 policies already. There are policies. We have them.
21 If you don't have them, I'm surprised they didn't give
22 it to you. I have a copy of all of the policies of
23 what we did and all of the committees that we had. I'm
24 surprised we're reinventing the wheel here.

25 CHAIR WILLARD: Send them to me.

1 ED WALDHEIM: I would be happy to do that
2 because I have them. The awards is the one we need to
3 do. Acquisitions is a great idea, a northern and
4 southern representative, Commissioner, where somebody
5 could call you to do it. Commissioners could cover
6 their regions of California. I think it's cool so
7 people can now geographically get ahold of you. That's
8 cool.

9 We have certain meetings, District 37 has 52
10 clubs that meet the first Thursday in every month in
11 Brea. Sometimes it's cool to meet with them. I always
12 met with them anyway. That was the liaison, but not
13 being on the Commission now, there is a void of getting
14 the message over to those folks. I can inform people
15 only so much, so you guys can do that.

16 The education part of that, you forgot the
17 education committee. That's a number one committee
18 right now that we need. We need to come up with an
19 education committee, trying to form some legislation to
20 form an education program on a statewide basis. We are
21 getting clobbered and killed. That's the number one
22 issue. You can deal with it today and immediately
23 start working on that.

24 Get an education committee going because people
25 do not know how to ride responsibly. I'm not talking

1 about putting a helmet on, putting clothes on, doing
2 ATV training. I'm talking proper etiquette and land
3 use. I don't care who you are, bicycle, equestrian,
4 you need to know what the heck you're doing when
5 recreating. We're failing miserably. So if you could
6 take the leadership on that, that would be absolutely
7 fantastic. Thanks.

8 Mr. Slavik, substantial work means that we're
9 going to get our money's worth out of you, and you're
10 going to have to give up some surfing on the ocean in
11 order to do the duties Mr. Willard is going to be
12 assigning you. So don't let him get off the hook on
13 you. He has a lot of opportunities. He can help.

14 CHAIR WILLARD: Mr. Tammone.

15 TOM TAMMONE: Yes, I think we should have a
16 committee to look at the use of more teleconferencing
17 as far as doing these meetings. You could have
18 teleconferencing points all over the state. You
19 wouldn't have to drive so far to get here. But anyway
20 just down in the south, we'd appreciate it. And we
21 know with budget constraints, it would help us all out,
22 and we would all save gas, and we could even get a few
23 points for carbon footprint stuff saying we're not
24 driving to go to all of these meetings. We could
25 utilize electronics to save a lot of time and grief.

1 CHAIR WILLARD: John Stewart, followed by
2 Karen Schambach.

3 JOHN STEWART: Good afternoon, Commissioners,
4 John Stewart, California Association of 4-Wheel Drive
5 Clubs. The subcommittee issue, topics that's probably
6 appropriate. I would look at, though, the strategic
7 plan as being a source for committees or subcommittees
8 that would be developed in that one of the duties or
9 one of the charters of the Commission is to implement a
10 strategic plan, and if not the strategic plan, then
11 work with the Division to implement a strategic plan
12 which is a shared vision to manage an OHV program for
13 the state. So if you're looking for topics and topical
14 items for subcommittees, I think the strategic plan
15 would be a good place to start. Thank you.

16 CHAIR WILLARD: That was it. Great. I've got a
17 question, Tim, on subcommittees. I know the statute
18 says that the Chair can appoint them. Does the Chair
19 have to do that via a motion at a meeting, or can I
20 just do it whenever it arises?

21 ATTORNEY LA FRANCHI: No, you can just be a
22 dictator. You can just say here.

23 CHAIR WILLARD: I like that.

24 ATTORNEY LA FRANCHI: But beyond that, it would
25 be kind of up to you how you would like to structure

1 the operation, whether you want to do it on a motion or
2 whatever. Typically you could just say who's
3 interested, and I pick you and you, so you don't really
4 need to go through the Robert's Rules structure if you
5 don't want to.

6 CHAIR WILLARD: I'd like to get other
7 Commissioners' feedback. I'm for kind of making this a
8 little bit simpler and easier, kind of a benign area of
9 appointing people to subcommittees. Unless others have
10 any other ideas, I'm open to it, but I think I'd rather
11 just take the dictator role and anoint people. Any
12 other comments?

13 COMMISSIONER VAN VELSOR: We've had several
14 subcommittees suggested, and I recommend that probably
15 we would want to have one subcommittee per
16 commissioner. In other words, I'm not sure that I
17 would be able to commitment to more than one
18 subcommittee. So I think it would be important to
19 decide which ones are the most important, which ones
20 are a priority for Commissioners, something like that.

21 COMMISSIONER SLAVIK: Also, the safety
22 subcommittee, is that a separate item, (E) there?

23 CHAIR WILLARD: I didn't even have a safety
24 subcommittee on my list.

25 COMMISSIONER SLAVIK: It's on the agenda.

1 CHAIR WILLARD: That's something different.
2 It's not a subcommittee of the Commission. That's per
3 the CVC. That's something different, and we will get a
4 report from Deputy Director on that, or the Chief, and
5 we can talk about that. That's a different thing.

6 COMMISSIONER SLAVIK: And then the one about an
7 individual from this Commission being a liaison to the
8 federal agencies?

9 CHAIR WILLARD: That's another idea I had is
10 that we might have a commissioner sort of be the
11 liaison to BLM, and then maybe one commissioner could
12 be a liaison to U.S. Forest Service. And the idea here
13 is to have one commissioner that would be able to be a
14 little bit better informed than we can be individually
15 by working one on one on our behalf with that agency to
16 be, again, more informed. And so when we meet, that
17 one commissioner at least has the benefit of what's
18 going on and the insight. Just an idea I had, if you
19 gentlemen have any comments on that.

20 Well, I guess I can appoint some of you guys to
21 committees.

22 Kane, you can be BLM. For acquisition, it's
23 going to be Mark and myself.

24 COMMISSIONER VAN VELSOR: Can I volunteer to be
25 education?

1 CHAIR WILLARD: You've got education.

2 COMMISSIONER SLAVIK: I'd like to be on that,
3 also.

4 CHAIR WILLARD: The policies and procedures,
5 that would be myself and Eric, if you could help me
6 with that.

7 COMMISSIONER LUEDER: Sure.

8 CHAIR WILLARD: Private property interface, I
9 think that's an important one, and that would be one
10 where we've been made aware of areas that there are a
11 larger number of complaints from homeowners or property
12 owners with OHV use. I think it would be good to have
13 one or two commissioners that could act on our behalf,
14 perhaps do their own investigation, maybe work with
15 Division, and if appropriate maybe go to some meetings
16 with homeowners if it's convenient to sort of get a
17 better handle on the situation, and present the face of
18 the Commission to the community. I think that would be
19 a positive thing.

20 COMMISSIONER SLAVIK: You've got two guys from
21 Southern California here, and you probably have to have
22 the desert covered somewhere.

23 CHAIR WILLARD: I was thinking of Mark for sure.

24 DEPUTY DIR. GREENE: Just for clarification
25 purposes, on acquisition, it was you and Mark or you

1 and Eric?

2 CHAIR WILLARD: Mark and myself.

3 Commission LUEDER: I'll do the Northern
4 California on the private property.

5 CHAIR WILLARD: So private property would be
6 Mark and Eric.

7 COMMISSIONER VAN VELSOR: I would be happy to do
8 the Forest Service liaison.

9 CHAIR WILLARD: You can do that with me because
10 I would like to do that, as well.

11 COMMISSIONER VAN VELSOR: If you prefer, that's
12 fine. It's probably not necessary for two of us.

13 COMMISSIONER McMILLIN: A lot of forests out
14 there.

15 CHAIR WILLARD: We'll see how it goes. I've
16 already got relationships with a number of U.S. Forest
17 Service people. I want to carry that one on.

18 Paul, can you do the club liaison? I don't know
19 what that means. You can create that subcommittee now,
20 you can be on it, and see where that leads us.

21 COMMISSIONER SLAVIK: That's fine. And I was
22 going to suggest working with the BLM, that we could
23 work together on that. I've got a pretty good
24 relationship with them, a lot of stuff going down in
25 Southern California about BLM.

1 CHAIR WILLARD: The subcommittees are one or
2 two.

3 COMMISSIONER McMILLIN: Can you throw the awards
4 into the club liaison thing?

5 CHAIR WILLARD: Yes. I didn't know anything
6 about that.

7 COMMISSIONER McMILLIN: It's more than likely
8 who's going to get some of the awards, I would think.

9 COMMISSIONER SLAVIK: Sure.

10 DEPUTY DIR. GREENE: If I may, please keep in
11 mind we're working to try to meet the deadlines of the
12 strategic plan, and that we're going to be staffing
13 each one of these subcommittees... so just try and keep
14 that in mind.

15 COMMISSIONER SLAVIK: You mean you have a body
16 for an interface?

17 DEPUTY DIR. GREENE: Not an interface. If all
18 of you are out and looking for information, an awards
19 committee is not going to pull the awards out of thin
20 air. We're going to have to provide you with resources
21 around the state to try and do that. So it's trying to
22 keep in mind as we look today -- I know there are a lot
23 of issues brought about of route designation, renewable
24 energy, so I just want to try to keep in mind so that
25 everybody is keeping this in perspective so we can work

1 together and meet your needs.

2 CHAIR WILLARD: I think I'm done with the
3 suggestions for subcommittees. Unless there are some
4 more, I think we can be done with it for now. That
5 doesn't mean we can't have more later as the need
6 arises, but I think we've done a good job so far.

7 COMMISSIONER SLAVIK: I'm on this committee in
8 L.A. to look for a site in L.A. county. It seems like
9 we ought to integrate that into acquisition because
10 that's a huge issue down there.

11 CHAIR WILLARD: Mark and I are going to handle
12 that because we've already been sort of involved in
13 that for the last couple of years on acquisition.
14 You've got any ideas, you can certainly let us know.

15 COMMISSIONER SLAVIK: Is that going to be a
16 problem, communicating.

17 COMMISSIONER McMILLIN: No, you can be my sub.

18 CHAIR WILLARD: You can communicate with him or
19 you can communicate with me. You just can't
20 communicate with both of us simultaneously, right?

21 COMMISSIONER SLAVIK: Okay.

22 COUNSEL LaFRANCHI: Well, that would still be
23 three communications, but he's just talking to you. So
24 that's not participating as a committee member. He's
25 just providing you with some suggestions.

1 CHAIR WILLARD: That's right.

2 ATTORNEY LA FRANCHI: And so long as you don't
3 get more than one or two, you haven't violated the
4 majority rules.

5 COMMISSIONER VAN VELSOR: Would there be an
6 expectation that the committees would report every
7 meeting? Would that be an agenda item or just when
8 they had information to provide?

9 CHAIR WILLARD: I don't know. That's a good
10 question. Certainly, I think a committee could put an
11 item on the agenda. As to whether or not we should
12 make it a hard and fast rule that there should be a
13 subcommittee report at every meeting, I don't know.

14 COMMISSIONER SLAVIK: You can say no report.

15 COMMISSIONER VAN VELSOR: I would like that.

16 CHAIR WILLARD: You could have it and say there
17 is no report.

18 COMMISSIONER VAN VELSOR: Don't expect there
19 would be a subcommittee report every meeting.

20 CHAIR WILLARD: This is kind of a new concept.
21 I don't want to say we're making it up as we go along,
22 but we're kind of thinking this through as we go
23 through these meetings, and I think this type of thing
24 will develop further as we get into it. I just wanted
25 to get it going, get it started. So enough said on

1 subcommittees.

2 AGENDA ITEM IV(E). BUSINESS ITEMS

3 CHAIR WILLARD: So the last agenda item is
4 discussion of and perhaps appointment of a
5 representative to the Off-Highway Vehicle Safety
6 Education Committee per CVC 38500.

7 CHIEF JENKINS: Let me give you a very brief
8 rundown on what this is, yet thorough enough so that
9 you can decide what you want to do with it.

10 California Vehicle Code 38500 designates that
11 there is an Off-Highway Vehicle Safety Education
12 Committee. The committee is made up of four
13 representatives. First of all, the Commissioner of the
14 CHP is supposed to be on the committee. The Deputy
15 Director of the OHMVR Division is supposed to be on the
16 committee. The Director of the Department of Motor
17 Vehicles is supposed to be on the committee, and for
18 those three individuals, they can select a designee to
19 be on the committee for them. And then the fourth
20 member is to be a member from the Commission, so one of
21 you all.

22 The purpose of this committee is to work with or
23 develop a curriculum -- there's four duties that are
24 outlined in 38500.1, and we've included this in your
25 packet. But essentially this is the group that would

1 get together and establish what is to be the content of
2 the ATV safety certificate training program. And so as
3 you all know, if you're under 18 years of age, you have
4 to either have an ATV safety certificate to operate an
5 ATV or be accompanied by an adult who has an ATV safety
6 certificate.

7 And so in order to get the certificate, somebody
8 has to teach that. That isn't something that is done
9 by the Department of Motor Vehicles. They license
10 organizations to do that. And right now the licensed
11 organization to do that is the ATV Safety Institute,
12 often just referred to as ASI.

13 There have been a number of groups that have
14 come to us in the recent months asking if they can be
15 certified as an organization or if they can be
16 licensed, I should say, what do they have to do to be
17 licensed to be a safety training organization per this
18 outline. The answer to them is, well, you would have
19 to develop a curriculum, present it to the ATV Safety
20 Education Off-Highway Vehicle Education Committee. And
21 then the next question logically that they always ask
22 is, great, when do they meet next?

23 Well, the fact of the matter is this group has
24 not met in many years. Many years ago, the group got
25 together. They developed the program at the time, and

1 essentially adopted the ASI curriculum as the
2 curriculum that is to be used. So right now ASI is the
3 only safety training organization in the state.

4 It requires more than just developing a
5 curriculum, by the way. The statute goes on to define
6 that they have to have certain insurance requirements.
7 They have to have a method to record and maintain
8 records of every student they taught. There is an
9 extensive list of things they have to do. To track
10 them all down, you have to jump back and forth through
11 the Vehicle Code. It's torturous. Nevertheless, the
12 work of the committee is very clearly defined in the
13 code. It's basically meeting, deciding what the
14 curriculum is, and then a group would come to the
15 committee and say I would like to be a training
16 organization. And the committee doesn't make the final
17 licensing. They would recommend to DMV that this
18 organization meets all of the criteria, teaches the
19 correct curriculum, and they would recommend to DMV
20 that they be licensed. And DMV actually does the
21 licensing and takes the project from there.

22 That's what's in front of you. People have been
23 asking. Before we can convene that group, before we
24 can work to convene that group, we would need have a
25 representative from the Commission.

1 CHAIR WILLARD: You said that they haven't met
2 in a long time?

3 CHIEF JENKINS: That's correct. There hasn't
4 been a need. In other words, they have one very
5 defined task and that is to hear these requests to
6 become a training organization. And nobody has come
7 before the Commission or the Division for many years to
8 request that because ASI has been doing it and nobody
9 has really questioned that. And so there was no
10 business to conduct and so therefore no need to get
11 together.

12 CHAIR WILLARD: But now there is.

13 CHIEF JENKINS: Now that we have people asking,
14 that's why it's here in front of you today.

15 COMMISSIONER VAN VELSOR: Would ASI allow other
16 groups to use their curriculum?

17 CHIEF JENKINS: ASI is fairly protective of
18 their curriculum. You would have to talk to them about
19 the specifics of why. I've never really delved into
20 that with them, but I know that one of the
21 considerations that has prevented in the past other
22 organizations from coming forward is the insurance
23 requirement, and ASI is a large organization. They've
24 got a proven program, and I think if they were to
25 share, let other people teach their program, they would

1 lose a certain amount of control that might make it
2 more difficult to maintain their solid program. My
3 conjecture.

4 DEPUTY DIR. GREENE: This is their curriculum
5 that they teach world-wide, not just here in
6 California, in the U.S.

7 COMMISSIONER SLAVIK: Let me address that a
8 little bit. I wish Tom was here, but ASI is funded by
9 the manufacturers, and that curriculum is extremely
10 important to them, and it has to be taught in a very
11 precise way because it could open the manufacturers up
12 to lawsuits if something happened. So they don't let
13 it out. They want to maintain the integrity of the
14 program. They go to great lengths to do that.

15 Also, I want to add that I was on some kind of a
16 committee like that probably in the mid '90s where we
17 actually brought ASI on board. Ed remembers the old
18 program where basically all kids had to do was go sit
19 in a classroom, they read them a book, and they filled
20 out a form, and they got a certificate. It had nothing
21 to do with training, and it was not an effective
22 program at all.

23 So ASI came on board and has really made the
24 difference because of the work that they put into the
25 program, which was way more than I think anybody could

1 afford to do in this day and age.

2 CHAIR WILLARD: Sounds like we might have a
3 candidate.

4 Anything else?

5 DEPUTY DIR. GREENE: I think where the Chief
6 mentioned it, certainly in those days the Internet
7 didn't exist as it does today. So I think the question
8 becomes are there other avenues where you can do
9 training. Some people believe that hands-on training
10 is the best type of training. But there are a number
11 of programs across the country that are not just ASI.
12 So some of these individuals are the reason that they
13 are starting to ask. It doesn't mean that the
14 committee will convene, but if requested, we would like
15 to meet and know that we've got a committee, and we get
16 in contact with DMV and CHP and can convene that.

17 I will say that for California, I do think that
18 the program has been very successful. As we look at
19 the numbers through CPSC, Consumer Product Safety
20 Committee that we heard about earlier, California rates
21 very low in the number of accidents for ATVs
22 comparatively to other states. We want to be sure any
23 change in the curriculum does not negatively impact
24 these numbers.

25 CHIEF JENKINS: Bottom two being a good thing in

1 this case.

2 CHAIR WILLARD: Is there any public comment on
3 this? Always from Mr. Waldheim, former Commissioner
4 Waldheim.

5 ED WALDHEIM: Ed Waldheim, former Commissioner
6 Emeritus, whatever you call it. I would like to
7 congratulate the OHV Division, Off-Highway Motor
8 Vehicle Recreation bulletin, Volume 01, February 26,
9 Number One. It's been a long, long time since we had
10 anything coming out of the Division for the public to
11 see. So I hope this is the beginning of something that
12 you're going to keep going, and it's on-line. I don't
13 know if you even saw it, the importance of that.

14 DEPUTY DIR. GREENE: I believe it's actually in
15 your binders.

16 ED WALDHEIM: If you look in your binders,
17 Commissioners, you can find it.

18 I agree. I am very concerned. When we went out
19 to bid to get contractors, we're talking about '84,
20 '85, '86, we created an entire program. We had five or
21 six contractors that were offering this program. But
22 all of a sudden, what happened, the competition got to
23 such a way that nobody was making any money, and it
24 started to fall on the waste side. And as Paul said, I
25 got the certificate number 001. I was the first one

1 who got the first card at your office in Torrance when
2 they had it in the classroom.

3 The Bureau of Land Management now has a
4 mandatory ATV program on-line that you must go through
5 if you're going to work as a volunteer to be on an ATV
6 in the federal lands, and I'm assuming the Forest
7 Service probably has the same things. So there are
8 programs already in place on-line for ATV stuff. That
9 is the environmental portion of it, how to behave, how
10 not to go through closed areas, and things like that.
11 I don't know what we're looking for in this. If we're
12 looking for the actual hands-on training or are we
13 looking for the education portion on how to behave on
14 public lands and so forth. So it's two things that we
15 have to teach these youth. And the old folks don't
16 want to listen, don't know how to read. There's two
17 things we have to figure out how to do it.

18 So this, again, it's a very, very important
19 thing for us to do education. You can never educate
20 enough. So please do whatever you can. And, I'm
21 sorry, Mr. Slavik, I know we're going to get a lot of
22 your time, but he would be an excellent candidate to do
23 that.

24 CHAIR WILLARD: Any other public comment?
25 Mr. Tammone, one last time.

1 TOM TAMMONE: Paul, it looks like you had a case
2 of poison ivy. I think you would be good for the job.
3 Thanks.

4 CHAIR WILLARD: So I guess we should make a
5 motion to appoint Commissioner Slavik.

6 COMMISSIONER LUEDER: I just have one comment.
7 Since Commissioner Franklin is not here, and he is
8 engaged in the industry, it might be an item for him,
9 might be of interest to him. So unless there's an
10 urgency, I might suggest that we continue this item to
11 the May meeting to give him the opportunity to
12 potentially take this one on, unless Paul has a burning
13 desire to throw himself into this.

14 COMMISSIONER SLAVIK: Actually, I thought we
15 should add him on to another item here. He got off
16 easy.

17 CHAIR WILLARD: I was thinking maybe if we
18 wanted to have perhaps a subcommittee on this CPS lead
19 thing, he could run with that one. Is there any
20 urgency, any time frame on this?

21 CHIEF JENKINS: No.

22 DEPUTY DIR. GREENE: No, I mean just that we'd
23 like to move forward. Perhaps by May, that certainly
24 would be nice.

25 CHIEF JENKINS: So far the individuals that were

1 really pushing to have the meeting, once they fully
2 investigated ASI, became ASI instructors.

3 CHAIR WILLARD: Paul, do you have any comments
4 on postponing it to see if Brad would, or do you care?

5 COMMISSIONER SLAVIK: I don't have any problem.
6 It just depends on how much time he has probably. He's
7 working, and I'm not.

8 CHAIR WILLARD: He's a pretty busy guy. That's
9 the other thing. What kind of time commitment are we
10 talking about with this?

11 DEPUTY DIR. GREENE: It hasn't met in a number
12 of years.

13 CHAIR WILLARD: But it wants to meet again, what
14 does that mean?

15 DEPUTY DIR. GREENE: The committee itself
16 doesn't want to meet. Individuals that Phil was
17 referencing perhaps want to meet. We have not heard in
18 a couple of months from those individuals since they
19 took the ASI instructor course. So it doesn't mean
20 that wouldn't. I think we were trying to be proactive.
21 In case it actually moved any further, we could have
22 that committee and would move forward.

23 What we might be able to do, I don't know if it
24 is something you need to vote on or not, or if it is
25 something that in the moment if we find an urgency

1 between now and May, we could make contact with you and
2 perhaps, like the other committees, you could appoint
3 somebody at that point in time.

4 CHAIR WILLARD: Let's leave it for that.

5 COMMISSIONER SLAVIK: Just a quick comment, I
6 think what Ed was saying about the two elements in the
7 actual training that we're talking about, environmental
8 and safety education, that is something that has never
9 really come to fulfillment in the ASI track. They
10 pretty much concentrate on hands-on training. They
11 integrate a little environmental education into their
12 program. I hope that's something this committee could
13 hopefully take on and have a mandated environmental
14 education component.

15 CHAIR WILLARD: So let's decide to do nothing
16 with this right now. And if it becomes more urgent,
17 you can always contact me, and I could I just make an
18 appointment.

19 ATTORNEY LA FRANCHI: I think this operates a
20 little differently. The statute says appointed by
21 members of Commission, so you'd have to bring it back
22 for the May meeting to do that.

23 CHAIR WILLARD: So let's just do that. Let's
24 table this until May and have it as an agenda item for
25 May.

1 DEPUTY DIR. GREENE: The only other thing, I
2 know Commissioner Franklin is not here, one could
3 perhaps think that -- and to Mr. Lueder's point that
4 perhaps Mr. Franklin being on this committee in fact
5 may be looked at as a conflict of interest because of
6 his connection to industry because that would be a
7 point to consider, as well.

8 CHAIR WILLARD: Well, that's a good point. I
9 think we get it over with. I think that's kind of an
10 overriding issue actually now that it's been raised.

11 COMMISSIONER LUEDER: Right, I have no problem.
12 I was just bring up the thought.

13 CHAIR WILLARD: Someone want to make a motion
14 besides myself?

15 COMMISSIONER McMILLIN: I'll make a motion that
16 we appoint our good Commissioner Paul to this
17 committee, OHV safety education committee.

18 COMMISSIONER VAN VELSOR: I second that motion.

19 COMMISSIONER McMILLIN: Any discussion? All in
20 favor, aye. Opposed?

21 (Commissioners simultaneously voted.)

22 CHAIR WILLARD: The motion passes.

23 Staff is there anything else? Otherwise, I'm
24 going to adjourn the meeting.

25 DEPUTY DIR. GREENE: I would just like to thank

1 everybody for being here today and also encourage
2 members of the public to join us tomorrow for a tour of
3 Prairie City SVRA. The tour begins at nine o'clock.
4 It's from 9:00 to 1:00. We'll have an opportunity to
5 look at the park as a whole and the environmental
6 training center in particular prior to its opening in
7 late April.

8 CHAIR WILLARD: I'd like to also thank everyone
9 for coming and sticking through to the bitter end.
10 Thank you. Meeting is adjourned.

11 (Meeting adjourned at 5:41 p.m.)

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