

**STATE OF CALIFORNIA
OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION**

MEETING MINUTES

June 23, 2012
9:00 to 3:45 p.m.

South Oroville Community Center
2959 Lower Wyandotte
Oroville, California

OHMVR COMMISSIONERS PRESENT

Eric Lueder, Chair
Breene Kerr
Diana Perez
Paul Slavik
Stan Van Velsor
Gary Willard

OHMVR DIVISION STAFF PRESENT

Philip B. Jenkins, Chief, OHMVR Division
Tim La Franchi, Legal Counsel, OHMVR Division
Maria Mowrey, Administrative Chief, OHMVR Division

AGENDA ITEM I - Call to Order – 9:00 a.m.

Agenda Item A - Pledge of Allegiance led by Commissioner Slavik

Agenda Item B - Roll Call - Six OHMVR Commission members present at time of roll call.

AGENDA ITEM II - Approval of Agenda

Motion to approve made by Commissioner Slavik and seconded by Commissioner Van Velsor. Motion carried.

AGENDA ITEM III - Approval of Minutes

After Commission discussion, item was pulled to enable further corrections of the draft minutes for the February 25, 2012 Commission meeting.

AGENDA ITEM IV - REPORTS

Agenda Item A - Commissioners' Reports

Commissioner Kerr reported he attended the Hangtown Motocross event and visited the Eldorado National Forest. He commended their trails system and the positive impact of OHMVR Division's grants program on the opportunities.

Commissioner Slavik reported on the following:

- He attended the grand opening of the Jawbone Visitor Center, and acknowledged and thanked the Friends of Jawbone in their efforts toward getting the Visitor Center built.
- Mr. Slavik also attended a presentation put on by the Motorcycle Industry Council that acknowledged Representative Mary Bono Mack's efforts to ensure that child-sized ATVs and motorcycles would not be eliminated due to the Consumer Product Safety Improvement Act lead content limits.
- He also read into the record portions of an email he received from a landowner, whose property the Pacific Crest Trail (PCT) traverses, regarding property owners around the PCT entering into agreements to legally ride on each other's property. The landowner email further stated that hikers' complaints are about poorly marked trails, and some complainers do not own any property near the PCT. In addition, the landowner wrote about off-highway vehicle (OHV) riders and how they give assistance to hikers.

Commissioner Perez reported on the following:

- After the last Commission meeting in Carnegie, she met with Karen Schambach and Mark Connolly. Mark and Celeste Connolly took her on a tour of Carnegie.
- She thanked Matthew Allen and Dan Dungy for taking her on a tour of Hollister Hills SVRA.
- In March, she spoke with Assembly Member Luis Alejo who represents the Hollister Hills area. She said he is a supporter of the park and is pleased with what it provides to the community.
- In April, she traveled to Ocotillo Wells and met with Karen Schambach and Terry Weiner. She thanked Superintendent Kathy Dolinar for taking her on a tour of Ocotillo Wells SVRA.
- In May, she went to a Senate Hearing at the State Capitol to oppose the taking of OHV funds.
- She also attended the MX Hangtown event and had a wonderful time.

Chair Lueder reported the following:

- He attended the grand opening of the Jawbone Station Visitor Center, and thanked Friends of Jawbone and its partners, Bureau of Land Management (BLM), and OHMVR Division staff for a great project.
- He attended two District 36 AMA events – the Sawmill Enduro at BLM Cow Mountain Recreational Area put on by the North Bay Motorcycle Club and Fool's Gold Enduro put on by California Enduro Riders Association at Georgetown in the Eldorado National Forest. He acknowledged those clubs for their quality events.

Agenda Item B - Division Chief's Reports

Chief Jenkins apologized for being unable to attend the tour of Clay Pit the day before the Commission meeting and thanked District and Division staff for their efforts regarding the tour.

Agenda Item B (1) - General Program Update

- Chief Jenkins updated the Commission regarding Oceano Dunes SVRA and the rule that was adopted by the Air Pollution Control District (APCD). The Division turned in a modified Monitoring Site Selection Plan that the District accepted. The OHMVR Division submitted a Particulate Matter Reduction Plan that is currently under review by the APCD staff. In response to Commissioner Lueder's inquiry, Chief Jenkins affirmed that permits need to be obtained from the Coastal Commission. Meetings are planned between the County, the APCD, Coastal Commission, and the OHMVR Division to begin discussions on how to move forward with the permitting process.
- In response to Commissioner Kerr's inquiry about the hotel project, Chief Jenkins stated that the abolishment of Redevelopment Agencies has affected the timeline in planning the development of a hotel at Oceano Dunes SVRA, but the project is still moving forward.
- Chief Jenkins announced that the lawsuit filed against Carnegie SVRA in 2009 by California Sport Fishing Protection Alliance and the Public Employees for Environmental Responsibility has been settled. Chief Jenkins agreed with Commissioner Slavik's comment about putting something together to inform the public where the settlement can be read in its entirety on the court's website.
- Chief Jenkins congratulated the Commissioners on their involvement in events, stating that this group of Commissioners is the most involved group he has worked with.

Agenda Item B (2) - General Plan Update

Staff member Dan Canfield provided an informational update on the SVRA General Plans and submitted a staff report dated June 20, 2012.

- Mr. Canfield reported that several of the SVRAs are in the process of initiating or updating their Park General Plans. A list was provided to the Commission and public identifying their status.
- For Clay Pit SVRA, the Commission will have a detailed presentation later in the agenda.
- For Carnegie SVRA, their General Plan process started officially in May 2012. A well-attended public workshop was held in Livermore on May 21, 2012. He encouraged the public to go to the Carnegie and Ocotillo Wells General Plan websites to get up-to-date information on the General Plan process. He also suggested the public participate in the Carnegie SVRA online survey that will be available through October 12, 2012. The projected schedule for Commission review of the General Plan for Carnegie SVRA is late 2013.
- Ocotillo Wells SVRA will be having their second public workshop later in 2012. The projected schedule for Commission review of the General Plan for Ocotillo Wells is early 2014.

In response to Commissioner Kerr's inquiry, Mr. Canfield confirmed that email addresses collected from Carnegie's online survey are being put into a database.

In response to a Commission request, Chief Jenkins reported that the General Plan project schedules are being revised to provide an opportunity for Commission involvement earlier in the process. Chief Jenkins also provided a historical overview of the General Plan process and thanked the Commission for its support in bringing the General Plans up-to-date for all of the SVRAs.

In response to Commissioner Lueder's inquiry about Heber Dunes' capital improvement plan, Chief Jenkins reported that the plan is moving along slowly due to budgetary constraints.

Agenda Item B (3) - Grants Program Update

Staff member Sixto Fernandez provided an informational update on the Grants Program and submitted a staff report dated June 13, 2012.

- The 2011/2012 grant cycle began on June 9th. During that week, two workshops for the applicants were held – one in Ontario and one in Sacramento. Final applications were submitted to the Division on May 7th. The grants cycle is currently in the appeal process which closes July 4th. It is projected the Intent to

Award will become final on July 5th, and the Grants staff will work with successful applicants to draw up the project agreements.

- Four spreadsheets were made available to the Commission and public that list the Intent to Award for the 2011/2012 Grants and Cooperative Agreements by applicants and categories. A synopsis entitled *Grants and Cooperative Agreements Amount Awarded 2011/2012* that lists overall totals awarded by categories was also reviewed. A lengthy discussion ensued about the reduction in Grant funding. Spreadsheets were also presented that show the cutoff line where applicants will not be funded due to the reduction in funds.
- Chief Jenkins explained in detail how the Restoration funds are distributed.

In response to Commission inquiry, Chief Jenkins reported that every year the scoring system is evaluated and changed if needed based on input from the public and applicants. Information will be disseminated to the Commissioners to get their input about the scoring system. He reiterated the importance that the community as a whole needs look at next year's projected \$11 million cut in funding to the OHV program and how to move forward.

During further Commission discussion, the importance of nonprofit participation in the grants was encouraged. In addition, Mr. Fernandez explained how all applicants are given an opportunity to discuss their applications with staff and advised on how to make improvements for next year's Grants Program. Discussions were held regarding the budget process and the Simitian plan. It was also confirmed that distributions are still based on Public Resource Code Section 5090.50.

Agenda Item B (4) - Legislative Update

- Chief Jenkins reported no significant changes have been made to legislation that was reported on at the last Commission meeting except for the budget, which will be discussed at length later on in the agenda.
- In response to Commissioner Lueder's inquiry, the Commission was presented with an update on the Federal Recreational Trails Program. There is a possibility of an increase in funding allocations.
- Staff member Tom Bernardo provided an overview of AB 1595. The proposed bill would define side-by-side type recreational OHVs. Commissioners made a request to have the Recreational Off-Highway Vehicle Association make a presentation at a future meeting.

Agenda Item B (5) - Public Safety Update

Staff member Superintendent Brian Robertson provided an informational update and PowerPoint presentation on law enforcement training, Rubicon deployment, and the Pacific Crest Trail kiosk project.

- Twenty-six agencies and approximately 75 officers have attended the Division's law enforcement training. In addition, approximately ten sound testing training sessions have been held for officers and volunteers.
- The Division partnered with Eldorado National Forest, El Dorado County Sheriff's Office, and El Dorado County Department of Transportation to deploy approximately 30 officers to the Rubicon. The officers will rotate through each weekend from May through September. A lot of positive feedback has been received, and many families are returning to the area. Because the program has been so successful, we can put more emphasis on education.
- Kiosk panels showing maps of alternative OHV recreation locations and interpretation information about the environment, and the flora and fauna, will be installed this fall on the Pacific Crest Trail.

Public Comment re: Commissioners' reports and Chief's reports

Comments were heard from the following individuals:

- Tom Tammone
- Dave Pickett, AMA District 36, Motorcycle Sports Committee
- John Stewart, California Association of 4-Wheel Drive Clubs
- Don Amador, Blue Ribbon Coalition
- Nick Haris, American Motorcyclist Association
- Jerry Fouts, AMA District 36

11:00 Agenda Item - Public Comment Period

Comments were heard regarding items not on the agenda from the following individuals:

- Dave Pickett, AMA District 36, Motorcycle Sports Committee
- Amy Granat, California Off-Road Vehicle Association
- Ryan Chamberlin
- John Stewart, California Association of 4-Wheel Drive Clubs

Agenda Item C - Bureau of Land Management (BLM) Report

Jim Keeler, California State BLM OHV Coordinator reported:

- Mr. Keeler announced that he is retiring at the end of July 2012. He expressed his respect and admiration for what the OHMVR Division staff and Commissioners have done.
- For the first time in seven years, all BLM recreation staff from California met together in Sacramento.
- A 136-mile foot-by-foot survey was done of the Pacific Crest Trail that BLM Ridgecrest is responsible for in Kern County and a report is forthcoming.

In response to Commission inquiry, Mr. Keeler said he is not aware of who will be replacing him for the Commission meetings.

Chief Jenkins thanked Mr. Keeler for his tireless efforts that culminated over the years in millions of dollars being paid back to the OHV Fund. Mr. Keeler received a standing ovation from the public and Commission.

Public Comment re: BLM report

Comments were heard from the following individuals:

- John Stewart, California Association of 4-Wheel Drive Clubs
- Dave Pickett, AMA District 36, Motorcycle Sports Committee
- Nick Haris, American Motorcyclist Association

Agenda Item D - U.S. Forest Service (USFS) Report

Lori Cayo, Implementation Officer, Grindstone Ranger District, Mendocino National Forest and Sarah Ridenar, OHV manager on the Grindstone read the June 23, 2012, written report.

- Travel Management Litigation:
 - 42 routes on the Eldorado National forest are closed to motor vehicle use as a result of a preliminary order; USFS is still awaiting the final order.
 - Waiting for judges' rulings on Klamath National Forest and Stanislaus National Forest.
- A complaint was filed alleging USFS National Environmental Policy Act documentation (NEPA) for the Over Snow Vehicle program was insufficient. USFS response is due July 20, 2012.

- In addition to Mendocino National Forest maps, Color Motor Vehicle Guide Maps produced with OHV grant money were recently completed for Kern River in Sequoia National Forest and Oak Knoll in Klamath National Forest.
- Qualifications for soil scientists to select the contractor for the Wet Weather Strategy project were recently received.
- It was also reported that the decrease in available OHV grant funds will affect management on all national forests.

Chair Lueder emphasized the importance of private/public partnerships and encouraged the USFS to keep in communication with user groups.

Commissioner Slavik expressed the concern that a higher-level representative from the USFS should be attending these Commission meetings.

Ms. Kale assured the Commission that the following questions will be transmitted to Kathy Mick to be addressed:

- Has information been transmitted effectively to USFS staff dealing with budget issues at the national level so they understand the impacts of decreased budgets at the regional level?
- An update on Hungry Valley, Los Padres federal legislation was requested.
- An update on a possible land swap between USFS and State Parks was also requested.

Chief Jenkins added the following:

- The land swap of state-owned lands for USFS lands would be used to sort out boundaries. The project is still in the pipeline but additional properties need to be identified because State Parks cannot outright buy USFS land.
- There has been no change thus far in the federal legislation regarding OHV-specific designated areas of the Los Padres National Forest since the report at the Carnegie meeting.
- On the complaint filed against the USFS regarding the insufficiency of their NEPA process, there was a similar lawsuit filed against the OHMVR Division regarding the insufficiency of its CEQA process on the same group of trails by the same litigants. The OHMVR Division prevailed without paying any settlement. The case is currently under appeal.

Public Comment re: USFS report

Comments were heard from the following individuals:

- Dave Pickett, AMA District 36, Motorcycle Sports Committee
- John Stewart, California Association of 4-Wheel Drive Clubs

- Don Amador, Blue Ribbon Coalition
- Amy Granat, California Off-Road Vehicle Association
- Tom Tammone

Agenda Item B (4) - Division Chief's Reports – Legislative Report continued

Staff member Tom Bernardo announced a lawsuit was just received filed by the Center for Biological Diversity and Public Employees for Environmental Responsibility against Inyo County and Inyo County Board of Supervisors regarding implementation of SB 628 regarding extending combined-use roads on some dirt and rural roads in Inyo County.

Agenda Item E - Reports – Hangtown Update

Sector Superintendent Jason De Wall gave an information-only PowerPoint presentation on the 44th Annual Hangtown Motocross Classic held at Prairie City. He acknowledged the positive public/private relationship with Dirt Diggers North Motorcycle Club and that approximately 100 volunteers worked roughly 15,000-20,000 man-hours to put on this event. Prairie City staff put in 400 additional hours in addition to the normal operation of the SVRA. Several different activities were arranged for kids and families. Attendance at the event was estimated at 24,000. The event was televised nationally and worldwide.

Public Comment re: Hangtown update

Comments were heard from the following individuals:

- Jerry Fouts, AMA District 36
- John Stewart, California Association of 4-Wheel Drive Clubs
- Dave Pickett, AMA District 36, Motorcycle Sports Committee

Chief Jenkins announced that this would be Counsel Tim La Franchi's last Commission meeting, and he thanked Mr. La Franchi for his invaluable service to the program. Mr. La Franchi received a standing ovation from the public and Commission.

AGENDA ITEM V – BUSINESS ITEMS

Agenda Item A - Clay Pit SVRA General Plan and FEIR

Twin Cities District Superintendent Bob Williamson introduced this item for the Commission to consider approving the General Plan and Final Environmental Impact Report (EIR) for Clay Pit SVRA. He thanked everyone who attended the tour of Clay Pit and introduced State Park Interpreter Greg Schumaker who provided an interpretative slideshow presentation on the history of Oroville Dam and Clay Pit SVRA.

Sector Superintendent Jason De Wall introduced Kim Fetke from AECOM. Ms Fetke gave an in-depth PowerPoint presentation on the Clay Pit General Plan process and EIR. Clay Pit currently has limited facilities which beginners, intermediates, and locals use. A preferred alternative was selected from the three developed in the General Planning process that incorporated public input and feedback. The EIR and General Plan were drafted concurrently so that the General Plan was revised to minimize any potential impacts identified as part of the EIR analysis. A myriad of regional planning considerations, along with habitat management and sensitive biological resources, was taken into account for defining land uses. Chapter Four of the General Plan defines the proposed land uses and goals and guidelines that will be used to manage the park. The General Plan and EIR went out for public review in February 2012, and a few minor changes are being proposed to be incorporated in response to comments. The EIR contains both a project-level analysis that is used for projects that are known, and a programmatic-level analysis for broad planning elements where details or projects are not necessarily all known. The programmatic-level analysis takes into account potential impacts in sufficient detail that the need for additional CEQA review with time and costs associated could be limited. The current status is for the Commission to consider adopting the General Plan and the Division Chief to certify the EIR.

The following questions and discussions were discussed on the report:

- The headquarters facilities can move forward without further review once the General Plan is adopted. The building could be minimal such as temporary office trailers and the bulk of the first money spent on visitor facilities.
- Allowances for future proposed projects can tier off a programmatic EIR so the subsequent analysis is much more limited than a freestanding analysis.
- A suggestion was made to build a motocross track before installation of the headquarters facility.
- Another suggestion was made to use solar panels instead of bringing electric utilities onto Clay Pit.
- Input from the Commission, as well as the public, would be very helpful in establishing what to consider and the order in which to implement the plans for Clay Pit. There is nothing in the General Plan that precludes partnerships with any entity and/or organization to construct facilities at Clay Pit.
- Heavy equipment is needed to maintain tracks and various features. A temporary headquarter facilities is important to maintain the maintenance infrastructure.
- The current budget crisis makes it very difficult to implement plans.
- Specific language was incorporated into the EIR goals and guidelines to allow volunteer organizations and/or local governmental collaboration in executing the project.

- Concern for the protection of the fairy shrimp was brought up. In response, Ms. Fetke stated that numerous meetings and site visits had been held with the U.S. Fish and Wildlife Service (USFWS). Protocol-level surveys as defined by the USFWS have been happening and will be ongoing. Goals and guidelines are in the General Plan that specifically require the development of a specific biological resources management plan. The baseline will be established by an analysis of the data that has been collected to date. As the approval and certification of this General Plan and EIR moves forward, so then does the implementation of full habitat management system protocol-level surveys and requests for funding pursuant to the annual monitoring requirements. Concern was raised regarding the importance of establishing a timeline for implementation of monitoring programs.
- The General Plan calls for a more detailed focus in the following areas: biological resources, water quality, and soils.
- There has been a signed operating agreement in place since 1981 with DWR that creates the formal process regarding its rights to inundate and/or take soil.
- The current version of the budget bill that went back to the Governor cut the funding necessary for immediate public-use projects.

Public Comment re: Clay Pit SVRA General Plan and FEIR

Comments were heard from the following individuals:

- Doug Teeter
- Dave Pickett, AMA District 36, Motorcycle Sports Committee
- Don Amador, Blue Ribbon Coalition
- John Stewart, California Association of 4-Wheel Drive Clubs
- Nick Haris, American Motorcyclist Association
- Tom Tammone
- Ken Loseth

Motion was made by Commissioner Willard and seconded by Commissioner Kerr for the Commission to adopt the Clay Pit SVRA General Plan and specifically approve it incorporating the language from Item A, Attachment C of the Commission binder.

The following topics were addressed under Commission Discussion:

- Staff confirmed nearby residents were given notices and offered opportunities to provide their input.

Motion carried.

Agenda Item B - Alcohol Policy for SVRAs

This item was tabled until next meeting.

Agenda Item F - U.S. Marine Corps / Johnson Valley Update

Staff member Dan Canfield provided an informational update. It was anticipated in April 2012, the U.S. Marine Corps' FEIS would be released in May or June and was put on the Commission agenda to allow Commissioners to be updated and comment. The FEIS has not been released to date. In May 2012, Congressman Bartlett offered Amendment No. 53, which was adopted. The Amendment requires the Marine Corps to complete a feasibility study prior to moving forward on acquiring lands and expanding Twentynine Palms Base. One of the requirements of that study is to identify the impact to OHV recreation users of the land, and the economic impact to the local economy. It also requires identifying the impact on the State of California's 1980 Desert Conservation Plan regarding allocation of OHV recreation areas.

Public Comment re: U.S. Marine Corps / Johnson Valley Update

Comments were heard from the following individuals:

- Dave Pickett, AMA District 36, Motorcycle Sports Committee
- John Stewart, California Association of 4-Wheel Drive Clubs
- Tom Tammone

Agenda Item C - Fiscal Year 2012/2013 Budget Update

Staff member Maria Mowrey provided an informational update and submitted a staff report dated June 22, 2012.

- AB 1464 and SB 1004 propose:
 - OHV Program support funding remains the same except for two finance letters for statewide air quality compliance and water quality compliance at Carnegie SVRA.
 - Local assistance funding from the Grants Program was reduced from \$21M to \$10M.
 - Available Recreational Trails Funds is \$4.7M.
 - Capital outlay funding for OHV statewide opportunity purchase was approved for \$2M.
 - Hollister Hills SVRA Infrastructure and Rehab project construction funding was approved for \$5.9M.
 - 2008 loan of \$90M to the General Fund will be repaid in FY 2014/15.

- AB 1465 AND SB 1005 propose:
 - Move funding deposited into the OHV Trust Fund in FY 2010, 2011 and 2012 back into the General Fund.

Chief Jenkins commented that the \$10M and Simitian proposed \$21M reduction in program funding represents a 36% overall reduction in program funding over the past two years.

A brief discussion ensued about federal government funding for the RTP program. The current proposal would give OHMVR Division authority to spend up to \$4.7M for motorized grant funding.

Public Comment re: Fiscal Year 2012/2013 Budget Update

Comments were heard from the following individuals:

- Tom Tammone
- John Stewart, California Association of 4-Wheel Drive Clubs
- Don Amador, Blue Ribbon Coalition
- Dave Pickett, AMA District 36, Motorcycle Sports Committee
- Amy Granat, California Off-Road Vehicle Association

Motion was initiated by Chair Lueder, made by Commissioner Willard, and seconded by Commissioner Kerr to have Chair Lueder write a letter on behalf of the Commission to the Governor expressing concerns regarding the proposed budget cuts to the Grants Program.

The following topics were discussed:

- Have someone hand carry the letter to the Governor.
- Commission Van Velsor proposed an amendment to the motion to include supporting Governor Brown's Tax Hike Initiative. Commissioner Willard rejected the proposed amendment to the motion.

Motion carried.

Motion was made by Commissioner Van Velsor and seconded by Commissioner Perez to have Chair Lueder write a letter on behalf of the Commission to the Governor in support of his tax initiative.

Motion failed.

Agenda Item D - Election of a New Vice-Chair

Motion was made by Commissioner Van Velsor and seconded by Commissioner Willard to nominate Commissioner Slavik as vice-chair.

Public Comment re: Election of vice-chair

Comments were heard from the following individuals:

- Tom Tammone
- John Stewart, California Association of 4-Wheel Drive Clubs
- Dave Pickett, AMA District 36, Motorcycle Sports Committee

Motion carried.

Agenda Item E - 40th Anniversary Subcommittee Appointment

Chair Lueder was appointed to the subcommittee.

Motion to adjourn at 3:45 made by Commissioner Kerr and seconded by Commissioner Willard.

Motion carried.