

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

MAY 9, 2009

WYNDHAM HOTEL, SAN JOSE BALLROOM
1350 NORTH 1ST STREET,
SAN JOSE, CALIFORNIA

IN ATTENDANCE:

OHMVR COMMISSIONERS:

Gary Willard, Chair
Mark McMillin, Vice-Chair
Eric Lueder
Paul Slavik
Stan Van Velsor
Brad Franklin

OHMVR DIVISION STAFF

Daphne Greene, Deputy Director
Phil Jenkins, Chief
Tim La Franchi, Legal Counsel
Vince Anibale, State Park Peace Officer
Dan Canfield, Grants Administrator
John Pelonio, Public Safety Superintendent
Vicki Perez, Administrative Assistant I
Martha Ibarra, Grants Administrator
Kelly Claar, Supervising Ranger
Olivia Suber, Staff Manager III
Trish Gill, Associate Park and Rec Specialist

And Registered Visitors

AGENDA ITEM I. CALL TO ORDER

Chair Willard called the meeting to order at 9:04 a.m.
in the Wyndham Hotel, 1350 North 1st Street, San Jose,
California.

AGENDA ITEM I(A). PLEDGE OF ALLEGIANCE

Vice-Chair McMillin led the meeting attendees in the
Pledge of Allegiance.

1 **AGENDA ITEM 1(B). ROLL CALL.**

2 Six Commission Members were present.

3 CHAIR WILLARD: Welcome to the State of
4 California's Off-Highway Motor Vehicle Recreation
5 Commission meeting. I want to thank everyone for
6 taking time out of a beautiful Saturday to be here. I
7 wanted to also explain why we're in San Jose.

8 DEPUTY DIR. GREENE: Today you have to pull
9 those mikes very close to you, Commissioner.

10 CHAIR WILLARD: Okay. This is the first
11 meeting in a long time that we've had outside of
12 Sacramento, and this is part of our new initiative to
13 try to bring the OHV Program to the public to get more
14 public involvement, public input and participation in
15 the program. So the idea is to try to have meetings
16 throughout the state in areas where there is either an
17 ongoing OHV issue with an OHV recreation opportunity or
18 some other OHV recreational opportunity that's of
19 interest, such as yesterday we had the great pleasure
20 of having a tour at Santa Clara County Parks & Rec's
21 motorcycle facility at Metcalf. And I want to thank
22 both the Santa Clara County Parks & Rec Department and
23 staff at Metcalf for hosting us yesterday out at the
24 facility. Indeed, it is an excellent example of a
25 small urban OHV park and what a county can do with such

1 a facility. And so I think it was really great for the
2 Commission and staff and other members of the public to
3 have the opportunity to take a look at that. Our hope
4 is that this might stimulate further development of
5 these types of opportunities in other counties
6 throughout the state because it is, indeed, an
7 excellent example for hopefully others to emulate. So,
8 again, thanks to the folks at Metcalf.

9 DEPUTY DIR. GREENE: If I may --

10 CHAIR WILLARD: Sure.

11 DEPUTY DIR. GREENE: -- Commission Willard,
12 members of the Commissioners, thank you for coming out
13 yesterday. We really appreciate it. For those members
14 of the public who joined us as well, thank you. And
15 for those of you who were not able to join us, if you
16 would turn your attention here to the screen for just a
17 few minutes, we'll take you on that tour.

18 (Slide show presentation.)

19 DEPUTY DIR. GREENE: So thank you, everybody.

20 (Audience applause.)

21 DEPUTY DIR. GREENE: A particular note of thanks
22 to Aaron Freitas who took all the photos, and Trish
23 Gill who put them all together and got the music last
24 night. So thank you, Trisha.

25 CHAIR WILLARD: And on behalf of Commissioner

1 McMillin and I, I want to thank Vicki for the home-made
2 cookies.

3 OHMVR STAFF PEREZ: Olivia made some, as well.

4 Thank you, Olivia.

5 CHAIR WILLARD: Thank you. They were delicious.

6 **AGENDA ITEM II: APPROVAL OF AGENDA**

7 The agenda was approved as moved by Commissioner
8 Willard and seconded by Commissioner Slavik.

9 CHAIR WILLARD: How about a motion for approval
10 of last meetings minutes.

11 COMMISSIONER VAN VELSOR: I have a --

12 CHAIR WILLARD: Oh, yeah, discussion.

13 Commissioner Van Velsor.

14 COMMISSIONER VAN VELSOR: On page 18, line 14,
15 just two or three things that --

16 DEPUTY DIR. GREENE: Commissioner Van Velsor, is
17 this from the December 3rd meeting minutes or the most
18 recent one.

19 COMMISSIONER VAN VELSOR: Most recent one.

20 DEPUTY DIR. GREENE: Okay.

21 COMMISSIONER VAN VELSOR: Page 18, line 14, is
22 that day correct, June 12th, 2009?

23 CHAIR WILLARD: Probably not. That's probably
24 2008.

25 DEPUTY DIR. GREENE: I'm sorry, on page --

1 CHAIR WILLARD: Page 18, line 14, where it talks
2 about SB 742, when it was approved and became law.

3 DEPUTY DIR. GREENE: Oh, yes, that would be
4 2008. Nice catch.

5 CHAIR WILLARD: Yes.

6 COMMISSIONER VAN VELSOR: Then on page 26, line
7 1, the word "remembered," I assume that should be
8 "required."

9 CHAIR WILLARD: They can't hear.

10 DEPUTY DIR. GREENE: Yes, Commissioners, you
11 really need to speak right into the mike today for us,
12 please.

13 COMMISSIONER VAN VELSOR: Page 26, line 1, the
14 word "remembered" I think should be "required."

15 DEPUTY DIR. GREENE: On page 26.

16 COMMISSIONER LUEDER: Twenty-five.

17 DEPUTY DIR. GREENE: Ah, yes, 25.

18 COMMISSIONER VAN VELSOR: I'm sorry, 25.

19 DEPUTY DIR. GREENE: Yes, "required."

20 COMMISSIONER VAN VELSOR: And even the final one
21 that I have is on page 146, and this is somewhat of a
22 clarification. And it may just be I'm misinterpreting
23 the statement. Line 23 -- it's 145 -- I'm sorry, page
24 145, the statement, "They advised us that the San
25 Bernardino County Council has issued a legal opinion

1 saying that the dirt roads in the Wonder Valley are
2 highways and not open to off-highway vehicles that are
3 not street legal." And then on page 152, line 8 -- I'm
4 sorry, 153, line 8, Superintendent Pelonio said they
5 have the authority under the Vehicle Code to enact an
6 ordinance. And I'm confused because the first
7 statement sounds like they have an ordinance, but then
8 the second statement sounds like they have the
9 authority to issue an ordinance. And this may not be
10 the place to clarify that, but I'm just confused as to
11 is there an ordinance? And this seems to be
12 contradictory.

13 CHIEF JENKINS: Right. And, John, correct me
14 if I'm wrong, I think as we understand the situation,
15 the County Council has issued an opinion, a legal
16 opinion. In other words, staff said, "Is it legal to
17 ride on these roads or not?" Their Council issued an
18 opinion and said, "We don't believe it is," but they
19 haven't taken any action on it. That's just an
20 internal memo that they have issuing that opinion. CHP
21 disagreed and thought it was legal; County Council
22 issued an opinion saying it wasn't. The point about
23 the ordinance would be to settle the question. Because
24 CHP generally leaves that decision -- it's like, "Hey,
25 if you want to take an action to make it not legal for

1 off-highway registered vehicles, then you need to take
2 that action and make that very clear, otherwise you
3 have this disparity between the agencies' opinions."
4 And so that's what was being pointed out in the
5 opinion. But if they wanted to really nail it down, it
6 would help if they did an ordinance.

7 COMMISSIONER VAN VELSOR: Okay. I see. And so
8 the first statement talks about an opinion but not
9 actually on the ordinance.

10 CHIEF JENKINS: Right just a letter from their
11 Council to their Board of Supervisors.

12 COMMISSIONER VAN VELSOR: That's all I have.

13 CHAIR WILLARD: Okay. Well, would you like to
14 make --

15 COMMISSIONER VAN VELSOR: I make a motion that
16 we approve the minutes.

17 CHAIR WILLARD: With the corrections --

18 COMMISSIONER VAN VELSOR: With the corrections.

19 CHAIR WILLARD: -- as stated.

20 **AGENDA ITEM III (B). APPROVAL OF MINUTES**

21 The March 13, 2009 minutes were approved as moved by
22 Chair Willard and seconded by Commissioner McMillin.

23 CHAIR WILLARD: I believe we probably should
24 revisit the minutes from the December 3rd meeting
25 because they weren't on the agenda last time. Is it

1 appropriate for us to consider those minutes as well at
2 this point in time and then approve them? Because they
3 were in our booklet.

4 DEPUTY DIR. GREENE: That's fine.

5 ///

6 **AGENDA ITEM III (A) . APPROVAL OF MINUTES**

7 The December 3, 2008 minutes were approved as moved by
8 Chair Willard and seconded by Commissioner Lueder.

9 CHAIR WILLARD: Okay. Moving on, I'd like to
10 ask members of the public that if you like to make
11 comment, there are forms that you need to submit to
12 staff over here. She has the forms. They're probably
13 in the back as well. Please fill them out, and at any
14 time in the meeting you can submit them. I've already
15 got a handful from people who want to speak. And the
16 way we'll do this, at various points through the
17 meeting at the end of various business agenda items, we
18 will call for public comment. There will also be a
19 general public -- and that public comment at that time
20 will be limited to the topic that we just finished
21 discussing. So I'd ask you to please keep the comments
22 at that particular time to that topic. At 11:00 a.m.,
23 we will stop where we're at. Roughly 11:00 a.m., we'll
24 stop where we're at, and we'll have an only public
25 comment period. We will take comments from the public

1 on, you know, any topic concerning the OHV Program.

2 Please do keep your comments to the required
3 time frames: Two minutes if you're an individual and
4 four minutes if you represent an organization. And,
5 again, I'd ask that you do keep your comments succinct
6 and then to the point as well.

7 **AGENDA ITEM IV. COMMISSIONER REPORTS**

8 CHAIR WILLARD: Okay. Moving on, the first
9 agenda item, our Commissioners' reports. And we have a
10 couple of reports.

11 **AGENDA ITEM IV(A). CONSUMER PRODUCT SAFETY IMPROVEMENT**

12 **ACT UPDATE**

13 CHAIR WILLARD: At the last meeting we discussed
14 the ongoing situation with the Consumer Products Safety
15 Commission's ruling on recent legislation that banned
16 the sale of certain OHV investigation and products that
17 were geared towards the youth market because there was
18 some led content in those products. And we had a
19 discussion about that and agreed that it was something
20 that we needed to address. And we passed a motion that
21 the Commission through the Chair would send a letter to
22 legislators or whoever to try to get this current
23 legislation amended or changed new legislation passed.
24 And so, indeed, we did that. There were two letters
25 that went out. There are copies of them available to

1 you. The first one went out actually to the Consumer
2 Product Safety Commission urging them to make an
3 exemption for youth-sized OHV products. Later we found
4 that there was legislation in the works to actually
5 amend the existing legislation and also a new bill that
6 would have changed the statute. And so we decided to
7 send a second letter to the legislators urging them to
8 support that pending legislation that would correct
9 what we saw as, you know, an unintended consequences of
10 otherwise very well-meaning legislation. So that was
11 done.

12 Commission Franklin, I'd ask you at this point
13 to give us an overview of the entire situation, if you
14 could.

15 **AGENDA ITEM IV(1)(i) LETTER TO CPSC**

16 **AGENDA ITEM IV(1)(ii) LETTER TO MEMBERS OF THE**

17 **LEGISLATURE AND COMMITTEE MEMBERS**

18 COMMISSIONER FRANKLIN: Absolutely. Be happy
19 to.

20 Well, just as a little background information,
21 we all know that the CPSIA Act went into effect
22 February 10th. At that time they basically made the
23 sale of youth ATV and off-highway motorcycles illegal
24 because of this minimal led content issue. At that
25 time obviously there was a great deal of public outcry

1 with regards to these products and to stop sale on
2 them. Industry as well as consumer groups, individual
3 riders, and dealer associations had petitioned the CPSC
4 and to Congress to review this issue and grant a
5 Petition for Exemption. The CPSC, through their legal
6 staff, had reviewed the law, and it was their position
7 that the Improvement Act was so written that they were
8 not allowed to grant any exemptions. So the exemptions
9 failed to pass. Consumers, dealer groups, industry
10 continued to work with the CPSC and congress to please
11 find some common ground here.

12 Long story a little bit short, I received
13 notification yesterday and spent last week in
14 Washington, D.C. The CPSC has again rejected a
15 Petition for Exemption; however, they did grant a
16 temporary stay. And so that should be published in the
17 Federal Register Monday or Tuesday, and, thus, it will
18 give us some relief. And relief of the CPSC is not
19 going to pursue prosecution for dealers that sell these
20 youth products.

21 Concern is, obviously, that this is only a
22 two-year stay. It does not resolve any issue with the
23 Improvement Act. The Improvement Act is still there.
24 It's just a temporary stay to help the small businesses
25 move product that they have on their floor out to the

1 public. It also allows the public that already owns
2 these products to purchase replacement parts, to get
3 any units that are currently down for repair back up
4 and running. The important part there, is, obviously,
5 we want to have children riding appropriately sized
6 products. We don't want them to ride products that are
7 designed for older children or adults. And that was
8 one of the fears that the stay put in place, that some
9 parents would make a judgment call on the size and
10 abilities of their children and move them into some
11 other products.

12 One of the other issues that we have with this,
13 again, this is a temporary stay. Congress has heard
14 the outcry from the public, and they are in the midst
15 of several different steps. There are several bills
16 currently pending from different members of congress
17 and the senate to modify the Improvement Act, and there
18 is also a movement by one of the sponsors of the
19 original document to open it back up for technical
20 amendment. And that's a normal process with any bill.
21 A bill it gets passed, it's reviewed and a technical
22 amendment basically goes in to fix up any language
23 that was poorly crafted or inappropriate at the time.

24 So hopefully with the pressure put on by the
25 public, Congress will still act and still make the

1 required technical amendments to resolve this issue and
2 provide permanent long-lasting relief for youth ATV and
3 off-road motorcycles.

4 Now, it doesn't much matter which way it goes,
5 whether it is through technical amendment or the new
6 bills from various members of Congress as long as there
7 is, again, the permanency issue resolved by this. It's
8 not a two-year stay and we're back in the same boat 20
9 months from now, but a permanent long-lasting issue.

10 CHAIR WILLARD: Thank you, Commissioner
11 Franklin.

12 Commissioners, any questions on the report?

13 COMMISSIONER McMILLIN: I do.

14 CHAIR WILLARD: Commissioner McMillin.

15 COMMISSIONER McMILLIN: So how are we going to
16 have the public keep the pressure on the elected
17 officials so that this temporary stay isn't viewed as a
18 fix? And is there stuff on our website now, an action
19 item that hopefully a lot of the manufacturers and
20 groups have action items on their websites to keep the
21 pressure on the letter writing. That's got to be
22 appointed.

23 COMMISSIONER FRANKLIN: Well, yes. Through the
24 various user groups, there is hopes that -- again, this
25 is kind of an issue that's in flux. The information's

1 just come out. But that is the big concern, we must
2 keep the pressure on. The consumers that are
3 passionate about this issue need to continue to write
4 their congressmen, write their elected officials and
5 make it clear that this is an issue of great importance
6 to them. Manufacturers obviously would be doing this
7 through exchanges of information from the manufacturer
8 to the del better net would be from the dealer
9 networks, from their dealer networks to their customer
10 base. I would hope that the Commission has additional
11 information posted on their website. Next week, to
12 keep the information flow going as well as all the user
13 groups, keep their constituent base informed of this
14 issue. And that's the important thing. We've got
15 people that put a lot of time and effort into this,
16 five months now, and I would hate to lose the momentum
17 and have this come back to, "Oh, it must be resolved."
18 So that's an important issue that has to be addressed.

19 COMMISSIONER McMILLIN: Yes, I forwarded this
20 last letter to my local elected officials, even though
21 they're not on these committees, because there's a lot
22 of horse trading that goes on in D.C., as we know.

23 Is it on our website, Daphne, to do --

24 DEPUTY DIR. GREENE: The letters are currently
25 on the website. But we don't have something on the web

1 in particular under the Commission site that says "Put
2 in your letters" or anything like that.

3 COMMISSIONER McMILLIN: Should we -- can we do
4 that?

5 DEPUTY DIR. GREENE: Counsel?

6 COMMISSIONER McMILLIN: We've taken a position
7 on this, and now we need to help people down the yellow
8 brick road on what to say and who to say it to.

9 ATTORNEY LA FRANCHI: Why doesn't the Commission
10 just direct the staff, and we'll direct the Division,
11 and we'll see what we can do, and we'll figure it out.

12 COMMISSIONER McMILLIN: Okay.

13 COMMISSIONER FRANKLIN: So we just --

14 DEPUTY DIR. GREENE: So directed.

15 COMMISSIONER McMILLIN: That's a directive.

16 CHAIR WILLARD: Thank you.

17 Any other questions on this report?

18 COMMISSIONER VAN VELSOR: Procedural question

19 CHAIR WILLARD: Commissioner.

20 COMMISSIONER VAN VELSOR: I do have a procedural
21 question I'd like to discuss around this. While I
22 don't disagree with what we supported from the
23 standpoint of the legislation, I do have a question
24 about the action that was taken in sending the second
25 letter without approval from the Commission. At our

1 Commission meeting, we voted to support an exemption of
2 the legislation; we did not vote to support bills that
3 we had not seen. I'm uncomfortable supporting a bill
4 that I have not read. And so from the standpoint of
5 future action, I want to discuss and I would like hear
6 the Division's position on the action that was taken
7 and how we can be, in my opinion, a little more tight
8 in the recommendations or the actions that we take from
9 the standpoint of being clear in our vote as to what we
10 are actually taking action on.

11 DEPUTY DIR. GREENE: And I would welcome that
12 direction. I recall at the last meeting this item was
13 discussed, and there was discussion about whether or
14 not it would be appropriate. And I had suggested that
15 it be brought to the Commission through the policies
16 and procedures. If there was going to be a policy
17 adopted, that perhaps it be brought back for a number
18 of reviews by the Commission and the public. I think
19 it is important.

20 The Commission also indicated at the last
21 meeting to go ahead and write another letter, and that
22 it would be dealt with between the Chair and the
23 Division. I'm more than happy to bring that back every
24 time if this Commission decides and wants to look at a
25 letter or a subcommittee, whatever it would be. The

1 more direction we have, the more we appreciate it.

2 CHAIR WILLARD: Yes. I agree. And I certainly
3 appreciate your concern and perspective on this. It's
4 always a difficult thing for commissions even municipal
5 government to conduct business that's public business
6 outside of the actual meetings where we have a chance
7 to discuss it in front of the public.

8 I looked through the minutes, and I can't find
9 it right now, but in the minutes the motion was really
10 not that clear. We talked about getting a letter out
11 to the legislatures, and we didn't specifically say --
12 in fact, there was discussion with counsel about a
13 letter supporting an amendment or an exemption. So I
14 think the minutes were enough to support the second
15 letter, in my opinion. But if you've got specifics
16 you'd like us to look at in the minutes where you can
17 say, "Well, this specific language didn't allow us to
18 do that," then I'm more than happy to look at that
19 right now and talk about it. But I read the minutes
20 again, and I thought that it gave us enough latitude.
21 And then when it came up when I was talking to staff
22 about should we do the second letter or not, it
23 certainly seemed that the second letter supporting an
24 amendment was in the spirit of the intent of the
25 Commission's approval of sending out a letter. So it

1 wasn't as if it was a different direction or anything
2 like that. And I guess it's going to be the
3 responsibility of the Chair to make some decisions in
4 in the future. And I think that you raising it is
5 good. It's appropriate. And it's good for us to all
6 consider it, that, you know, we want to be able to
7 conduct our business outside of the meetings like
8 sending a second letter if things had developed.
9 Because the legislation wasn't there when we had the
10 last meeting; it happened later. So I think the
11 Commission wants to have some flexibility, but it needs
12 to be the Chair's responsibility, I think, in
13 discussion with staff counsel and the deputy director,
14 to make decisions of whether or not it's appropriate to
15 do things like that, that second letter. And obviously
16 whoever the Chair is is going to be subject to the
17 scrutiny of fellow Commissioners at the following
18 meeting when we discuss what happened. So I take that
19 responsibility to heart, and we'll make sure that I try
20 to do things that are in meetings with the wishes of
21 the total Commission.

22 COMMISSIONER VAN VELSOR: I think to some extent
23 the problem for me was lack of experience initially and
24 not being completely clear as to what the action was
25 that we might be taking. So in the future, it might be

1 helpful to be a little more specific in the particular
2 action or the intent of the action that we're taking
3 when we vote. So that will be something that I will
4 pay a little more attention to.

5 But another question I have is, is there an
6 opportunity to have a special session if something were
7 to come up in between scheduled meetings where the
8 Chair felt it was important that you consider the
9 opinions of the other Commissioners to take the
10 additional action. And I appreciate that you work with
11 Division, and you felt it was in the spirit of what we
12 had said. And looking at the amendment and the
13 wording, it was kind of vague. So I can see where it
14 could fit in the spirit of our intent in this case.

15 CHAIR WILLARD: Right. Oftentimes motions are
16 made with some vagueness, I guess, for lack of a better
17 term, to allow a little bit of flexibility. Sometimes
18 they're more specific. So I think, you know, the
19 Commission when it's discussing a particular motion in
20 front of it, needs to consider, you know, whether the
21 motion should be made tighter to have more limits in it
22 or whether or not it is appropriate to have a little
23 bit more flexibility so that the Chair can again
24 conduct the business that the Commission as he sees
25 fit.

1 Staff, perhaps you could, you know, give us
2 some more input on this.

3 DEPUTY DIR. GREENE: Yes. Can you hear me all
4 right?

5 COMMISSIONER VAN VELSOR: I can. They may not.

6 DEPUTY DIR. GREENE: As we look back at the
7 minutes here, there was the discussion about the
8 letter. Commissioner Slavik asked if the letter
9 couldn't be done before the next meeting. Chair
10 Willard, "Absolutely, that's the intent of the motion
11 that passed, to get a letter out in short order."

12 Tim LaFranchi, "Commission would be agreeing to
13 delegate to the Chair on behalf of the Commission to
14 write a letter so each of you have some criteria or
15 some things you would like to put in the motion to make
16 it clear that the limits you might be interested in or
17 whatever would clarify the delegation you're giving to
18 the Chair."

19 Commissioner Van Velsor, "Do we have the
20 opportunity to review the letter prior to it going
21 out?"

22 Tim LaFranchi, "That's the rub. You're
23 absolutely right, it would have to come back for public
24 review. Certainly a letter itself would have to be
25 reported back later. But any time there is a

1 delegation to the Chair, there has to be feedback moved
2 to the whole Commission. So certainly a copy would go
3 out to the Commissioners once it goes. And then to the
4 extent you want to have follow-up discussion for the
5 next meeting, you could to that."

6 Daphne Greene then said, "As another
7 alternative, if the Chair wanted to work and provide a
8 draft, you could call a ten-day meeting, and we could
9 do a conference call open to the public and place that
10 on the web. And that would be another alternative to
11 be able to facilitate movement."

12 Then you said, Commissioner Van Velsor, "I guess
13 the main thing I would say is I support your position
14 that we come at this from the standpoint of a threat to
15 children by having this legislation in place. I would
16 support Gary's position that we are doing this from the
17 standpoint of protecting the health of children."

18 And then Chair Willard called for the vote.

19 So I think to your point now, there was not an
20 intent to do anything behind you or any member of the
21 Commission or public behind their backs. It really is
22 a desire as we move forward, to figure out what is the
23 best way so that we can make sure that we address this
24 issue. For the Division it is about the protection of
25 children and the worry that children are getting on

1 inappropriate-sized vehicles. Certainly we need to
2 come up with a procedure that best addresses the needs
3 of the Commission.

4 CHAIR WILLARD: Yes, I did find the actual
5 motion, so let me just read it again. "I'd like to
6 make a motion that the Commission instruct the Chair to
7 work with Division in writing a letter that urges our
8 lawmakers to -- and, again, I'm not sure how to the
9 letter, and it will require some work, but either to
10 seek an exemption or to have an amendment to the bill
11 or to the statute. And that would encourage them to do
12 so as soon as possible," et cetera.

13 So, you know, my reading of the minutes is that
14 we kind of had the latitude to do that. But I don't
15 think that's as important as your point which is well
16 made, that we need to definitely, you know, consider
17 what the motion was and try to live within the
18 boundaries of that motion.

19 COMMISSIONER VAN VELSOR: Very good. Thank you.

20 CHAIR WILLARD: Thank you.

21 Any other discussion or questions from
22 Commissioners on this?

23 I'd like to ask -- Commissioner McMillin has a
24 subcommittee report on site acquisitions for SVRAs.

25 Commissioner McMillin.

1 COMMISSIONER McMILLIN: Thank you, Gary.

2 At our last meeting, we formed some
3 subcommittees, and one of which was Land Acquisitions.
4 And so being the southern state rep, I was forwarded an
5 e-mail by Olivia, which there was an e-mail sent to the
6 Division from a gentleman in Chula Vista. And I went
7 out and looked at a 60-acre site, which is out by Otay
8 Lakes. It's currently -- it's a small site, but it's
9 currently a motocross track. He's also doing ASI ATV
10 safety training classes there as well as the Motorcycle
11 Safety Foundation. He's doing those training classes
12 out there. The gentleman's is Dan Smith. And it looks
13 like a potentially great site. It might be a little
14 small, 60 acres. It's landlocked. I'm going to
15 confirm this because I just got the information last --
16 early -- middle of this last week. It might landlocked
17 by some very unusable BLM and State Land. I'm going to
18 confirm that with Jim Keeler maybe later next week.

19 But I did go out there, and I think this is the
20 start of process. And I'm just curious what we do with
21 it now. And I'll contact Daphne after the meeting
22 because we do want to get more sites like the Metcalf
23 site that we visited yesterday. Whether this is
24 something we can do at the state level, maybe encourage
25 the County of San Diego to do something to work them.

1 So I did go look at a site, and I wanted that noted
2 here. And it's very interesting.

3 I think this site was a quarry site, so it's
4 been abused. We can't, you know -- it would be a
5 perfect site for a motocross track, maybe some crawling
6 and stuff like that. So I just want to make a note of
7 that.

8 CHAIR WILLARD: Great.

9 Commissioners, any questions on that report?

10 COMMISSIONER McMILLIN: I have one question
11 myself.

12 What do we do with this now? Because I am going
13 to receive a phone call from this guy next week saying,
14 "Did you talk about it? Are you putting it in escrow?"
15 I mean he's a deal doer. So I don't know what --

16 CHAIR WILLARD: Maybe staff --

17 COMMISSIONER McMILLIN: What is the process when
18 people bring sites up? I can say yes, we looked at it,
19 and no further communication is not a good deal.

20 CHIEF JENKINS: Yes, as we get those -- because
21 we've been getting various -- mostly informal
22 suggestions about potential properties as well. So
23 when we get one request like this, traditionally if we
24 were not in the budget times that we are, we would put
25 that into our kind of queue of -- we have an internal

1 listing there at the Division of potential properties
2 and where we want to go.

3 Most importantly, just to put a little bit of
4 context on it and not to sound like the ultimate
5 bureaucrat, which I'm just about to do, we do have this
6 strategic plan, and that strategic plan is to
7 prioritize where we're going to invest. That being
8 said, we wouldn't want the fact that we haven't
9 published the strategic plan or published that priority
10 list to halt any good opportunities that we have.

11 Then the next point to take into account is that
12 that \$90 million, as we discussed at our last meeting,
13 was swept out of the account leaving the account just
14 about empty. There's a little bit of money in there
15 for economic uncertainty.

16 All that being said, we recognize that when we
17 move into a potential purchase anywhere in the state,
18 it is, in the best of times, a process that takes
19 several years to accomplish. And so perhaps the best
20 way to respond to this gentleman is that we need to
21 plan ahead for when that money does become available
22 and we can return to investing in new opportunities in
23 the state.

24 We need to begin looking closely at places just
25 such as this. And it sounds like it maybe something

1 that's very promising. So we could begin on the staff
2 level spending some time going through looking at all
3 the pros and cons of the site, developing essentially
4 an internal report on the advisability of the site and
5 looking at it in that fashion. All of that recognizing
6 -- and I think the most important thing to communicate
7 back to Mr. Smith is that we do have those unfortunate
8 situations right now with the budget situation that we
9 don't know when that money would be available if that
10 site turns to come to the top of the priority list of
11 where we want to invest.

12 Does that help?

13 COMMISSIONER McMILLIN: That helps. So
14 are you logging these? Is there a system where you
15 have, you know, maybe by date these things are logged
16 in and out? Because you've got to act like you're
17 going to hit the lottery tomorrow. That \$90 million is
18 coming back some day, and we've got to be ready.

19 DEPUTY DIR. GREENE: Absolutely. And,
20 Commissioner McMillin, if I may, for those of you
21 Commissioners who may not know, in 2007 the Division
22 worked with San Diego County to identify various
23 locations within San Diego County that we could perhaps
24 find and identify places for development of an OHV
25 facility. It was a very extensive process. Jennifer

1 Buckingham is here, and if you would like, she could
2 provide you with a little bit background. She was a
3 team member.

4 This particular piece of property was, in fact,
5 identified during that study. It was privately owned
6 at the time. It's been analyzed. There were pluses
7 and minuses about this site.

8 At this point in time, we have made additional
9 efforts with the County. For obvious budgetary reasons
10 right now, they're not moving forward with purchasing
11 any land. I do believe, actually, our land agent,
12 Steve Christensen, touched base with this individual
13 last week to let him know about the \$90 million issue.
14 If you'd like more information, Jennifer can share with
15 you for a few minutes. I just don't know if that's
16 valuable right now or offline.

17 COMMISSIONER McMILLIN: Not right now. But
18 offline I'll work with Jennifer, and I'd like to see
19 what report you have there so that I understand the
20 process.

21 Thank you.

22 DEPUTY DIR. GREENE: And if I may, Commissioner
23 McMillin, it would certainly be helpful if, in fact,
24 you're headed out to a site that you give us a
25 heads-up. We could provide you with some of that

1 background information ahead of time; it might make
2 your site visit more useful.

3 COMMISSIONER McMILLIN: Will do.

4 CHAIR WILLARD: Okay. Commissioners, any other
5 questions on this item? If not, we'll move on.

6 Okay. Great.

7 At this time I'd like to open it up to the
8 public comment. And, again, we're going to be making
9 comments specifically on the last two Commissioner
10 reports that you heard.

11 So with that, Karen Schambach.

12 KAREN SCHAMBACH: I pass.

13 CHAIR WILLARD: Pass.

14 Dave Pickett?

15 DAVE PICKETT: Pass.

16 CHAIR WILLARD: Ed Waldheim?

17 ED WALDHEIM: Pass.

18 CHAIR WILLARD: This is easy.

19 John Stewart?

20 CHAIR WILLARD: Good.

21 JOHN STEWART: John Stewart, California
22 Association of 4 Wheel Drive Clubs.

23 On the issue of acquisitions, you know, we
24 appreciate the efforts that the Commission is going
25 through in keeping with the strategic plan. As I said,

1 the recreational community has recently engaged in an
2 exercise of looking to identify areas where we have a
3 high value and high interest in recreation in order to
4 begin to help assigning priorities to potential
5 opportunities for enhancement of recreational
6 opportunities within the state. Now, these may lead to
7 large areas, these may be small opportunities. At this
8 point in time, we don't know where we're going or what
9 we will find. But we endorse the efforts to find small
10 parks like this to enhance the recreational
11 opportunities. And we are willing to work with the
12 Commission and with the Division in order to help
13 identify and evaluate properties for their potential
14 recreational opportunity.

15 Thank you.

16 CHAIR WILLARD: Thank you.

17 Don Amador?

18 DON AMADOR: I pass.

19 CHAIR WILLARD: Okay. Tom Tammone?

20 TOM TAMMONE: Hi. Tom Tammone, individual.

21 Last year I attended the Commissioners'
22 orientation, and I really appreciate that I was allowed
23 to attend. I listened to a very long-winded
24 explanation as to all the reasons why moving at the
25 speed of government we can't get a land deal done

1 before basically the deal expires, basically, quoting
2 an endless system of regulations, et cetera, et cetera.
3 What I would like to see is some direction. Why don't
4 we get -- supply a list of regulations that we need to
5 go to our legislators and get changed so we can utilize
6 our funds?

7 Thank you.

8 CHAIR WILLARD: Okay. That's it for public
9 comment.

10 **AGENDA ITEM IV(B) DEPUTY DIRECTOR'S REPORT**

11 CHAIR WILLARD: Deputy Director.

12 DEPUTY DIR. GREENE: Members of the Commission,
13 we have a number of items here today, so I'm going to
14 keep my comments brief. But I wanted to make you aware
15 that upcoming May 30th is the Hangtown Motocross
16 Classic Event at Prairie City State Vehicle Recreation
17 Area. It is the largest outdoor event at a state park
18 facility. Previously, last year, it was the largest
19 outdoor sporting event in Sacramento County. But the
20 bike race has now changed that. But this is a
21 wonderful event. We'd love to have any and all of you
22 attend. This is a partnership with State Parks and the
23 Dirt Diggers North Motorcycle Club. I think Dave
24 Pickett could share more. But it is a very large
25 event, and ESPN will be covering it live. There you go,

1 ESPN live. Everybody's very excited.

2 In your packets you'll see something from the
3 California Archeological Site Stewardship Program.
4 This is a very special program. They celebrated their
5 10th anniversary. This organization is a network of
6 concerned individuals who want to protect California's
7 rich cultural heritage. And through the support and
8 training of individuals, many members of the OHV
9 community have participated in these events. The
10 Division and Commission have funded this program since
11 2001 in going out and identifying areas and working in
12 partnership with the BLM and the Forest Service. It's
13 just a very, very special program and I'm proud that
14 we're partners. I know that on the 10th anniversary,
15 the Division attended the celebration. So, if any of
16 you are interested in ever getting out on the ground,
17 seeing what they do, we'll take you out there.

18 Just recently in the spirit of collaboration
19 that we have with our neighboring states, American Sand
20 Association, in partnership with BLM and Imperial Sand
21 Dunes has been trying to inform the community. ASA
22 hosts three meetings throughout the year where they
23 bring all the agencies involved together for a panel
24 discussion. I've had the privilege to moderate that
25 panel discussion now going on four years. We had

1 twelve agencies represented -- Forest Service, BLM,
2 State Parks, Arizona State Parks, Game & Fish --
3 talking about how we can make sure that individuals who
4 are coming from Arizona are aware of the laws in
5 California, things that we can do to inform them so
6 that when they do arrive. And it was a very successful
7 event. This year it was about 150 that attended.

8 Also, we had this past weekend at the SVRAs,
9 both at Hungry Valley and at Hollister Hills, we had
10 two women's programs, Becoming an Outdoor Woman and
11 Women in the Outdoors. These are women who have an
12 interest in ATV safety training experience. They're
13 trained and certified in the four-hour training course.
14 But more importantly, they have the opportunity to
15 spend a weekend together. They camp out. We did dutch
16 oven preparation for cooking. We did hikes. It was
17 really a remarkable program that occurred at both of
18 our SVRAs at the same time. It's part of our continued
19 efforts of outreach and education to the various
20 members of the community who have an interest in OHV
21 recreation.

22 At this time, I would like to ask Dan Canfield
23 from the Grants Team -- it has been a very busy time in
24 the Grants Program -- to provide you an overview.

25 ///

1 **AGENDA ITEM IV(B) (2) GRANT PROGRAM UPDATE**

2 OHMVR STAFF CANFIELD: Good morning,
3 Commissioners. Dan Canfield, California State Parks,
4 OHV Division.

5 Thank you, Deputy Director.

6 I'm going to be giving an update on the OHV
7 Trust Fund Grant Program. A lot has happened since
8 this Commission last met in March of '09; namely, last
9 Monday final applications were due for the Grants
10 Program.

11 You might remember from the last Commission
12 meeting that the preliminary grant applications were
13 undergoing public review period -- 30-day public
14 comment period. And during that time period, the
15 public was able to review the preliminary applications
16 through the Division's Online Grant Application System
17 or OLGA, as we like to call it.

18 The public was able to give feedback to both the
19 applicant and the Division on proposed projects. These
20 comments were posted on the Division website for all to
21 see. Also, during this time frame, Division staff,
22 namely, the Grants staff, myself and my associates, and
23 the supervising park rangers that we work alongside,
24 visited approximately 30 of the prospective applicants
25 to review project sites and to discuss the applicants'

1 preliminary applications.

2 The Division also provided written feedback to
3 the prospective applicants. This written feedback was
4 of a technical assistance nature, and these comments
5 were also posted on the website for all to see.

6 Which brought us to last Monday when the
7 final -- the final bell rang, as it were. 11:59 p.m.,
8 Monday evening, final applications were due. So you
9 can imagine we've been very busy over the last few days
10 reviewing these final applications. And in your
11 packets you'll find a spreadsheet in the blue folders,
12 also available to the public, of kind of the overview,
13 the numbers, as it were, for the final applications.
14 It's in the left-hand pocket, I believe towards the
15 back, if you want to pull it out. It is also available
16 on the back table for the public.

17 As we expected, we did see some changes between
18 preliminary and final, which is, I believe, one of the
19 main reasons we did a preliminary application was so
20 that prospective projects could be reviewed by the
21 public and by the Division. And in some cases, it was
22 determined by the applicants that perhaps their
23 projects weren't ready, needed some more work. We did
24 find that between preliminary and final -- preliminary
25 we had 100 prospective applicants, and at final we had

1 90. So ten prospective applicants dropped out between
2 preliminary and final for various reasons.

3 I've had some discussions with those applicants.
4 Issues discussed such as staffing problems where the
5 individual responsible for preparing the grant was --
6 had emergency medical leave; they weren't able to get
7 their project in. An applicant where -- staffing
8 issues where an individual at an agency transferred, so
9 they didn't have that skill set available for them to
10 get their final application in. And then in some other
11 cases, applicants had technical shortfalls with their
12 projects and they weren't able to get in. So we
13 went -- actually, at preliminary we had 238 prospective
14 projects from those 100 applicants, and at final we
15 have 214 projects. So that's a combination of those
16 applicants that didn't submit at final. And some
17 applicants chose to -- they didn't -- they didn't
18 submit all their projects. So, for example, at an
19 agency you had four projects at preliminary, but
20 through the public and Division review, it was
21 determined that they only wanted to proceed with three
22 of them, which, again, I think was kind of the main
23 goal the Division had when we implemented the
24 preliminary application, which was an opportunity to
25 weed out projects that were not ready -- were not

1 shovel ready. And so in that respect, I think that
2 that preliminary application phase was very valuable.
3 It was an incredible workload for Division staff. But
4 if we end up with a better pool of projects being
5 funded, they're going to be completed faster, then it's
6 well worth it.

7 The remaining applicants that submitted their
8 final applicants, their prospective projects are now
9 being reviewed by Division staff for compliance with
10 all the regulations and statutes that govern our
11 program. We are finding that the projects submitted at
12 final are overwhelmingly compliant; again, a side
13 effect of that preliminary application where those
14 projects that had holes in them got, you know,
15 separated out, and we're not seeing those. We are
16 continuing that compliance check. At present, members
17 of the Grants staff are doing that.

18 Projects that are determined to be compliant
19 will move to the next step in the next couple of weeks.
20 For the law enforcement projects, they will undergo a
21 needs assessment by the Division, which is identified
22 in the statute and the regulation. The other -- the
23 non-law enforcement projects, whether it be
24 restoration, operations or maintenance, education and
25 safety, those projects will enter the evaluation phase

1 where the projects will -- Division will review the
2 projects and their final score will be determined based
3 on the applications and the evaluation criteria which
4 are contained within the projects.

5 Once scored, and for the law enforcement, once
6 the needs assessment is completed, the Division will
7 post a Notice of Intent to Award. We are directed to
8 do so by the regulations by June 1st, 2009. That
9 information will be made available on the website.
10 That commences a 30-day appeal period set forth by the
11 statute where applicants have the opportunity to appeal
12 the Notice of Intent to Award under various
13 circumstances. We certainly hope to have no appeals.
14 But pending -- pending that -- the number of appeals,
15 if we have any, the grants could be -- the grant awards
16 could be put into place and contracts could be started
17 with projects being able to be underway by as early as
18 July 1st of 2009 or, if appeals slow us down, as late
19 as October 1st of 2009.

20 That ends my presentation. I'd be happy to
21 answer any questions you have on the staff's OHV
22 Program.

23 CHAIR WILLARD: Okay. Thank you.

24 Commissioners, any questions?

25 Commission Lueder.

1 COMMISSIONER LUEDER: I was just curious to see
2 if you had any public feedback on the OLGA system and
3 how people were finding it easily navigable or not.

4 OHMVR STAFF CANFIELD: We get lots of public
5 feedback. That's the great thing about this program.
6 Overwhelmingly in favor, in fact, I think there was
7 only one individual I spoke with personally that --
8 that was not thrilled by the system.

9 COMMISSIONER LUEDER: Okay.

10 OHMVR STAFF CANFIELD: But overwhelmingly
11 favorable.

12 COMMISSIONER LUEDER: Other question was, I had
13 a few people that talked to me that were kind of
14 technically challenged. And I basically told them that
15 they could either call Division or they could e-mail
16 the -- you know, the main e-mail address that -- at
17 Division. So I assume those comments would be entered
18 in that fashion as well.

19 OHMVR STAFF CANFIELD: We did get some folks
20 that were -- came in offline, as it were. And I think
21 that might have been the one individual I was thinking
22 of. But the comment, I believe was, "I can't figure
23 out this darn thing. Here's my comments for" -- and,
24 I'm sorry, I don't remember the applicant. And so we
25 did a work-around. I scanned them, and we posted those

1 up on the website and them to the applicant's project
2 file, and they were taken into account.

3 Thank you for bringing that up. An important
4 point I might have stepped over during my report was we
5 visited applicants, and we prepared comments for all
6 the applicants. We did so, but we reviewed the public
7 feedback that came in as a component of that. So we
8 tried to wait until as late as possible in the public
9 review period so that we could take that into account.
10 But we could only wait so long because we did want the
11 applicants from the Division for them to tighten up
12 their projects.

13 COMMISSIONER LUEDER: Okay. One more question.
14 Are you cross-referencing the grants with agencies that
15 may be getting federal stimulus money, because there is
16 potential for a double dip, and I just want to make
17 sure that if federal money's coming to some of these
18 agencies for projects that they've applied for our
19 grant money that they're not getting double-dipped.

20 OHMVR STAFF CANFIELD: We will do our due
21 diligence to ensure that we do not enter into a
22 contract with a federal agency for a project activity
23 which is being funded from another source, in this
24 case, the federal stimulus money.

25 COMMISSIONER LUEDER: Thank you.

1 CHAIR WILLARD: Are the grant applicants
2 specifically asked that question?

3 OHMVR STAFF CANFIELD: That is not part of the
4 application that was set up as a result of the statute
5 and regulations.

6 CHAIR WILLARD: Is that something --

7 OHMVR STAFF CANFIELD: Certainly can entertain
8 adding that.

9 CHIEF JENKINS: At the time that we developed
10 the regulations, of course, the federal stimulus money
11 was nowhere on the horizon. We do have wording in
12 various places in the regulations about looking at
13 other sources of funding that agencies might have and
14 that they need to disclose that to us if they're using
15 those funds to supplement the program -- an off-highway
16 vehicle program for their particular agency. We have
17 had several calls from various agencies who said, "Hey,
18 we might be getting some of the stimulus money. It
19 might affect what we applied for." This was during the
20 factoring -- the development of have these regulatory
21 -- or the applications that are now final. And the
22 people that had been calling us were making it clear
23 that "We just wanted to let you know we have this
24 money," they might be signing -- I think some of them
25 may have adjusted what they were requesting based on

1 the fact that they might be getting stimulus money. So
2 there has been that discussion going back and forth
3 about, you know, "We'll pay for this with grant
4 funding, and we'll pay for that with stimulus money."
5 Certainly at the end of day, the audits would turn up
6 if there had been any mistakes made and any double
7 dipping done inadvertently.

8 OHMVR STAFF CANFIELD: Yes, I had several
9 personal conversations with my customers who did just
10 that, where they did not proceed with a project or
11 modified a project because the stimulus money did come
12 through for that activity.

13 CHAIR WILLARD: Great.

14 COMMISSIONER McMILLIN: Dan, there's 29 million
15 been requested. Remind me of how big the pot is.

16 OHMVR STAFF CANFIELD: Well, the pot is -- is
17 complicated. It's 27.1 million, which is divided into
18 four pots of money.

19 COMMISSIONER McMILLIN: Restoration --

20 (Multiple speakers.)

21 OHMVR STAFF CANFIELD: Restoration, O&M, and law
22 enforcement --

23 COMMISSIONER McMILLIN: Okay.

24 OHMVR STAFF CANFIELD: And then there's sub pots
25 within some of those.

1 COMMISSIONER McMILLIN: The stimulus discussion
2 was brought up at the March meeting. And I haven't
3 gone through every page of the minutes, but it was, I
4 think by the Forestry Department (USFS). They said
5 they would be happy to proactively withdraw their
6 request the minute they know they're getting stimulus
7 money. Looking at the 27 million, maybe prior to the
8 intent to award you could go back just to two agencies,
9 that would be the BLM and the Forestry Department
10 reminding them of no double dipping in language, and
11 ask if they need to -- if they need to be reminded to
12 withdraw some of these requests so we get some more of
13 the money out to other people who might not be getting
14 it.

15 OHMVR STAFF CANFIELD: Certainly we can do just
16 that.

17 CHAIR WILLARD: Commissioner Van Velsor.

18 COMMISSIONER VAN VELSOR: Were you satisfied
19 with the level of public participation in the
20 commenting process?

21 OHMVR STAFF CANFIELD: Yes.

22 COMMISSIONER VAN VELSOR: So you pretty much got
23 what you expected.

24 OHMVR STAFF CANFIELD: It was consistent with
25 previous grant years. And the OLGA system that some

1 folks had problems with I think improved it in that it
2 would enable us to then immediately turn around and
3 post those comments on our website for all to see.
4 Whereas the old way of doing it, the letters all came
5 in on the last day, typically.

6 But the OLGA system allowed us to really
7 streamline that. So I think that in itself, it made
8 the comments more substantive. Even though the
9 comments were similar to what I've seen in the past in
10 grant years, just the technical system that was set up
11 allowed them to have perhaps more impact on the
12 applicants and also on the -- as I mentioned, the
13 Division comments that we prepared, we took -- as much
14 as possible, we took those comments into account. And
15 that was made -- made a lot simpler by the OLGA system.
16 So the more the better. We want, you know, public
17 feedback. It's -- public programs -- grant programs,
18 whether they be bond funded, special funded, I think we
19 can all agree that the more public involvement and the
20 earlier you have it you're going to have more
21 successful projects. And that's what I've seen in my
22 state service working on grant projects.

23 COMMISSIONER VAN VELSOR: I think sometimes the
24 public may feel their comments aren't necessarily that
25 often utilized. And I think it's worthwhile to make

1 the point in some form, some avenue that, in fact, you
2 use the comments and that they were very helpful in
3 this situation especially because they were made
4 available on line and you used them to go, then, back
5 to the project folks and provide that -- that input.

6 The second question I have is regarding the soil
7 conservation standards. I'm curious what plan the
8 Division has monitoring compliance on those projects.

9 OHMVR STAFF CANFIELD: Division staff, in
10 cooperation with California Geological Survey will
11 review the Soil Conservation Plans that were submitted.
12 And I believe the regulation allows for a 45-day time
13 period kind of for that to occur. While we're doing
14 the evaluation, simultaneously the Soil Plans,
15 CEQA/NEPA compliance, and compliance with the Habitat
16 Management Program were being reviewed simultaneously.
17 Those three I mentioned, the Habitat Management
18 Program, CEQA/NEPA compliance, and the Soil
19 Conservation Plan, the regulations provides for a
20 45-day period following the final submittal day for
21 Division along with our assistance for various
22 inter-agency agreements, et cetera, and contractors to
23 review and, if necessary, go back to the applicants to
24 get more information to ensure they're compliant with
25 that statutory requirement.

1 COMMISSIONER VAN VELSOR: And how about
2 follow-up in the field over the period of the grant.

3 OHMVR STAFF CANFIELD: I'd like to tell you we
4 have it all worked out. I can tell you we are
5 committed to making sure that the applicants follow
6 through with those Soil Plans. The regulations do
7 require that evidence of compliance is provided with
8 the final payment, so that is built in as a safety.
9 When that final bill comes in, it should be accompanied
10 by their Compliance Reports. Ideally, we've gone out
11 during the term of that project and visited those
12 applicants and got out on the ground and gotten from
13 them how they are -- you know, feedback from them as to
14 how they are meeting the standard. And we've developed
15 a Soil Conservation Plan that applicants have adopted
16 typically. They've adjusted it as necessary for their
17 unique situations. So that's our plan.

18 It is to get out there during the term of the
19 project, visit them, and make sure they're keeping up
20 with the soil standard. And we will do just as much as
21 possible with our staff. But if we're not able to
22 visit every single one at that final payment, that's
23 going to be our chance for them to provide evidence to
24 us that they've met that requirement.

25 COMMISSIONER VAN VELSOR: So do you anticipate

1 that you're going to try to reach some number at least?
2 I mean if you can't reach 100 percent of the folks in
3 the field and actually do an on-site evaluation of the
4 plan, 20 percent, 50 percent? I mean do you -- at this
5 point you haven't really established that?

6 OHMVR STAFF CANFIELD: We'd like to do 100
7 percent. We're staffed up. So -- and this -- this is
8 a new -- you know, a new segment of the program that
9 we're committed to making work. And I think it really
10 goes to the whole sustainability of this program at the
11 base level. So at this point I would like to commit to
12 it, you know, 100 percent. Are we going to do 100?
13 No. It's just not possible. Something's going to --
14 we're going to miss something somewhere. But we'll get
15 out and do just as very much -- and at a subsequent
16 Commission meeting, I will give a report of how well
17 we're doing and -- rest assured, if we're not able to
18 visit them, it doesn't mean that they're not compliant.
19 We're going to make sure they've complied via desk
20 review of their documents. Not as good as an up-front,
21 you know, face-to-face visit, but I think it will go a
22 long ways to meeting your requirement.

23 CHIEF JENKINS: If I could add, there is
24 specific requirements in the regulations that we do a
25 financial audit of at least 20 percent of the

1 applicants. Those audits do include a performance
2 component. So on at least those 20 percent that we
3 have to do those audits on, we will, you know, be
4 ensuring that those monies were actually applied in the
5 field, and those will get a very specific performance
6 evaluation to make sure that they've performed as
7 they've requested and promised on those -- on those
8 applications.

9 As Dan points out, if we were going to try to
10 hit everybody throughout the state on all 200-plus
11 applications or so, it would take a much larger staff
12 than we have. We do plan on reports coming in to us.
13 And so 20 percent is the minimum requirement. We don't
14 plan on just hitting the minimum and saying that's good
15 enough. We do plan to do as much as we can and keep
16 taking into account that there are a lot of other
17 regulatory agencies that have pieces of the same things
18 that we're looking at when we look at the Soil Plans.
19 And so we do on occasion get reports from the public or
20 from other agencies that we may want to go out and
21 speak to an applicant because they might be problems
22 that we could help with. We're in the midst of
23 training our Grants Team on the Soil Program. I don't
24 know if we've hit every one of them yet. The idea
25 isn't to make every one of our Grants administrators a

1 soil scientist. That might be a little bit too much to
2 ask of their already broad skill set, but what they do
3 know, what they are being trained to be very accurate
4 with is spotting potential problems. And so if they're
5 out on one of their routine visits to check on a site
6 and they see what they think might be a problem, then
7 the procedure is that they would come back, they would
8 notify us. We would either alert CSG or some of our
9 other contract staff, our in-house soils specialists to
10 go out and do further investigation and evaluation. So
11 it's one of those where you bring as many resources to
12 bear as you can and work closely with all of our
13 partners.

14 COMMISSIONER VAN VELSOR: Very good. I look
15 forward to those reports in the future. Thank you.

16 CHAIR WILLARD: Commissioner Slavik.

17 COMMISSIONER SLAVIK: I have a couple questions
18 in follow-up to what we've been discussing. It seemed
19 to me in the past we've talked about some kind of --
20 and this may be years in the past -- talked about some
21 kind of report card from the user community about the
22 trails that they're riding. Has there been any
23 discussion about possibly including that in the current
24 process.

25 OHMVR STAFF CANFIELD: Not that I'm aware of.

1 COMMISSIONER SLAVIK: So we might talk about --
2 I mean, you know, these are the people on the ground,
3 the final customers that we're talking about, and
4 whether they're satisfied with the final product or
5 not.

6 DEPUTY DIR. GREENE: If I may, that was the idea
7 behind getting the public comments on the grants. The
8 vision was not to have it be a contest of I like Forest
9 X or BLM area or the county or whatever. It was
10 specifically to look at the grants. And I think,
11 Commissioner Slavik, to your point, if, in fact, the
12 program allocates money to a grant applicant for trail
13 maintenance and next year the applicant comes back in
14 for trail maintenance, and whether or not it be any
15 member of the public who has an interest in that,
16 whether or not it's the end user, or whoever it may be,
17 says, "We have serious concerns that you applied for
18 and received money for trail maintenance, and we
19 actually didn't see that that was completed on Trail X,
20 Y, Z." That is what we are looking for in those public
21 comments. It's not that I think they're a great
22 applicant, it is that we want to know if the monies
23 have been put to very good use, or do we have concerns
24 that somebody's asking for money and we haven't seen
25 any evidence on the ground of its implementation. That

1 is the goal. So that two, three, four, five years from
2 now, we're able to review post grant -- and OLGA will
3 allow the public to do that -- to see a system of
4 funding and accountability. That really is the goal.
5 If the law enforcement is asking for a certain amount
6 of funding for a certain number of hours on the ground
7 and the public says, "We never see them on the ground,"
8 well, then that's something that we want to hear from
9 the public. And that way the Grants staff can start
10 having a dialogue, and we can see if it's put to good
11 use. It is about being accountable each year for the
12 monies that you ask for, because if you receive them
13 and don't use them, there's another applicant, as we
14 can see by the overage here, that will use them.

15 COMMISSIONER SLAVIK: Well, let me kind of maybe
16 tune that in a little bit. I'm thinking a staging area
17 with a suggestion box. I mean this -- we're talking
18 simple stuff here. And as I was thinking about it, I'm
19 thinking, well, yes, you know, the forest service guy
20 comes up and he says, "Oh, all these people hate these
21 trails," he's going to throw those things in a trash
22 can. But if there was some kind of connection to OLGA,
23 a website that those guys -- those folks could take
24 home a card, they can enter that information, "Hey, I
25 rode up this trail, it was absolutely terrible," you

1 know -- I think we have to somehow include the final
2 user in what we're talking about here. We're really
3 talking a bureaucracy. Most people feel left out on
4 it.

5 OHMVR STAFF CANFIELD: I think that's a great
6 idea. When I do visit a staging area, for example,
7 Metcalf Cycle Park yesterday, I did talk to half a
8 dozen of the folks there that were using the facility.
9 But I think it would be -- to formalize that even more,
10 I think that would be a great idea. And we'll
11 certainly, you know, follow up on that and see what
12 could be done. We never envisioned -- we didn't
13 envision something like that for OLGA, which was an
14 off-the-shelf Grants Management Program. But we'll
15 certainly find out what could be done. Because I do
16 agree that I get some of the best information from
17 talking to those riders who are unloading the bike out
18 of the pickup truck about the trails. Fortunately, the
19 Metcalf Cycle Park it was all very favorable. And when
20 I go out and visit back-country locations, of course
21 there's not as many people, but I also I do try to get
22 that feedback, you know, from the folks that are out
23 there riding them, you know, just as much as possible.
24 So it was very valuable, I agree completely.

25 COMMISSIONER SLAVIK: Thank you.

1 I have another question, and it's not related to
2 this very much, and it might be more for staff. Are
3 Indian lands available for grants?

4 OHMVR STAFF CANFIELD: Okay. Federally
5 recognized Native-American tribes are an eligible
6 applicant in the program. And they could -- they'd be
7 eligible to apply for the acquisition, development,
8 maintenance and restoration of their lands.

9 COMMISSIONER SLAVIK: Okay.

10 OHMVR STAFF CANFIELD: We would very much like
11 for that to happen.

12 COMMISSIONER SLAVIK: Yes, and I agree. In the
13 past, I know there's been some interest from various
14 Indians. I know personally I was on the Morongo
15 Reservation, and those folks have a lot of land and
16 they're looking for ways to -- for various reasons, to
17 use that land. I would suggest we somehow make some
18 contacts with them. I doubt seriously if they
19 understand that there's any money available.

20 DEPUTY DIR. GREENE: I believe we'll have an
21 update on this issue at the public safety report. We
22 did attend a meeting, we'll bring you that update in a
23 few minutes.

24 COMMISSIONER SLAVIK: Thank you.

25 OHMVR STAFF CANFIELD: More of that stuff, too.

1 DEPUTY DIR. GREENE: Dan, if I may. I think
2 what is interesting is that the morning of the
3 application deadline, 214 applications were finally
4 submitted.

5 OHMVR STAFF CANFIELD: Two hundred and fourteen
6 projects.

7 DEPUTY DIR. GREENE: And that morning we had --
8 I think there were something like.

9 OHMVR STAFF CANFIELD: Oh, Monday morning?

10 DEPUTY DIR. GREENE: Yes. There was something
11 like --

12 OHMVR STAFF CANFIELD: There was less than half.

13 DEPUTY DIR. GREENE: That had been submitted.
14 So there was a mad scramble on that deadline date. I
15 think the final one was submitted at 11:58.

16 OHMVR STAFF CANFIELD: It was very exciting.

17 CHAIR WILLARD: That's great.

18 Commissioners, any other questions of Dan?

19 Well, Dan, I want to thank you for your report.
20 I also want to, on behalf of the Commission, thank the
21 rest of the Grant Team for all your efforts. I know
22 right now you guys have got your sleeves rolled up.
23 And the Grants Program is a very, very important
24 component of the overall OHV Program in the state, and
25 you guys are doing a good job. You keep it up.

1 Thanks.

2 OHMVR STAFF CANFIELD: Thank you. I'll spread
3 that good word.

4 CHAIR WILLARD: You bet.

5 All right. So at this time I think it's a good
6 time for a break. Great. So let's see, 10:30 we will
7 reconvene. Thank you.

8 (Brief recess, 10:21 a.m. to 10:39 a.m.)

9 CHAIR WILLARD: And before we get started, Ed
10 Waldheim has a presentation that we would like to make
11 to the OLGA Team

12 ED WALDHEIM: Can the OLGA Team please come up
13 here, those who are present. Everybody -- I call them
14 the OLGA Team and everybody -- instead of calling it
15 the Grants Team, we should call it the OLGA Team.

16 (Multiple speakers.)

17 ED WALDHEIM: And would the Chairman on the
18 Commission on behalf of the Friends of Jawbone, Friends
19 of El Mirage and CTC, you did not come to our cleanup,
20 as you said you probably would come, but anyway -- so
21 we have the plaque presented to you for all the
22 incredible work that the four of you that OLGA -- you
23 have new people on the team, but at least we wanted to
24 recognize you for the incredible work that you'd done
25 for us. We have a plaque for each one of you. So come

1 around so we get the picture. Come on, come on. Come
2 on up here.

3 (Audience applause.)

4 ED WALDHEIM: Thank you. But without these four
5 people, the OLGA Team, there is no way any of the 214
6 projects would ever have been accomplished. And our
7 hat goes off to these guys. Thank you.

8 CHAIR WILLARD: Thank you.

9 Okay. So public comment on the last two items
10 that we heard.

11 Bruce Brazil.

12 BRUCE BRAZIL: Good morning. Bruce Brazil.
13 California Enduro Riders Association.

14 I've got a question of Division on the
15 procedures that they're using on the grants process.
16 Where in the OHV Grants regulations does it state that
17 the Division will be making comments on the preliminary
18 applications? I find that kind of like a teacher
19 giving out a test, gets the test back from the
20 students, teacher goes and checks a few of them, gives
21 the test back to the students and says, "You may want
22 to look at these again before I grade it." So it's --
23 because the grants were supposed to be mostly a
24 competitive process. And so I think that kind of
25 circumvents some of the competition.

1 Thank you.

2 CHAIR WILLARD: Tom Tammone.

3 TOM TAMMONE: Tom Tammone, speaking as an
4 individual.

5 In considering 214 projects here, again, I have
6 to formally object to the two-minute speaking
7 restriction. But anyway, my main problem here, I like
8 the way the OLGA System -- I didn't get a chance to
9 play with it as far as doing any of the applications,
10 but I like the way the system works. All the
11 applicants I talked to seemed to be real happy with it
12 and it works. The whole problem that I have in a
13 nutshell is we've got ourselves in all these little
14 boxes with all these subcategories, and everybody
15 screamed about it when they first wanted to do this.
16 It looks to me like we're -- in some of these
17 subcategories we've got shortages, and in other
18 subcategories we're leaving money on the table.
19 Education, looks like we're going to leave about
20 600,000 on the table. What else we got here. Twelve
21 projects under Development, \$1.3 million; 2.6 came
22 through. We're leaving money on the table. This is
23 even worse than the original system that I briefly
24 entertained back in 2005, 2006 where the Commissioners
25 actually had some sort of a scoring criteria where they

1 could enter their reasons for wanting to adjust the
2 scores. But that's not even going to help with this
3 issue because we've got ourselves in a box. We're just
4 not utilizing our funds. You know, we've got funds
5 left over in some of the subcategories and some of the
6 others. So hopefully -- I don't know if it's too late
7 to do this or if it's been done -- I hope it does get
8 done -- is we come up with some way to move some of
9 this money around to the other categories. You know,
10 like we've got a big shortage under Education. We've
11 got money left over under General Operations. Three
12 acquisition projects. Come on, people, did we give up?
13 You know, did we just give up on this whole idea of
14 acquisition projects? Development, we've got a
15 shortage there. It might be nice to be able to move
16 some of the money from the incident parcity
17 subcategories into that category. So that's something
18 that definitely needs to be done.

19 Thank you.

20 CHAIR WILLARD: Amy Granat, followed by Don
21 Amador.

22 AMY GRANAT: Sorry, guys. It takes me a while
23 to get there.

24 CHAIR WILLARD: That's okay.

25 AMY GRANAT: I wanted to talk about the grants.

1 This is Amy Granat from CORVA -- California Off-Road
2 Vehicle Association. The staff were great. Great
3 staff, great responsiveness. And the question I always
4 had is how much will the public comments make a
5 difference? And I guess that still remains to be seen
6 to a certain extent. But we did get feedback. I got
7 feedback from staff saying, "Can you give us more
8 information on what you found on the details that you
9 noted on your comments." The instructions on the
10 website were very, very helpful. Some members of the
11 public still found it difficult to comment. Perhaps
12 there's some way to improve that next year. We need to
13 get the word out more, too, to the OHV public that they
14 need to comment. But one really interesting byproduct,
15 about the OLGA system that I found is when I researched
16 for the comments on my grants, I called the applicants
17 and asked them information when I was confused. They,
18 in turn, gave me more information. And in one case,
19 they did actually amend one of their applications
20 because of points that I made on a phone call. You're
21 increasing the communication between the applicant and
22 between the public, not only between the applicant and
23 the Division. And we've also found that this has
24 spurred meetings. It's spurred meetings with myself
25 with Yolo County who's interested in developing a

1 county OHV park. And I would not have had those
2 contacts or the ability to do so without the system.
3 So I did want to say that good work, and I think it can
4 be an excellent tool for the public to use to increase
5 the communication among the OHV interested individuals.

6 One question I do have is the community is
7 confused about how supportive or pro OHV the applicants
8 need to be. You know, is that an important aspect of
9 -- in order to get the grant? You know, are we funding
10 applicants that are adamantly against OHV activity, you
11 know? And I'm not sure of the answer to that, and I
12 would appreciate to have some clarification.

13 Thank you.

14 CHAIR WILLARD: Don Amador, followed by John
15 Stewart.

16 DON AMADOR: Good morning, Commissioners.

17 And regarding the term OLGA, as a Norwegian, I
18 hope you do adopt that.

19 OHMVR STAFF PEREZ: Please state your name for
20 the record.

21 DON AMADOR: Don Amador with the Blue Ribbon
22 Coalition.

23 You know, somebody -- this is the first meeting
24 I've been to with the new Commission and the new
25 program. And I just want to say that, you know, during

1 the course of 2007 when a number of us spent literally
2 hundreds of hours working on the new OHV program, it's
3 extremely rewarding to me today to see the program.
4 You guys up here, we've got a Grants Program that
5 works; it's functional. Great credit to the crew.
6 Many times when I go out in the field, I've had Forest
7 Service and BLM employees really rave about how much
8 more streamlined the program is, how much more
9 effective it is. Many of us remember the old program
10 of sort of like *Night of the Living Dead*. But now
11 we've sort of got like the *Sound of Music*. And I'm
12 just really excited that I can go back out to report to
13 the riders that all the work that we did in 2007, the
14 hundreds of hours, maybe thousands of hours that were
15 put into the new program, we're seeing the fruits of
16 that labor. So I just wanted to commend the Commission
17 and the Division and the new program because I think
18 we've got a great product here.

19 Thank you very much.

20 COMMISSIONER SLAVIK: Are they singing
21 "Kumbaya".

22 DON AMADOR: Sometimes, yes.

23 CHAIR WILLARD: John Stewart, followed by
24 Karen Schambach.

25 JOHN STEWART: Good morning, Commissioners.

1 John Stewart, resource consultant for the California
2 Association of 4 Wheel Drive Clubs.

3 I would like to extend my congratulations to the
4 OHMV Division for a job well done on crafting a Grants
5 Program that is competitive and it is actually
6 responsive to the needs of the community for
7 recreation, and the funding is actually getting out to
8 points where it is needed.

9 From working with the Grants Programs in the
10 past few years, this is a far cry. It is much better.
11 It brings more accountability to the system. It is
12 actually weeding out projects that are questionable
13 before they get into the system to have a subjective
14 evaluation to ties and funding moved around. I think
15 your system -- I really believe your system will lead
16 to better accountability for funds spent, you know, the
17 trust funds that are expended for recreational
18 opportunities. Congratulations. It's worth while.

19 This year was the first effort on the fully
20 computerized system. Yes, there were a few technical
21 glitches, minor ones for the most part. You know, I
22 think there are some wording changes in some of the
23 menus that would make it a little bit easier, maybe a
24 little bit more of an explanation about specific
25 software requirements within the browser would be

1 helpful. But these are -- these are minor points.
2 Overall the system itself worked, and it worked great.
3 And thanks for the Division and the staff for their
4 commitment and their work on this project.

5 Thank you.

6 CHAIR WILLARD: Karen Schambach, followed by
7 Dave Pickett.

8 KAREN SCHAMBACH: Karen Schambach, Center for
9 Sierra Nevada Conservation and PEER.

10 I just love the fact that we don't have to deal
11 with these binders. I mean you needed a wheelbarrow or
12 two to deal with the applications in the past. So I
13 really like having it online.

14 I did have a couple of minor -- well, I won't
15 say -- I don't know if they're problems or glitches or
16 just could be my, you know, being a Luddite. But I
17 couldn't find a place -- where it says, you know, you
18 could -- you could comment to the applicant and to the
19 Grants staff, I couldn't find anyplace on the
20 application where there was actually an e-mail address
21 or way to communicate directly with the applicant.
22 So -- and it may be there, and I just couldn't find it.
23 But it needs to be a little more obvious.

24 And then the other thing is, because I do like
25 having it paperless, I didn't print up copies. And so

1 when the -- when the staff comments were available, the
2 grants had been pulled. The grants are pulled after
3 the deadline, I guess -- and -- or the draft
4 applications are pulled after the deadline. So there's
5 no way to go back and look and see how the staff
6 comments relate to the original application. And I
7 don't know if there's a reason that the applications
8 need to be pulled. It seems like if we're going to,
9 you know, go paperless, there ought to be an archive or
10 something to leave them up so that, you know, we can go
11 back and look at them. But, again, maybe they're
12 there, and I just couldn't find them.

13 Thank you.

14 CHAIR WILLARD: Okay.

15 Commissioner Van Velsor.

16 COMMISSIONER VAN VELSOR: Can the Division
17 respond to that.

18 CHIEF JENKINS: To all of them or --

19 COMMISSIONER VAN VELSOR: No. To Karen's
20 question about the time that the applications are
21 removed from the site.

22 CHIEF JENKINS: Dan, could you...

23 OHMVR STAFF CANFIELD: Pardon me.

24 The OLGA Program was set up --

25 DEPUTY DIR. GREENE: Who are you.

1 OHMVR STAFF CANFIELD: Oh. Dan Canfield,
2 California State Parks, OHV Division.

3 OLGA was set up and -- on a -- when that time
4 hit, that function turned off because the preliminary
5 applications, they were preliminary. They no longer --
6 they just -- that was the rationale behind it. A lot
7 of -- some of these glitches kind of grew out of the
8 fact that we were making our program -- we wanted to
9 make our program as responsive as possible to the
10 public comments. The OLGA off-the-shelf product wasn't
11 set up to do that. So in a lot of cases, we were
12 having to kind of connect OLGA and other websites. So
13 it was like -- for example, if you wanted to -- you'd
14 go into OLGA and look at the preliminary applications
15 prior to the end of that review period, but then to
16 make a comment, you were then launched into an Outlook
17 or an e-mail basis just because OLGA -- the programmers
18 who developed it in the past, they never envisioned a
19 grant program doing that. So there were some of the
20 glitches there. But that was by design at that certain
21 point, when the end of the review period ended, which I
22 could see now where there would be some issues with
23 having it done that way with -- the idea was that would
24 turn off. The public review was. And that those
25 preliminary applications, the applicants have now

1 changed -- have started to change them. So they -- but
2 I can certainly understand that would cause some
3 issues. But that was our -- our thinking was the way
4 it happened.

5 CHIEF JENKINS: And which isn't to say just
6 because that's the way it was this year that it has to
7 stay that way, as Dan was pointing out. A lot of this
8 was growing pains with this new, quote, off-the-shelf
9 program. And so those kinds of comments are good for
10 us as we go into working with the developers to update
11 the program for future use. Perhaps we could figure
12 out how to leave that up right up until the day you
13 throw the switch and now you're looking at the new
14 application. So it's certainly something that we can
15 look into.

16 OHMVR STAFF CANFIELD: Certainly.

17 DEPUTY DIR. GREENE: At the same time, if I may
18 just remind everybody that we do deal with a
19 bureaucracy, and to even get the offline application
20 process approved was a huge challenge because we were
21 in a budget freeze at that point. So now when you look
22 at having OLGA to go in and do additional change
23 orders, just keep in mind that for those contractors
24 who also bid on it, now they start to look at us under
25 the microscope and say that that was not in the

1 original contract. We try and do the best we can.
2 Sometimes these things are already set in motion just
3 simply by the bureaucracy that does exist. But we will
4 make every effort as we have. And the individuals, HTC
5 in Detroit have been a great partner in that regard.

6 I would just like to make one comment. I
7 appreciate all of the positive comments that we've
8 heard here today and throughout the program. I hope
9 everybody remembers those positive comments when the
10 final applications and awards are made in June.

11 So thank you, everybody.

12 CHAIR WILLARD: Yes. And I'd like to just make
13 a quick procedural note here. There have been several
14 speakers that have asked questions, and public comment
15 is simply that; it's public comments. It's not a Q&A
16 session. That being said, if a Commissioner would like
17 to have further clarification on an issue or would like
18 to pursue the question, then we can do so through staff
19 as long as it doesn't get out of hand and then spend,
20 you know, 10 or 15 minutes on that question. So I
21 think that's sort of how we should probably move
22 forward.

23 Mr. Pickett.

24 DAVE PICKET: David Pickett, District 36,
25 Motorcycle Sports Committee.

1 Kudos to the staff on this project. It's
2 something new. There's going to be quirks, and they're
3 working through them. But I was most impressed when I
4 made a phone call on the last night, like 11:47 or
5 whatever it was, to ask a question, somebody answered
6 the phone. That was pretty impressive. I actually had
7 a district member call me and said I called Division,
8 and they don't have anybody named Olga that works
9 there. That was pretty cool.

10 But my only comment on this is it is a question
11 -- Mr. Canfield made a comment about appeals, will
12 appeals slow down the distribution of funds for the
13 whole process or just that specific grant so we can get
14 the money on the ground as soon as possible. That
15 would be one. The other is maybe for the future,
16 offline a little longer comment period because members
17 of the public were pretty hammered with the Travel
18 Management Plan comments that were in process.

19 Thank you.

20 CHAIR WILLARD: I'd like to ask my staff, Tim
21 can you comment on that.

22 ATTORNEY LA FRANCHI: Yes. As a general rule,
23 an appeal, on even one project would hold up the entire
24 process because -- of course, the scoring results in a
25 priority listing. So if one of the projects is

1 appealed is anywhere on that list, that could have an
2 affect on the rest of the list. Having said that, I
3 have seen situations where the issues raised in an
4 appeal might not affect the other applications, and in
5 that event the appeal could go forward. There might be
6 a way to do it and keep the rest of the process going.
7 But I wouldn't want to promise that on any level at
8 this point until we look at the specific appeal.

9 CHAIR WILLARD: So please consider your appeals
10 appropriately.

11 Ed Waldheim.

12 ED WALDHEIM: Ed Waldheim for Friends of
13 Jawbone, CTUC, and El Mirage.

14 Again, thanks a million for everything and all
15 the comments that staff has received. I'm sure they're
16 going to solve that problem as far as the document
17 disappearing. Thank God I made copies of everything
18 that I was dealing with. And so when we had to go
19 back, I had it. But there's a lot of folks who didn't
20 do it and they no way of going back. So we talked to
21 Sixto and to Dan and Barbara and Martha about that. So
22 I hope they can resolve that issue even if it goes
23 offline so we don't have to make photocopies.

24 I passed out to you a ZIP Codes in there. And
25 as you know, I always want more. I always demand more.

1 I always expect more. And through this grant process,
2 I'm very pleased to hear yesterday staff told me that
3 Ms. Greene and Mr. Jenkins have authorized the staff to
4 start compiling a list of all the grants to get the
5 history back together. 1999 was the last time that we
6 did that. And I can't wait to get that document so you
7 folks can see what money is being spent in a specific
8 area from day one. We have a record from 1972 to 1999.
9 But that's when it stops. You have no way of going
10 back and seeing what did Stanislaus spend? What did
11 the Forest spend? What did they do? You have to have
12 that comparison.

13 The next step that I've started now is
14 collecting ZIP Codes of the customers that come in.
15 The Bureau of Land Management, I haven't been able to
16 convince them it doesn't violate any rules, privacy
17 acts, nothing. You just ask how many people in your
18 party? What's your ZIP Code? End of discussion.
19 That's the end. And so what I've done here, what you
20 see for El Mirage, we have eleven counties represented.
21 It means eleven counties -- customers from eleven
22 counties have come through the door, and those are the
23 ones that the Friends of El Mirage have collected, now
24 the bureau. It's just a fraction of the people coming
25 in, but it starts giving you an idea of who are

1 visitors are and where they're coming from. And then
2 you go to Jawbone, and it was very interesting -- oh,
3 and El Mirage it's interesting -- and Los Angeles
4 County is a big player in the -- I am totally intent to
5 use that hopefully with the Division to push Los
6 Angeles County, "Hey, guys, your visitors are coming
7 out of your county going in other areas. You're
8 in-lieu funds. What are you going to do to help us to
9 service your residents who are coming to our area to
10 recreate?" And Jawbone -- for example, last month, Los
11 Angeles County was No. 2. But when I put April in
12 there, all of a sudden Kern County picked up. But when
13 you notice the out-of-state, 6 percent of our visitors
14 to Jawbone are coming from out of state. So as we
15 collect these data, it's going to be very interesting
16 to see where these people come. And we have 25
17 counties represented in Jawbone alone. So my hope is
18 that perhaps other agencies can do likewise so we can
19 find out where are customers coming from. You have to
20 know who are our customers. Any business always
21 figures out who are your customers, where are they
22 coming from so you can manage, you can figure it out,
23 how you can plan. And so I'm hoping that we kind of
24 tie this in somewhere along the line as we move forward
25 as we get this done.

1 CHAIR WILLARD: Thank you.

2 **AGENDA ITEM - 11:00 PUBLIC COMMENT PERIOD**

3 CHAIR WILLARD: It's now 11:00. Deputy
4 Director, I think we'll postpone the rest of your
5 report and go into the open public comment. So this is
6 where the Commission hears just comments from the
7 public on anything to do with the program, and this
8 would be something that's not specifically on the
9 agenda.

10 So with that, John Becker, followed by Butch
11 Meyner.

12 JOHN BECKER: Well, you asked for a report card.
13 I would like to ask you indulgence --

14 CHAIR WILLARD: Please -- state your name,
15 please.

16 JOHN BECKER: We'll get to that.

17 I would like to ask your indulgence to present
18 some of my --

19 CHAIR WILLARD: No. I'm sorry, please state
20 your name for the record.

21 JOHN BECKER: Okay. I will get back to that.
22 My name is John Becker.

23 And now let me interrupt. I would like to
24 present some remarks that were prepared by another
25 writer: "My name is John Becker. I am nine years old

1 and in Lakeside School in fourth grade. I ride a KX60
2 green sticker. I can't make it today" -- this
3 morning -- "because I'm in the Junior Ranger Program
4 Saturday mornings at Metcalf. About the trails at
5 Metcalf and Hollister, see, there's a wide open field
6 of grass and trees. You could take a plow and go
7 through the grass, and there you have a new trail. We
8 need more trails because the trails are getting too
9 full. There are too many people riding on them." Let
10 me hold it. It's easier to read. "Many of the trails
11 at Metcalf and Hollister are intermediate or black
12 diamond trails and little kids that can't do those
13 trails need more green circle trails. But, for
14 example, the fatal crash at Hollister they had last
15 Sunday was an adult riding on Harmony Gate, a green
16 circle. This is why if you're a really experienced
17 rider and you're going on a green circle, don't go
18 really fast and freak out kids who are going slow and
19 on little bikes. We need bigger parks and more parks.
20 Then there wouldn't be as many adults on each trail and
21 not as many accidents. We need more rangers to keep
22 the riders from going too fast or going the wrong way
23 on the trail like the teenager who hit my friend Seth.
24 He was okay. The rangers also have to close muddy
25 trails that are getting dangerous and you can fly off

1 the trail like I did on the TTR125L I borrowed from
2 George, also, so they can do more trail maintenance.
3 Thank you, George."

4 "I have some" -- this is my comment, too. "I
5 have something to say about trails that get really
6 dusty like High Road and Sage Road. The rangers should
7 run the water truck over them every few days. Too many
8 riders make the trails more dusty. If there were more
9 parks which have lots of trails, the trails wouldn't
10 get dusty. You should require long sleeves and long
11 pants no matter the temperature, because if you are
12 riding really fast on a rocky trail like Loma Prieta
13 Trail at Metcalf, you can get cut badly -- ATGAT" --
14 which stands for "All the gear all the time." I really
15 like riding the Renz property -- which is a new section
16 of Hollister, for those who don't know -- because the
17 black diamonds don't get very difficult. I am not
18 saying I want them more difficult. I worked at the
19 Volunteer Work Days as much as I can get in, and
20 because of Junior Rangers, it was hard to get work in
21 on the previous one. I also like the Renz because it
22 looks pretty with the oak grassland habitat and the
23 meadows with flowers. We need more riders to volunteer
24 for trail work and more rangers to go out often to do
25 trail work with other riders. Thank you."

1 And speaking for myself, I would like to thank
2 Olivia for arranging the schedule so I can be here
3 before I pick the little guy up from Junior Rangers.

4 CHAIR WILLARD: Well, that's great. Thank you
5 so much. Please thank him for --

6 JOHN BECKER: We'll be back.

7 CHAIR WILLARD: -- making the effort to do that.
8 Is there some way that we might be able to get a copy
9 of that to the folks at Metcalf? I think that would be
10 great.

11 JOHN BECKER: Ranger Mike has it. Olivia has
12 it.

13 CHAIR WILLARD: Okay. Great. Thank you.

14 So Mr. Meyner, followed by John Stewart.

15 BUTCH MEYNER: Thank you. I'm Butch Meyner.
16 I'm affiliated with the Bay Area Riders Forum, which is
17 a local website. I'm really green at this, so...

18 I hope you guys enjoyed your tour of our little
19 motorcycle county park yesterday. It's a nice well-run
20 park, but it's kind of small. Most can ride that
21 entire part in a couple hours.

22 I represent many riders of the Bay Area Riders
23 Forum. We're OHV users. We're doctors and lawyers and
24 carpenters and engineers and nurses. We're taxpayers
25 and voters. We're families. We're tens of thousands

1 of riders and citizens. The OHV community has had
2 wonderful opportunities in California in the past.
3 With the growth the OHV population and the closures of
4 critical areas, especially Clear Creek in the recent
5 past, the lack of area has created frustration, lost
6 economic opportunities, and lost recreational time.
7 People drive down to Hollister Hills State Recreational
8 Vehicle Park and are turned away because it's full.
9 Adjacent to the county motorcycle park is a parcel of
10 land about 25 square miles which is 16,000 acres that
11 was formerly the rocket ranch, Pratt & Whitney Space
12 Propulsion operations owned by United Technologies.
13 There are several interested parties in this land,
14 including developers and wildlife preservation
15 advocates. There's many issues associated with this
16 property, including cleanup and critical habitats.
17 There's already many governmental organizations
18 involved in this. We would like to see the property
19 become part of the public domain. We think expansion
20 of the motorcycle county park is an excellent vehicle
21 to achieve that. How can we help you guys get us more
22 areas to ride? How can we help you get us more areas
23 to ride to recreate with our families and friends? How
24 can we work together so that the public and the OHV
25 community can acquire the United Technologies property?

1 Thousands of us are interested. Sixteen thousand acres
2 is enough room for everyone to enjoy the open space,
3 for the checkered butterfly and the burrowing owl to
4 continue to prosper on the property.

5 Thank you.

6 CHAIR WILLARD: Thank you.

7 John Stewart, followed by Andy Bajka.

8 JOHN STEWART: Good morning, Commissioners.

9 John Stewart, resource consultant for the California
10 Association of 4 Wheel Drive Clubs.

11 This morning I've been asked to present a letter
12 to the Commission from the Ecologic Partners who
13 represents a coalition of OHV groups within the state.
14 I believe you've all received a copy by now.

15 This letter concerns an attempt to validate
16 where Trust fund monies have been spent. Over the
17 years, upwards of \$12 million in Trust funds have been
18 allocated to the U.S. Forest Service for route
19 inventory leading up to travel management planning.
20 During the travel-management process, we find that
21 there is an apparent disconnect between the route
22 inventory and the information being used to develop the
23 Travel Management Plans. As such, we're wondering if
24 the funding for this route inventory was actually spent
25 on doing a route inventory and it's an effort to try to

1 identify that the Trust fund monies was actually spent
2 with its intended purpose.

3 To date, the Freedom of Information Act has been
4 filed with Region 5. Region 5 has been very slow at
5 coming forward with any documentation covering how the
6 funds were spent. And we would request that the
7 Commission take a look at this and possibly step in and
8 support the audit or the fiduciary duties of the Forest
9 Service to account for the funds -- you know, the
10 public funds that they spent on projects that they have
11 requested for.

12 In addition, we -- from within the recreation
13 community, we are very concerned about the overall
14 reduction in recreational opportunities. There are
15 several pending monument designation and wilderness
16 designation activities being proposed right now. And
17 overall we feel that these are going to have a
18 significant impact on recreational opportunities on
19 public lands.

20 Speaking directly to the Mother Road National
21 Monument, a proposal that is before Senator Feinstein's
22 office, this involves an area within the California
23 desert which would designate -- well, it's hard to find
24 the exact numbers, but anywhere from 600,000 to 2
25 million acres of desert land as national monument with

1 highly restrictive access to it. Some of this is
2 looked at to preserve land -- you know, preserve these
3 lands from potential solar development projects, and we
4 believe that this -- taking this land out of the
5 contention for multiple use has a potential for a
6 significant impact on recreational opportunities in the
7 future. And, again, there are significant proposals
8 within the California Wilderness Coalition to proposing
9 wilderness designations which we find are problematic
10 in that these -- a lot of these are lands that have
11 been previously looked at for wilderness
12 characteristics found wanting and have been dropped
13 from consideration, although still retaining a
14 wilderness study area designation. So they have not
15 been released for full use to the public. Coming back
16 and looking at these in the fresh light of day, we
17 believe that the loss of these lands will have a
18 significant impact on overall recreational opportunity
19 and the overall multiple use mandate of the Bureau of
20 Land Management to manage lands for the good of the
21 public.

22 In closing, Don Klusman, a long-time speaker
23 before this assembly has recently retired due to health
24 conditions, and I would like to request that the
25 Commission send a Letter of Appreciation to Don

1 Klusman, formerly of the California Association of
2 4 Wheel Drive National Resource Consultant thanking him
3 for his many years of dedication and contributions to
4 the program.

5 Thank you.

6 CHAIR WILLARD: Andy Bajka, followed by
7 Ed Waldheim.

8 ANDY BAJKA: Hi, I'm Andy Bajka from South Bay
9 Riders.

10 I'd first like to thank everyone involved with
11 the Metcalf Park, which I ride at twice a week. It's a
12 wonderful park, and hundreds of our members are
13 enjoying this park all the time -- actually, thousands.
14 And we really appreciate it. It's just a wonderful
15 park. And it's hard to find any fault with it at all.
16 About the only thing that we have been trying to do,
17 which we have been not successful doing yet is to find
18 a little bit of dirt. For some reason it's very
19 difficult to try to find good clean dirt to augment our
20 tracks so that it's safer and more enjoyable. So I
21 hope that with the collective body here we can get some
22 dirt.

23 The other things I'd like to address is the
24 green sticker, red sticker situation. It would be
25 really wonderful if we can get rid of the red sticker

1 problem where we can't ride our red stickers during the
2 summer. It was a good law a few years ago when there
3 were a lot of two-strokes making a lot of pollution.
4 But at this point, most of the red stickers are all
5 fuel injected, very clean-running motorcycles. So
6 hopefully the Commission could, you know, get that law
7 changed to reflect today's conditions.

8 Another area of concern is the SB 435, which is
9 the motorcycle smog law. I hope that the Commission
10 can put force on killing that program because it just
11 doesn't make any sense at all to try to smog a few
12 motorcycles. It's just going to be a lot of nuance for
13 motorcycle riders.

14 And lastly, Clear Creek, please continue to put
15 pressure on BLM to do the right thing, and that's open
16 that back up. I realize that they're doing it for our
17 safety, and that's good, but it just makes sense to
18 open it back up because nobody's ever really been found
19 hurt. And so keep the pressure on them.

20 Thank you very much.

21 CHAIR WILLARD: Ed Waldheim followed by Dave
22 Pickett.

23 ED WALDHEIM: Ed Waldheim for CTUC.

24 I wrote my statements down so I don't get off
25 track because this is for myself and Mr. Harry Baker

1 from Cal 4 Wheel.

2 Commissioner Willard, Mr. McMillin, you both
3 have expressed frustration over the years with the lack
4 of progress as a group for us to get together and make
5 things happen. In the past few years, the OHV
6 Commission has lost their way, but today, with the new
7 Commission and your leadership, there is new hope.
8 However, we seem to be spinning our wheels in
9 housekeeping chores. If you look at today's agenda,
10 all those issues could be dealt with by consent with
11 reports from staff for you to either accept or send in
12 written comments of staff. The public here today
13 spends an incredible amount of time and money and yet
14 these issues are not being addressed that they present
15 to you. Where is the Action Log for the Commission and
16 the Division? How do we keep from going around and
17 around on the same housekeeping issues without getting
18 out and protect our access to the public lands? Every
19 one of you Commissioners has their own interest, but
20 collectively your responsibility is to help manage our
21 recreational access to public lands while protecting
22 the resources. We are faced with the greatest
23 challenge in a long time. The list is as follows as
24 provided by Harry Baker from Cal 4 Wheel. Education,
25 what is the Division doing to educate all the user

1 groups about the various proposals to take away our
2 public lands, i.e., California Wilderness Coalition,
3 400,000 acres; the Wildland Conservancy, 2.5 million
4 acres; Marines, 700,000; alternative agencies, hundreds
5 of thousands of acres plus the route designation.
6 Eliminate the appearance that ORBA and the state parks
7 are working hand and glove. And to do that, the
8 Division has to separate ORBA from being the lead group
9 or spokes group for all of OHV. It is State Park that
10 placed ORBA in its exalted position, not the user
11 groups. Emphasize the importance of volunteer groups
12 versus paid trade organization representatives, return
13 the power to the people. Identify OHV leadership and
14 make them all valued equally, i.e., AMA, 36, 37, 38,
15 Cal 4 Wheel North, South, Central, CORVA South,
16 grassroots, trans-groups, et cetera. And this may
17 sound like hearsay, but it's not only about OHV. OHV
18 does not exist in a vacuum. Facilitate a meeting of
19 all groups including grassroots, statewide, regional
20 groups, community activists, county government, and
21 with no limitation on who can participate. Remind the
22 Commissioner of the Inyo County resolution of no more
23 wilderness. Emphasize the negative impact of the
24 economic welfare of the affected communities due to the
25 loss of recreational tourism. That was the end of Mr.

1 Baker's request for me to talk to you.

2 Mr. Willard, you have asked for input from
3 leadership, yet we have not had the opportunity to sit
4 down with you, for that matter, as a Commission to
5 express our frustrations and issues that are facing us
6 as described by Mr. Baker and others. Perhaps this is
7 the time that you as the Chair dedicate an entire
8 meeting to listen to the issues of the multiple use
9 public on these issues. Take all the input, put it on
10 a log, and then start figuring out what is the most
11 important and act on them. Action can be very simple,
12 by either directing staff to do the task, to assist the
13 public by your leadership role in getting issues
14 resolved, i.e., the loss of access to our public lands
15 with all the threats facing us today, but act we have
16 to.

17 The Commission and Division have not engaged the
18 public in a meaningful dialogue, a fact that you have
19 now for the past two Commission meetings left tours and
20 set up your own private dinners excluding the public
21 from an opportunity to dialogue with you. This is
22 totally unacceptable, not only by law, but if you want
23 to create a team, you do not leave the team players
24 out.

25 Mr. McMillin, when you do a race and you win,

1 you celebrate with your entire team. You do not just
2 have a few privileged persons who celebrate with the
3 success that you have accomplished. We either work as
4 a team as Commissioners, Division, public, and [sic]
5 surely we will lose everything -- we are going to lose
6 now unless we work together as an actual big team.
7 User public has high hopes for this new Commission.
8 Please take on the leadership with us not by
9 yourselves. Alone you will founder. Together, we'll
10 make a big difference.

11 Thanks a million.

12 CHAIR WILLARD: Okay. Dave Pickett, followed by
13 Karen Schambach.

14 DAVE PICKETT: Dave Pickett, District 36. I'll
15 try not to be as long-winded here as Ed.

16 To the Commission Members, thanks so very much
17 for taking a bold step on your two letters to the
18 Consumer Product Safety Commission. Our District 36
19 board of directors asked me to tell you that. It was
20 awesome. It is appreciated by the public. You need to
21 hear that. People are paying attention.

22 Deputy Director Greene mentioned Hang Town
23 earlier. This will be the 41st annual event. It is
24 the only professional event still promoted by 35
25 individual club members. It's not a professional

1 promoter. This is pretty awesome to do this every
2 single year.

3 New this year is the Folsom Chamber of Commerce,
4 at the urging of the mayor, contributed \$5,000 of their
5 tourist commission money in that account to this club
6 to promote the event. The Sacramento Business Journal
7 has labeled about \$5 million comes into the local
8 community for this one weekend event. So the
9 communities, Rancho Cordova, Folsom, they're getting
10 behind this event. It's good for the community; it's
11 good for the city, and it's an awesome public/private
12 partnership with State Parks. And the Dirt Diggers
13 would like to say thank you to the Division for all
14 these years of support on this. Okay. I've met my
15 public portion of it.

16 Earlier the red sticker was mentioned. And in
17 the number of years past I've brought this up. We can
18 move forward on eliminating this dual registration for
19 a certain segment of the OHV community. I would like
20 the Commission to consider reviewing this, and the
21 possibility of requesting full scientific documents,
22 supporting studies, et cetera from the California Air
23 Resources Board to justify this. It was mentioned
24 earlier also about the clean-burning four strokes.
25 They come in fuel injection. It may -- the red sticker

1 may be past its time, and it is harming a certain
2 member -- certain members of the community that choose
3 to ride with the two-stroke motorcycle. The numbers
4 are dropping on the two strokes, and the four strokes
5 are extremely clean. So I make that request for
6 consideration.

7 Thank you.

8 CHAIR WILLARD: Karen Schambach.

9 KAREN SCHAMBACH: I'll pass.

10 CHAIR WILLARD: A pass.

11 Okay. Sherry Stortroen --

12 SHERRY STORTROEN: "Stortroen."

13 CHAIR WILLARD: -- Stortroen, followed by Tom
14 Tammone.

15 SHERRY STORTROEN: Hi. My name is Sherry
16 Stortroen. I am really nervous, sorry. But I really
17 wanted to thank the Commissioners and the staff. I
18 personally recreate have for many years at Hollister
19 SVRA. I had the opportunity recently to play on their
20 new obstacle course that they built out there. Good
21 job. Great job doing that obstacle course. Kudos goes
22 out to Jeff Gaffney and also John Vallett and their
23 staff for working so well with the Esprit de Corps.
24 For many years we've had off-road safety clinics out at
25 Hollister. They continue to work with our group really

1 well. That's on Hollister Hills.

2 I have also some issues on Carnegie. Is that
3 appropriate now?

4 CHAIR WILLARD: Sure.

5 SHERRY STORTROEN: Years ago I was part of a
6 user representative group for Carnegie for the
7 expansion of Carnegie into new properties for
8 four-wheel drive. And yesterday I also had the
9 opportunity to make a good contact with Jennifer
10 Buckingham. Thank you, Jennifer. And I really look
11 forward to working with her and maybe getting some of
12 that back on track. As a four-wheel drive jeep
13 owner/operator, I really would like to see maybe it get
14 streamlined a little bit. It's been delayed and
15 delayed, and I understand, you know, that there are
16 some reasons. But I hope that the Commission and the
17 staff don't lose site of the fact why additional
18 properties were purchased. And kudos for purchasing
19 it. Like it's been said time and time again, we do
20 need to expand these parks. They're really vital. As
21 we see in the travel-management planning, the Forest
22 Service and BLM is not necessarily our friends.

23 And I really do want to end on a -- sort of an
24 upbeat. We need to maybe think about re-opening Clear
25 Creek or getting some scientific studies done on that

1 and get that open because those users are being shipped
2 over to other parks, and crowding is occurring.

3 Thanks.

4 CHAIR WILLARD: Thank you.

5 Tom Tammone.

6 TOM TAMMONE: Tom Tammone.

7 First of all, my first response about the grants
8 disappearing -- one of my friends brought it to my
9 attention. I didn't even notice it -- is that yes, the
10 comment period is over. Then I saw there was some
11 stuff getting circulated around. People were asking,
12 "Well, are we going to get a chance to comment on
13 Division's comments?" And someone says, you know,
14 "Well, we can comment at the next meeting," and I just
15 go, "yes, right. Two hundred and whatever projects,
16 two minutes. Yes, right." But anyway -- no, I just
17 couldn't see the reason for the comments, and then I'm
18 sitting there going, "We don't get a chance to
19 comment." But anyway, it's just too overwhelming. You
20 can't just sit there and say we can comment at the next
21 meeting. We don't get enough time. And that's just a
22 fact.

23 I'm a little disappointed, too, that -- I give
24 credit when it's due, or I try to. Like the OLGA
25 system, I'm very happy with it as far as the

1 application system in itself. I'm not happy that it
2 looks like about \$1.7 million of O&M is getting left on
3 the table this year. But it looks like our
4 organizations that are supposed to be representing us
5 don't seem to care about that. Just like with the
6 exception of CORVA, which got out one press release,
7 they didn't seem to care about the \$90 million getting
8 swept out of our account either -- or at least I
9 haven't had -- seen or witnessed myself any of them
10 stepping up to the microphone here and stating anything
11 publicly about what happened to our money. It seems
12 like they're just more interested in maintaining their
13 relationships, you know, with Division, and
14 specifically to the deputy director, rather than
15 concerns about the program and our funds getting
16 utilized. It's good to have relations, but -- if
17 somebody asked me if I know what happened to the
18 grants, "Hey, I'm not in anybody's staff in Division,
19 so don't ask me; call Division.

20 CHAIR WILLARD: Okay. I think that's it for
21 public comment period.

22 Commissioner.

23 COMMISSIONER SLAVIK: Can I make a couple of
24 requests.

25 CHAIR WILLARD: Sure.

1 COMMISSIONER SLAVIK: Based on comments, I made
2 a couple of notes. I'd like to -- I forget really who
3 asked for Don Klusman to be recognized, but I think
4 that's appropriate that -- possibly that we ask for a
5 motion to recognize Don Klusman for his efforts over
6 the years. Maybe instead of a letter, maybe some kind
7 of a plaque.

8 CHAIR WILLARD: Sure.

9 Staff, can you give us some guidance here?

10 DEPUTY DIR. GREENE: At the last subcommittee
11 meeting, I think there was identified the Awards
12 Committee. I think this might be an appropriate place
13 for --

14 COMMISSIONER SLAVIK: I think I'm on it.

15 DEPUTY DIR. GREENE: There you go.

16 So I think what we will perhaps do is convene
17 that subcommittee and be able to have that discussion
18 and bring it back to the full Commission with a
19 recommendation.

20 COMMISSIONER SLAVIK: Thank you.

21 The next thing I have -- let's see. The smog --
22 motorcycle smog law. I didn't write enough information
23 here. Andy, you had made a comment about the smog law.
24 Does that pertain to off-road vehicles as well, from
25 your information?

1 ANDY BAJKA: It would be dual sport.

2 DEPUTY DIR. GREENE: That issue will be coming
3 up just a minute when the Division gives their overview
4 of the proposed legislation.

5 COMMISSIONER SLAVIK: Thank you.

6 CHAIR WILLARD: Is that it, Commissioner Slavik?

7 COMMISSIONER SLAVIK: Yes.

8 COMMISSIONER McMILLIN: Can I make --

9 CHAIR WILLARD: Sure. Commissioner McMillin.

10 COMMISSIONER McMILLIN: I'd just like to make a
11 general statement because maybe at 3:00 or 4:00 some of
12 the people who have spoken for the first time might not
13 be here. And I'm nervous, too. I'm nervous about not
14 doing the right -- not getting something done up here
15 after two or three years, but I think we're making
16 progress. I take most of Ed's comments to heart. But,
17 you know, Andy, Sherry, and the other gentleman who had
18 the son in the Junior Ranger Program, and the other
19 gentleman who spoke up here, kudos to you guys for
20 coming here because it's going to help us get stuff
21 done when we have specific things to work on. And
22 that's not in generalities, but specific things that I
23 can write down, I can check with the staff. And I'm
24 doing this as a volunteer, too. So -- but anyway,
25 thank you for being here, and thank you for the tour

1 yesterday. Keep your elbow up, whatever that means.
2 I'm not a bike guy, but...

3 CHAIR WILLARD: Andy, I'd like to sort of echo
4 some of those comments, especially regarding the
5 expansion of Metcalf. You know, the Commission is
6 definitely interested in trying to increase OHV
7 opportunity anywhere in this state. And certainly in a
8 densely populated area like Santa Clara County, there
9 is a tremendous need. So, you know, we'll be watching
10 that situation. Anything that we can do to lend a hand
11 in that effort, we'll definitely be engaged when
12 appropriate.

13 I would just, I guess, make a suggestion of you
14 to continue to organize yourself and try to grow your
15 numbers. And the more -- the more people you have that
16 are active in pursuing that, I think the better it's
17 going to be for you. So that's the -- just some
18 friendly advice from us that have been involved in this
19 throughout the state that that's really where it's --
20 where the rubber meets the road is to get you guys
21 actually engaged.

22 So I think with that, we will continue.

23 Chief Jenkins.

24 CHIEF JENKINS: I just did want to correct,
25 just so we don't get lots of letters and comments on

1 the information that's not completely accurate. Some
2 comments were made about money left on the table in the
3 Grants Program. On the chart that was handed out
4 earlier, this shows the summary of applications that
5 were made. It's important to understand that the chart
6 may not have depicted it quite as clearly for this
7 purpose. If we were writing the chart specifically for
8 this purpose, there's the four categories that are set
9 up in the legislation. So money can't move between
10 those categories because that's the way SB 742 set that
11 up. So, for instance, if there's left-over money in
12 Restoration, we can't move that over to Education. So
13 that's an area where we're -- our hands are tied by
14 law. However, in the category of Operations and
15 Maintenance, that one was set up when we wrote our
16 regulations, there is the ability. So, for instance,
17 on the ground operations section, there was less money
18 requested than could have been committed to ground
19 operations. And in that category, that commitment to
20 ground operations gets first priority. However, it's
21 also set up so that if the grounds operations money is
22 not completely requested, which is the case this year,
23 that money can roll over into Acquisition, Development,
24 and Planning. So all of the money in Operations and
25 Maintenance will be spent. So I just wanted to clarify

1 that one point.

2 CHAIR WILLARD: Okay. Thank you.

3 DEPUTY DIR. GREENE: Also, whatever the Division
4 can do to get the word out to the public, to the
5 agencies, to the counties, certainly we want those
6 monies applied for. The nonprofits are able to apply.
7 I think also, though, keeping in mind that -- our
8 commitment to accountability. And so we don't want
9 applicants applying who are not going to be able to
10 spend those dollars appropriately. So it is a balance.
11 But certainly whatever we can do to get that word out
12 -- I think also it's incumbent upon all the members of
13 the public and interested parties to get the word out
14 as well.

15 CHAIR WILLARD: Thank you.

16 All right. Deputy Director, do you want to
17 continue with your report?

18 **AGENDA ITEM IV(B) (3). LEGISLATION UPDATE**

19 CHIEF JENKINS: I think the next section is a
20 quick review of the legislation. So I'll take that to
21 the Board for the Deputy Director.

22 **AGENDA ITEM IV(B) (3) (i). AB 134 (Blakeslee)**

23 CHIEF JENKINS: Some of these we've talked about
24 at the last meeting. The first one, Assembly Bill 134,
25 the Blakeslee Bill, We spoke of that last time. But

1 for anybody that wasn't present at that time briefly
2 what this piece of legislation is doing is making it so
3 that the current law that requires that in order to be
4 operating an off-highway vehicle, you have to be able
5 to reach and operate all the controls. This piece of
6 legislation doesn't change that; it's still the case
7 everybody has to be able to reach and operate all the
8 controls. What this bill does do is make it so that if
9 a person under 14 years of age is stopped for not being
10 able to reach and operate all the controls, now rather
11 than citing the young person, the officer has the
12 ability to cite the adult. They can still cite the
13 young person if the officer on the ground thinks that's
14 the appropriate thing to do. But if it's a very young
15 person, say, a nine-year-old, it might more important
16 to cite the adult. This legislation provides that
17 ability. This piece of legislation also corrects an
18 oversight that was done when SB 742 was passed. Part
19 of SB 742 was to provide an escalating penalty for
20 violation of a closed area. It did not go back and
21 correct the piece of the Vehicle Code that requires the
22 DMV to keep those records. So this piece of
23 legislation corrects that so that we can track the
24 escalating fee schedule for violation of closures.
25 Right now this one is past the House; it's moved on to

1 the Senate for the first reading, and has been referred
2 to the Senate Rules Committee.

3 COMMISSIONER McMILLIN: So we are in favor of
4 it.

5 DEPUTY DIR. GREENE: As I mentioned before, the
6 Division on behalf of the administration, takes no
7 position on these pieces of legislation.

8 COMMISSIONER McMILLIN: Okay.

9 CHIEF JENKINS: I'm kind of like "Dragnet," just
10 the facts.

11 **AGENDA ITEM IV(B) (3) (ii). SB 4 (Oropeza)**

12 CHIEF JENKINS: Okay. The next piece, SB 4, the
13 Oropeza Bill, this one we included because if it
14 passed, it would affect SVRA, State Vehicular
15 Recreation Areas in the state. This piece of
16 legislation would ban smoking on state beaches and in
17 all park units of the State Park system. So that would
18 affect, for instance, Oceano Dunes because it's both a
19 park and a state beach unit. It would also affect all
20 of the SVRAs by virtue of the fact that they're park
21 units.

22 This one gets to be a little bit interesting
23 about enforcement problems that might arise from this
24 one. For instance, if you're in a mobile home -- motor
25 home parked on the beach at Oceano Dunes, how would

1 this apply? Does that mean inside the motor home, or
2 does it only mean outside the motor home, et cetera.
3 So it's my understanding that this one is on the third
4 week.

5 DEPUTY DIR. GREENE: Right.

6 **AGENDA ITEM IV(B)(3)(iii). SB 435 (Pavley)**

7 CHIEF JENKINS: The next piece, SB 435, which
8 is the Pavley Bill. This is the piece that was
9 mentioned earlier that would require smog testing of
10 motorcycles. Specifically what the Pavley Bill
11 requires is smog testing of Class 3 motorcycles that
12 have -- their manufacture year is 2000 or newer and
13 that are licensed for highway use. A class 3
14 motorcycle, by the way, according to the way this
15 legislation is written is a vehicle that's 280 cubic
16 centimeters displacement engine size or greater. It
17 does pick up, as was mentioned earlier, dual sport
18 motorcycles. As we have been -- dual sport
19 motorcycles, of course, being those that are licensed
20 for highway use but designed to be ridden off highway
21 as well.

22 Some of the issues as we begin to analyze this
23 piece of legislation and try to sort through what might
24 roll out if it were to move forward and be passed is
25 that there has been some difference in the way the dual

1 sport conversion kits have been looked at in the past.
2 So from 2000 to present, which is the population of
3 motorcycles that this legislation would cover, in the
4 first few years of that, up to, I believe, 2004, you
5 could legally buy a kit and convert an off-highway
6 registered motorcycle to a highway legal motorcycle by
7 putting the dual sport conversion kit on the
8 motorcycle. Then you could go into DMV, pay your
9 registration fees, and now you would have a
10 street-licensed motorcycle. Since 2004, there
11 continues to be dual sport kits available on the
12 market. DMV has an uneven track record of either
13 registering or not registering those vehicles when
14 they're brought into various DMV offices throughout the
15 state. Net result is that there are approximately
16 7,200 motorcycles in the current operating population,
17 as reported by DMV, that are year 2000 and newer that
18 have had the dual sport conversion kits put on them and
19 the street license issued. The questions becomes so
20 why is all that important? The question is, if this
21 goes into effect and there is smog testing done on
22 these vehicles, to what standard do those vehicles be
23 held: To the original emissions as a green sticker, or
24 more complicated, if it had been a red-sticker vehicle
25 originally, what would be the level they would be held

1 to is not certain. Additionally, in this piece of
2 legislation, it calls for the development --
3 regulations would need to be passed no later than July
4 1st of 2011, which would let everybody know what
5 testing method would be used to test the motorcycles.
6 Because there is not currently an approved testing
7 method to smog check a motorcycle. So those issues all
8 coming together are what we would have to deal with
9 should this legislation move forward. Once again,
10 those are a lot to do with the dual sport converted
11 motorcycles. What to do with the motorcycles that were
12 converted after 2004. What to do with red and green
13 sticker as far as levels, and, you know, can they
14 develop an effective test by 2011.

15 DEPUTY DIR. GREENE: This bill is currently on
16 the Appropriations Suspense File. Part of the reason
17 for appropriations is trying to determine what those
18 costs would be, as Phil alluded to, for the test
19 method.

20 **AGENDA ITEM IV(B)(3)(iv). SB 615 (Ashburn)**

21 CHIEF JENKINS: And then finally there's Senate
22 Bill 615. That's the Ashburn Bill. This piece of
23 legislation we spoke about, and I think Mr. Waldheim
24 spoke the last time at the last Commission meeting
25 briefly about this piece of legislation. This piece of

1 legislation would allow cities at least 200 square
2 miles to pass an ordinance -- local ordinance or
3 resolution that would allow off-highway vehicles --
4 off-highway registered vehicles to operate on public
5 streets. There are some conditions that are in the
6 piece of legislation for that to happen. For instance,
7 if the local jurisdiction wants to do this, they have
8 to -- the decision needs to be based on the
9 recommendation of the police department or, if the
10 area's in an unincorporated area, on the recommendation
11 of the Sheriff's Office and the CHP that would have
12 jurisdiction in the area.

13 So the author of this bill has made an effort to
14 show that it wouldn't be done unless the local law
15 enforcement were in agreement that it was appropriate.
16 There's also a requirement for this to go forward if
17 the legislation were passed. For the ordinance to be
18 passed, it would also have to only include road that
19 were not major arterials, traffic ways through an area,
20 and not through roads. So you would be on
21 less-traveled roads, not the main arteries. There's a
22 requirement that these roads that would be included as
23 legal to ride on supported recreation activities for
24 the community and it wouldn't adversely affect the
25 safety of traffic in the area.

1 The local agencies would have to do a local
2 public hearing. And if they passed the ordinance
3 saying that you could operate on those roadways, the
4 local jurisdiction could require that they -- that the
5 people operating their bike buy permits to be able to
6 go onto those roadways. And as I understand it from
7 our staff that has looked at it, this would only
8 potentially affect three cities in California;
9 California City being, of course, the primary one where
10 the sponsors of this -- proponents of this piece of
11 legislation are coming from.

12 DEPUTY DIR. GREENE: Currently this one is set
13 for Senate Committee on Transportation & Housing. The
14 hearing is set for May 12th.

15 CHIEF JENKINS: Okay. Those are the facts.

16 CHAIR WILLARD: Okay. Great. Commissioners,
17 any discussion, comments, questions.

18 Commissioner Lueder.

19 COMMISSIONER LUEDER: Yes. Just for the general
20 public and the Commission, there's a website that you
21 can actually track these pieces of legislation. It's
22 very helpful. I use it fairly frequently. It's called
23 aroundthecapitol.com. You type in the piece of
24 legislation number or the author, and you can search
25 it, and then you can see the -- where it's at in the

1 process. You can also find out who's supporting it and
2 who's opposing it. And it gives -- sometimes it gives
3 an analysis of the law. So it's very helpful. I just
4 wanted to make a note of that.

5 COMMISSIONER SLAVIK: I have a question.

6 CHAIR WILLARD: Commissioner Slavik.

7 COMMISSIONER SLAVIK: I'm wondering if the
8 Ashburn Bill would -- sounds like it's coming up pretty
9 quick. Has the staff or the people that have written
10 that bill, are they aware of the other jurisdictions --
11 and they're outside of California -- Utah and West
12 Virginia are two that come to mind that support this
13 kind of activity on public streets.

14 CHIEF JENKINS: I don't know what they're aware
15 of or not. I know that the -- that the difference that
16 has come up within California on this, because the key
17 for the authors of this piece of legislation are why
18 are we doing a California Vehicle Code interpretation
19 and application out in the field? So as I understand
20 it, that's the main rub is how you treat that. Earlier
21 in the meeting we had spoken about a clarification from
22 Commissioner Van Velsor about the last meeting when we
23 discussed county jurisdictions and what they're doing
24 with their roads and how they're treating them. The
25 county jurisdictions are, you know, working through

1 with their local boards of supervisors and the local
2 sheriff and CHP on this issue. In California City,
3 it's a slightly different situation in that there is a
4 city government as opposed to a county government. And
5 so my understanding, at least, is that this is
6 specifically aimed at the city-type setup because it is
7 somewhat different than the way you would treat county
8 roads. But as to what they've done without state
9 organization, I don't know.

10 COMMISSIONER SLAVIK: Well, can I ask, did
11 somebody do -- did you make that request? I mean if
12 they have that information at hand at least they can
13 make a more intelligent decision rather than looking
14 specifically at, you know, myopathy at this.

15 DEPUTY DIR. GREENE: Right. I don't know -- I'm
16 certain we can look to it. I don't know, quite
17 frankly, that it's appropriate for the Division to ask
18 on behalf of the Member that they'd look at it. We can
19 certainly speak with staff at the Member's office, and
20 the Member -- but I don't know that we can say
21 specifically they should go look. But we can bring
22 that message from you.

23 I also want to just make you aware, there is a
24 letter, I think, that was added to your packets today
25 about this particular bill. So I just wanted to make

1 sure you have that as well.

2 COMMISSIONER SLAVIK: Thank you.

3 CHAIR WILLARD: This might be a good point to
4 have a short little discussion amongst the
5 Commissioners about, you know, the potential to take a
6 position on any pending legislation. You know, I --
7 I'd like to see the Commission be proactive in
8 furthering the objectives of the program. And
9 sometimes there's legislation that is beneficial or
10 sometimes negatively impacts the overall state's
11 program. I think it is appropriate for the Commission
12 to let the Legislators know how we stand on any pending
13 legislation.

14 But I do think that first to do that, it
15 probably should be an item that's on the agenda
16 officially and not just something that comes in through
17 a side report.

18 Counsel, do you think that's the best way to do
19 handle it?

20 ATTORNEY LA FRANCHI: Yes.

21 CHAIR WILLARD: If we're going to take a
22 position, we should notice it and go that route. So in
23 the future if Commissioners know of legislation that
24 you think has got an impact, either positive or
25 negative, and you want to see if the Commission's

1 interested in discussing it and taking a position, we'd
2 want to get it on the agenda for the next meeting, and
3 then we can discuss it, and then, if we want, take a
4 position, and then, you know, write a letter or
5 whatever we think is appropriate at the time.

6 Commissioner Slavik.

7 COMMISSIONER SLAVIK: We'd set precedent with
8 the CPSC.

9 CHAIR WILLARD: Precedent in which regard?

10 COMMISSIONER SLAVIK: We send a letter on our
11 position to that legislation.

12 CHAIR WILLARD: Uh-huh.

13 COMMISSIONER SLAVIK: Is that the same thing
14 we're talking about?

15 DEPUTY DIR. GREENE: Yes. It was listed as a
16 business item on the agenda.

17 COMMISSIONER SLAVIK: Right, right.

18 CHAIR WILLARD: Yes. Right. Other than that --
19 that was an opinion legislation. I just wanted to
20 bring it up just so that we're all aware of it and that
21 we could do that -- or I think we can.

22 Okay. Deputy Director, I think we're going to
23 now hold -- go into public comment on the -- on the
24 items that we just heard.

25 So with that, Ed Waldheim, followed by Dave

1 Pickett.

2 ED WALDHEIM: Ed Waldheim, California City
3 Economic Development.

4 We went through this, Mr. Slavik. We did cover
5 the stuff that you gave me as far as the routes are
6 concerned when we met with City Council to come up with
7 a designated trail -- this is what started this whole
8 thing -- get a designated from 250,000 square mile
9 thing that we have to get folks to come into town for
10 foods and services. We have -- the City Council has
11 designated a trail. I personally have signed the
12 entire trail. We have done the grading. The police
13 department ribboned with me where they wanted the
14 routes to come. And so we've already done that.
15 However, the City Council felt that in order to make
16 sure that we are totally legal, they wanted to have
17 this bill passed, and that's why Senator Ashburn put
18 this bill in on our behalf, to make sure that it is
19 legal what we're doing on these roads. There's only
20 two homes that we affect: One is empty, and the other
21 one is a duplex almost in town. There's only two homes
22 this affects. So we have an ordinance that you cannot
23 ride any motorcycles closer than 650 feet to a
24 residence. And only two homes on the route that we
25 brought in where the police department has exempted

1 them. But they just want to be on the safe side.

2 I would love to have some letters, and I'll
3 forward to Vicki so she can forward it to you, what we
4 are asking you to write to the Senate Transportation
5 Committee in support of this because for some reason
6 AAA has come against it, and I can't figure out for the
7 life of me why AAA would be in it. And I also shared
8 with Mr. Slavik that the City of Ridgecrest is awful
9 interested in doing something like that, but they don't
10 qualify under our bill. So they're going to be getting
11 together with the author. And I don't know if they're
12 going to work with him and do something. California
13 City is a little bit worried about changing anything in
14 the bill because they want to make sure it's only Santa
15 Clara -- Santa Clarita, Los Angeles County, and
16 California City who would -- this -- because of the
17 size that it would even be affected. But we already
18 have it in place. It's an incredible success. The
19 folks just love it that now they can come from
20 Randsburg to California City to have food. They can go
21 all the way to Jawbone all one route. And we have it
22 all signed. So it's very, very successful. It's
23 totally locked up. We closed everything that the
24 people can possibly go off tangent and go into the
25 community. I put signs everywhere along the route to

1 make sure that people stay on the designated trail,
2 stay on the designated trail. So it's a great success.
3 And I hope you folks come and visit us and see how it
4 works.

5 CHAIR WILLARD: Dave Pickett, followed by Karen
6 Schambach.

7 DAVE PICKETT: Dave Pickett, District 36
8 Motorcycle Sports Committee.

9 My comments on SB 435, I understand it's in
10 suspense. District 36 does not like it when a bill is
11 introduced and possibly could be passed by Legislature.
12 It is punitively retroactive based on when this would
13 go into effect. It would apply to a motor vehicle
14 13 -- built 13 years ago. Those vehicles met all
15 federal and state requirements at the time of
16 manufacture, and I think it's unfair that the public be
17 punished by buying a motorcycle 10, 11, 12, 13 years
18 ago and having to meet a requirement that was -- met
19 all obligations at the time of manufacture.

20 Thank you.

21 CHAIR WILLARD: Karen Schambach, followed by Tom
22 Tammone.

23 KAREN SCHAMBACH: Pass.

24 CHAIR WILLARD: Tom Tammone, followed by Amy.

25 TOM TAMMONE: Tom Tammone. Can you hear me?

1 One, two. It doesn't seem to be working. Okay. Here
2 we go.

3 All right. I have to echo District 36's
4 concerns. This is retroactive. I have a motorcycle
5 that was built in 1999. It is a 2000 model year, and
6 it will be covered by this. I'm not afraid of it.
7 Mine will pass. Believe it or not, I did a lot of
8 research on mine. And if they're going to use mine as
9 a sampling for this, boy, you guys are in trouble. So
10 I don't know where you're going to find an accurate
11 sample of bikes this old to do a test that's going to
12 be fair for the entire population. You're just not
13 going to find it. It's just not possible to do.
14 You're not going to find, you know, a good pool of
15 sampling to test. So the whole idea of making it
16 retroactive is just wrong, and it's just not
17 scientifically feasible. And it should just be
18 dis-included. Anything should just be for future model
19 years on and just let the rest die through normal
20 attrition like we've always done in the past. The
21 whole idea is wrong. It's just not right to go back
22 and -- I wouldn't say punish us, but scientifically,
23 being a mechanic, being a technician, being involved
24 with things in the past, these kind of studies, you're
25 your not going to find a group of specimens to do a

1 study and come up with a proper number. It's kind of
2 like trying to enforce sound regulations on the street
3 using the J-128720, its test. Street vehicles is a
4 whole different test. Same with the smog. The test
5 That they use is total emissions not a percentage.
6 It's a completely different test. There's not
7 correlation between the two. There's no economical way
8 to the test as the bikes did when they left the
9 factory. It cost approximately \$2,000. So it's just
10 not scientifically possible.

11 Thanks.

12 CHAIR WILLARD: John Stewart.

13 JOHN STEWART: John Stewart, California
14 Association of 4 Wheel Drive Clubs.

15 I'm going to make a couple of comments about SB
16 615. I understand the concept behind it, and I
17 appreciate the effort to push through legislation to
18 actually validate the practice that is going on. It
19 does underscore a couple of concerns, though, when you
20 have a city boundary adjacent to county land, and if
21 the county is not on board with the same thing -- and
22 this is, I think, a shortcoming in here -- is that is
23 there mechanisms within this legislation that makes --
24 you know, that ensures that the city and the county are
25 on the same page and with the same enforcement, with

1 the same recognition of the OHV use on a public road?
2 And this is critical because you start getting out into
3 some areas of the Forest Service where county and
4 public roads and Forest Service roads and the use of
5 OHV vehicles are, you know, being contested because of
6 slight wording variations within the law. And I
7 would -- I would urge caution to -- as this moves
8 forward to ensure that we do not have to get engaged in
9 another exercise where we have to go back and do some
10 more cleanup language to address shortcomings as AB 134
11 is doing. I think it has to be carefully thought out
12 and all implications have to be taken into account
13 because narrowly written legislation sometimes leads to
14 unintended consequences. Thank you.

15 CHAIR WILLARD: Thank you.

16 That ends the public comment period.

17 Deputy Director, would you like to continue with
18 your report?

19 DEPUTY DIR. GREENE: At this time I'd like to --

20 CHAIR WILLARD: Or lunch. Whatever --

21 DEPUTY DIR. GREENE: It's up to you, Chair
22 Willard.

23 CHAIR WILLARD: You think you could get through
24 --

25 DEPUTY DIR. GREENE: I think that we can go

1 through the -- it will probably take about 20 minutes
2 to go through that Public Safety update.

3 CHAIR WILLARD: Let's do that.

4 DEPUTY DIR. GREENE: On the back table, there is
5 a chart that we made for educational purposes for all
6 of you. This chart indicates the number of off-highway
7 vehicle registered vehicles in the great Bay Area. We
8 should have handed it out yesterday at Metcalf. We
9 wanted to give you an idea of the number of
10 registrations in the area. It also makes note of those
11 areas closed for red-sticker riding.

12 John Pelonio.

13 **AGENDA ITEM IV(4). PUBLIC SAFETY UPDATE**

14 SUPT. PELONIO: Good morning. John Pelonio,
15 Public Safety Superintendent, OHV Division.

16 I've got a brief report on what the Public
17 Safety Team has been working on since the last
18 Commission meeting, and then we've got a presentation
19 on the Pals Program -- or Youth Outreach Program.

20 If you look at the last three pages in the
21 Deputy Director's Report section in your binder,
22 there's information and some documents related to DMV
23 fees. These documents are also available to the public
24 on our website.

25 As you know, SB 742 increased the fee for green

1 and red sticker to \$50. And the Division appreciates
2 the support of the OHV community to provide the
3 additional funding for the program. This year the DMV
4 increased the fee to \$52. That's the result of a bill
5 that was signed in 2003 that provided for DMV fees to
6 increase based on the Consumer Price Index and it
7 provided for rounding it to the nearest dollar. The
8 increase is specific to the portion of the fees that
9 goes to the California Highway Patrol for them to
10 maintain the uniformed field strength.

11 The next item, we continue to get requests for
12 help regarding private property issues. And as those
13 come in, we talk to them, try to help them to refine
14 what the issues are, and how they can be addressed.

15 In March we attended a meeting of Alliance for
16 Responsible Recreation in Moreno Valley with
17 representatives from the -- from Senator Diane
18 Feinstein's office, BLM California Desert District, and
19 the San Bernardino County Sheriff's Department.

20 In April I traveled to a Tribal Government OHV
21 Workshop in Lake Havasu City. As was mentioned
22 earlier, tribal governments have been eligible apply
23 for grants in our program, but we haven't been seeing
24 that. So this was an opportunity for us to provide
25 them with information on that program as well as the

1 other resources that we have available for assisting
2 them with managing off-highway vehicles on tribal
3 lands. So it brought up some ideas and suggestions,
4 and we're going to be working with them as we move into
5 the next grant cycle to try to assist them with the
6 process because it will be new to them.

7 As part of our ongoing efforts to provide
8 statewide leadership in OHV public safety, we
9 represented -- or we presented an OHV Law Enforcement
10 Update Training in Madera. It was attended by the
11 Madera County Sheriff's Department, Fish & Game
12 wardens, and the Sierra National Forest. We have
13 another class scheduled later this month. We used to
14 host an annual OHV Law Enforcement Workshop, but
15 because of the challenges of current government
16 budgets, we felt that it was more economical for all of
17 the agencies if we went out to them with our
18 instructors and taught them at their locations around
19 the state rather than making everyone travel to one
20 location. There's still a value in getting everybody
21 together in one place and sharing ideas, but based on
22 current fiscal restraints, we were faced with people
23 not being able to participate.

24 Since the last Commission meeting, we've had the
25 opportunity to get out into the field to conduct site

1 visits with seven different agencies. The Public
2 Safety site visits provide consultation services to OHV
3 Public Safety agencies, both those that receive grant
4 funding and those that don't. So we'll help everybody
5 who has -- who comes to us asking for help as long as
6 it's an OHV-related issue.

7 We often include more than one agency in a site
8 visit to foster that multi-agency cooperation. In the
9 case of the grants, it's more efficient use of our
10 funds, but it also helps get everybody on the same page
11 as far as their law enforcement and consistency and
12 what -- the message that's going out to the public.

13 Just this last Thursday, one of my staff
14 participated in the Rubicon trail field trip. We went
15 out to look at the conditions on the trail and the
16 proposed project. Additionally, we continue to work
17 with the Gold Fields District addressing their issues
18 with off-highway vehicles at Folsom Lake State
19 Recreation Area. It's -- there's no immediate problem,
20 but we're preparing for later in the season when we
21 expect the problem to return.

22 **AGENDA ITEM IV(B) (4) (i). OFF-ROAD PALS; CALPALS; BEACH**
23 **PLAY DAY; FAMCAMP**

24 SUPT. PELONIO: At the last meeting, there was a
25 request for information on the Off-Road Pals Program,

1 so we have prepared a presentation.

2 DEPUTY DIR. GREENE: Just for the members of the
3 public who may not know, this was a request that we had
4 had by one of the Commissioners to include and give an
5 overview of our Off-Road Pals, CalPals, Beach Play Day,
6 and the Department's FamCamp. I just want to put it in
7 context for everybody.

8 (PowerPoint presentation.)

9 SUPT. PELONIO: Our primary program for our
10 youth with the Division is the Off-Road Pals Program.
11 It's a partnership that was started in the early
12 nineties between Honda, California Police Activities
13 League, and the OHV Division. Honda originally donated
14 the first motorcycles for the program. But as you can
15 imagine, they wear out over time and have been most --
16 almost all of them have been replaced.

17 Commissioner Slavik could probably give us --
18 give you more detail if you ever needed to know on the
19 origins of the program because I understand he was
20 involved with the original concept and development of
21 the program.

22 In 2005 we also added snowmobiles into the
23 program. It was originally dirt bikes and ATVs only.

24 Our current partners are the California Police
25 Activity League or CalPal; the Specialty Vehicle

1 Institute of America, which includes two subsidiaries:
2 The Motorcycle Safety Foundation and the ATV Safety
3 Institute. Also, the California/Nevada Snowmobile
4 Association. And I have a little bit more information
5 on each of those.

6 CalPal is a not-for-profit organization that
7 works with police agencies creating Pal chapters at
8 participating cities and counties. The goal is to give
9 a chance to -- for kids to see -- a chance to see
10 police in a positive role. So you get youth that are
11 usually at-risk youth teamed up with law enforcement
12 out doing positive things. And there's a variety of
13 different types of activities that they do from
14 basketball, soccer, boxing, rock climbing. There is a
15 website where you can get information on the Pals
16 Program.

17 The California/Nevada snowmobile Association is
18 a not-for-profit organization dedicated to
19 snowmobiling, and they provide us with instructor
20 training. They're the experts on both snowmobile
21 operation and maintenance, and also the safety aspects
22 of just winter survival that we cover as part of our
23 program.

24 Then our SVRAs, or State Vehicular Recreation
25 Areas, we have motorcycle and ATV programs. And at

1 Hungry Valley SVRA, they've taken Off-Road Pals to a
2 new level by expanding it to include instruction on
3 motorcycle maintenance and different career
4 opportunities within state parks.

5 At Ocotillo Wells SVRA, had a group with Cheryl
6 Gilotte, and it was a group from Hemet, California. At
7 Ocotillo Wells, they also go into resource orientation
8 and protection. There's an element within each of our
9 programs that deals with that issue. We're looking at
10 maybe expanding that and spending more time on that.

11 In addition to Off-Road Pals, Ocotillo Wells has
12 offered Junior Ranger Programs to help youth appreciate
13 and protect the animals that live in the desert. And
14 there are also programs when a youth group, in this
15 case I believe it was Girl Scouts, come out to the
16 park, make arrangements to come out and learn about the
17 resources in the desert and the different communities
18 and processes that take place there.

19 Our Snowmobile Program was -- well, I was pretty
20 much the one who developed it with a team of people
21 from the California/Nevada Snowmobile Association and
22 others within -- within the Division back when I first
23 started here at the Division. And we funded the
24 snowmobiles through a grant. And it happens every
25 weekend in February, and then we go into March if

1 there's a cancellation due to weather. We're a little
2 bit dependent on the weather. This year we barely got
3 snow in time for the first program and for the training
4 for the first program. And there was one program, I
5 believe, we had to cancel because a storm was hitting
6 and we didn't want the group to have to drive through
7 those conditions to get to the program. So it's a very
8 fun program. We use volunteers from the CNSA to
9 provide the technical expertise, and volunteers and
10 staff from the Division to do the training.

11 Another one of our partnerships is the Annual
12 Beach Play Day event. It's hosted in partnership with
13 State Parks and the Police Activity League, Pal Chapter
14 through the Office of Community Involvement. There are
15 many different activities that occur, including
16 swimming in the ocean. In some of our programs, like
17 both the Snow Pal Program and Beach Play Day, there are
18 kids out there who have never experienced levels of the
19 wilderness, for example, snow. Some of the kids that I
20 taught in the first program this season had never seen
21 snow before. And we actually got a little bit of
22 snowfall during the program. So they not only got to
23 see it and play with the snow on the ground, they
24 actually got to see it fall. And here you have youth
25 who have never made it to ocean before. They've never

1 seen an ocean beach. So it's a very worthwhile
2 program.

3 COMMISSIONER SLAVIK: John, before you go, can
4 you give us an idea of the numbers in that Play Day
5 Program.

6 SUPT. PELONIO: This year we had -- it was over
7 700.

8 DEPUTY DIR. GREENE: If we may --

9 SUPT. PELONIO. Okay. There were over a
10 thousand youth participating in the overall Beach Play
11 Day, and of those, about 600 participated in our
12 portion, which is the orientation to ATVs. They have
13 -- there's a limited short -- limited time that we have
14 them, so it's just a quick orientation; it's not the
15 full course.

16 Another partnership is the FamCamp Program that
17 the Department sponsors. It provides a trailer full of
18 camping equipment for families that don't have it and
19 who are under-represented in visiting parks. So it
20 gives people the opportunity to come out into our parks
21 and learn about camping and learn about what the parks
22 have to offer with us providing the equipment and some
23 training for -- or leadership training.

24 Outdoor Youth Connection is another program. It
25 brings inner-city youth into our parks for recreation

1 experience. It gives them leadership training. Part
2 of their experience is to plan what kind of community
3 activities they'll implement when they get back home.
4 This is also a great opportunity for us to tie in
5 motorized access to non-motorized recreation, which is
6 part of SB 742 because often there will be a motorized
7 element, but also, as you see here, a non-motorized
8 element where they might be getting out and hiking or
9 some other activity at the end of the trail.

10 The OHV Division is committed to educating the
11 youth of California. And we -- our goal would be to
12 give responsible, safe -- a responsible and safe
13 learning environment to youth, give them a high-quality
14 outdoor recreational experience that they'll some day
15 pass on to their own children.

16 And we are still recruiting for volunteers. The
17 Beach Play Day Program is dependent on a large number
18 of volunteers because we have these groups of youth
19 that are coming from station to station, and you have
20 to get them all suited up in their safety equipment,
21 sized properly, and then get them out onto the ATVs,
22 properly supervised so that it's safe, and then undo
23 all that and send them back to the next station. So we
24 are looking for volunteers. Supervising Ranger Kelly
25 Claar is the contact person for the Pals Program. It's

1 going to be in July, the third week, the 22nd.

2 DEPUTY DIR. GREENE: And I would just like to
3 take a moment and thank John Pelonio. Kelly Claar is
4 the contact person for this program; however, as you
5 can see today, Kelly has absolutely no voice. She was
6 going to give the PowerPoint presentation, but John
7 stepped in at the last moment as Kelly's fighting a
8 wicked case of laryngitis. So thank you, John.

9 Kelly, get well.

10 SUPT. PELONIO: Are there any questions that we
11 can answer regarding our youth programs?

12 CHAIR WILLARD: Commissioner Slavik.

13 COMMISSIONER SLAVIK: Couple questions.

14 Do we have numbers on Pal -- actual Pal
15 attendees year by year, park by park or something like
16 that?

17 KELLY Claar: Can you hear me at all?

18 Okay.

19 SUPT. PELONIO: We don't have the numbers with
20 us. We can probably get some information for you for
21 the next Commission meeting.

22 COMMISSIONER SLAVIK: Okay. Thank you.

23 Second question I had would be about the
24 volunteers. I know we need something like a hundred
25 volunteers for that. So last year it was rather short

1 on -- from that standpoint.

2 I'm thinking, Commissioner Franklin, maybe the
3 industry might be interested in this, and so many of
4 them are based in Southern California. It's really a
5 fun project. We're talking Huntington State Beach on a
6 Saturday -- is that --

7 DEPUTY DIR. GREENE: Wednesday.

8 COMMISSIONER SLAVIK: Oh, Wednesday, I'm sorry.
9 Yes, it's during the week. Maybe we could make some
10 kind of an effort to, you know, send an e-mail or
11 something to some of the Public Relations folks or
12 something if they'd like employees --

13 COMMISSIONER FRANKLIN: Absolutely, Paul. I
14 wrote a note here, and we'll see if we can garner some
15 support through SVIA and the other member companies.
16 You know, I'm sure that we can talk some of the
17 representatives from, you know, the upper Mid West.
18 Those manufacturers love to come out to the beach.
19 Maybe we can work it out so there's an SVIA or an MSF
20 meeting around that same time when they're in town
21 anyway. So...

22 COMMISSIONER SLAVIK: Yes, I believe the SVIA is
23 still committed to a lot of instructors for this.

24 COMMISSIONER FRANKLIN: Absolutely.

25 COMMISSIONER SLAVIK: Right.

1 COMMISSIONER FRANKLIN: But we'll see if we can
2 get some OEM support at the same time.

3 COMMISSIONER SLAVIK: Thank you.

4 CHAIR WILLARD: Any other questions or comments.

5 COMMISSIONER SLAVIK: You know, let me just make
6 kind of a broad statement here to the audience. These
7 programs aren't designed to find a way or to promote
8 sales of these vehicles to these kids. These programs
9 are really designed to allow children -- and most of
10 these kids could never afford to buy any of these
11 products -- allow these folks just to get an experience
12 and to be connected with the outdoors, which is also
13 pretty tough, you know. These kids in many cases have
14 not left television sets or their computers for a long
15 time. So to come to Hungry Valley or Heber Dunes or in
16 the case of the beach, the first time we did this
17 program, we know that many, many of those kids had
18 never even been to the beach before. And the picture I
19 saw where there were two -- the helicopter was pulling
20 of the life guards out for a rescue, the very first
21 time they did that, when they did that, two dolphins
22 jumped in the air and crossed right behind them. I
23 mean you couldn't have orchestrated it better. And
24 there was also a lot of positive press that came out of
25 those Beach Play Days especially. I think one about

1 four years ago had three of the major Los Angeles Bay
2 stations covered that, and they ran it repeatedly all
3 day long. I would suggest that we try and, you know,
4 make sure that your PR people get that information and
5 get it to the press again.

6 Thank you.

7 CHAIR WILLARD: Great. Thanks, John.

8 SUPT. PELONIO: The next presentation is
9 Superintendent Loren Rex regarding more detail on the
10 Youth Safety Program.

11 LOREN REX: Loren Rex, Visitor Services Program
12 Manager, the Division. Good afternoon, Commissioners.

13 This is going to be a brief overview of the ATV
14 Safety Program occurring in the SVRAs. Many of you
15 know the origin of the ATV safety requirements we have
16 today come out of the early models of the ATVs that
17 were known as ATCs or all-terrain cycles, which
18 actually there was a lot of accidents involved with
19 those. As a result of a lawsuit filed by the Consumer
20 Product Safety Commission, the major manufacturers
21 began to offer ATV safety training to families who had
22 purchased these ATVs. And to this day, the
23 manufacturers still incentivize the training that's
24 offered. So any family that would buy a new ATV is
25 eligible for free ATV training for the entire family,

1 plus up to \$100 in incentives for actually completing
2 the course. Unfortunately, the reality is that we have
3 less than 50 percent of the people taking up that
4 training and going through that program.

5 For those individuals that purchase a used ATV
6 on the market, the Division is providing training to
7 those individuals under 18 years old -- free training
8 so that it's available to everyone, all the youth that
9 are riding the ATVs.

10 The ATV Safety Institute is the only
11 organization that's licensed by the DMV to provide the
12 certificate training. The Division has partnered with
13 the ASI instructors, such areas as Oceano Dunes to
14 start a pilot programs that actually allows scheduled
15 ATV safety training classes which members or visitors
16 to the park would be able to participate on a drop-in
17 basis and have that ATV safety training to get the
18 safety training certificate. This is all in an effort
19 to just increase the amount of people going through
20 those trainings.

21 Currently the Division has 13 employees that are
22 going through the ASI Instructor Training Program,
23 employees that range from rangers, interpreters,
24 maintenance folks. We actually have a number of
25 volunteers that are also going through as well to help

1 increase the level of trained instructors that will be
2 able to provide the safety training in the SVRAs. Our
3 goal is to be able to offer these scheduled training
4 safety courses statewide that visitors could by, they
5 could make it a point to visit on those times or, if
6 they're just in the park, be able to drop in and get
7 that training. So it's just giving people much more
8 access to the training.

9 We also are very proactive in using materials
10 that we create ourselves to inform people about the
11 law, about that anyone under 18 either has to have the
12 ATV safety training or be supervised an adult that does
13 have it. And we also have a partnership with SVIA --
14 Specialty Vehicle Institute of America -- which also
15 has some great publications that we help distribute as
16 well just in an effort to inform the public and then
17 try to get more people going through these courses.

18 CHAIR WILLARD: Thank you.

19 COMMISSIONER SLAVIK: Thank you.

20 CHAIR WILLARD: Public comment.

21 At this point is there anyone that -- let's see.
22 We'll go through the list here again of people who have
23 given me the comments on all.

24 John Stewart, followed by Amy Granat.

25 JOHN STEWART: Good afternoon, Commissioners.

1 John Stewart, California Association of 4 Wheel Drive
2 Clubs.

3 Cal 4 Wheel operates a Voyagers Program for the
4 youth of our membership. And I would like to see if I
5 cannot kind of start some discussions between the
6 CalPals -- or the -- not the CalPals, but some of these
7 youth programs from the Division with this in order to
8 start spreading the educational component out to other
9 areas. I think that there's a lot that can be gained
10 for moving into other venues other than the -- strictly
11 the ATV dirt bike thing for the kids. Like I said, I
12 would entertain options or opportunities to begin
13 discussions, see where we can move forward on
14 partnerships.

15 Thank you.

16 CHAIR WILLARD: Karen Schambach.

17 KAREN SCHAMBACH: Pass.

18 CHAIR WILLARD: Pass.

19 Okay. Dave Pickett.

20 DAVE PICKETT: Pass.

21 CHAIR WILLARD: Okay. Ed Waldheim.

22 ED WALDHEIM: Ed Waldheim, California City EDC.

23 We have a CalPals working with the California
24 City Police Department. The chief -- my brain went --
25 Steve Kolber. He puts that on. And so we're really

1 proud of that. And then Jim thinks maybe we need to do
2 something more at the Jawbone Station. At El Mirage
3 Visitor Center with the Bureau of Land Management, Rose
4 is working very hard to get the CalPals working there.
5 So we're making strides in those two areas where we
6 have visitor centers.

7 As far as the Beach Day is concerned, as you all
8 remember Harold Soens, he was our guy going and making
9 us happen. So I just gave Kelly a note that let's get
10 the flier out, put in the basic information you need,
11 and I'll work on getting that out like Harold did,
12 because we need to get those clubs, District 37, the
13 San Diego Coalition and ASA and CORVA, and all those
14 folks to go down there and help you out again. We were
15 the main guys who were doing -- guys and girls who were
16 putting all the clothes on everybody and processing
17 them. And I have -- personally, I've had conflicts,
18 and I've looked at my calendar; I'll be there this
19 time. I don't have a conflict. But then we'll help
20 Kelly to make that happen and the staff. So we just
21 need to get that going.

22 Thank you.

23 CHAIR WILLARD: Tom Tammone.

24 TOM TAMMONE: You know what's funny is that,
25 believe it or not, I don't own a green sticker vehicle.

1 OHMVR STAFF PEREZ: Please state your name for
2 the record.

3 TOM TAMMONE: Tom Tammone.

4 Believe it or not, I don't own a green sticker
5 vehicle. Mine's a dual sport, and I own a Jeep. But I
6 was amazed at the -- all the uproar that this new \$2
7 fee increase brought amongst the public. I mean
8 alongside of other issues like the \$90 million ax I've
9 got to grind or the \$90 million sweep. But did a lot
10 of research in this, and Division came up with a really
11 good response to it. A lot of people are asking,
12 "Well, what does the CHP do for us?" Well, if you read
13 the two parts of the legislation is that this cites, as
14 far as the 2, \$3 fees, they don't do a thing. They
15 don't have to. It's basically money that has been
16 arrogantly taken from us and given to somebody else,
17 and they're not even trying to pretend that it has
18 anything to do with OHV. I don't know if this is true
19 or not. I hope it's not. I understand the CHP has
20 retained the same lobbying firm that the OHV leadership
21 has retained. Hopefully they're going to do the same
22 kind of stuff for us in the future and give us funding
23 through legislation that's going to automatically
24 adjust for inflation, and perhaps they'll gouge
25 somebody else to make up for it. But the fact of the

1 matter is, this is just plain arrogance amongst our
2 legislators. I think it just represents a total lack
3 of representation on our part, at least as far as
4 people that should be representing us. These are the
5 people that are supposed to working for us that did
6 this. Money is arrogantly being taken from us and just
7 given to someone else, and it's all perfectly legal,
8 it's all done through the legislatures. And it's up to
9 us to basically come up and demand that we have a voice
10 regardless of what happens in the back rooms. This is
11 just wrong, period.

12 Thank you.

13 CHAIR WILLARD: Okay. I think that's it for
14 public comment. And this is a good point to -- good
15 spot to take a break for lunch. So how about we come
16 back here at 1:30.

17 **(Lunch recess, 12:24 p.m. to 1:34 p.m.)**

18 CHAIR WILLARD: Okay. Let's bring the meeting
19 back to order.

20 I understand that we have a Mr. Becker in the
21 audience now, that he's done with his duties. And I'd
22 like him to come up so we can just acknowledge him.
23 And I'd like to say a few comments to him.

24 Come on up.

25 Right there is fine. So we had your -- we had

1 your letter read to us by, I think, your father. And
2 we just wanted to thank you for your interest and keep
3 up doing the good work. And we heard you on your
4 issues and comments. So thanks for coming.

5 JOHN BECKER, JR.: Thank you.

6 CHAIR WILLARD: Okay.

7 DEPUTY DIR. GREENE: John, a few minutes ago
8 when we were talking, you mentioned the fact that you
9 get angry when people are going off trail, right?

10 JOHN BECKER, JR.: Yes.

11 DEPUTY DIR. GREENE: So what did you say that
12 perhaps we could do -- you had some ideas about what we
13 might be able to do about that.

14 JOHN BECKER, JR.: You could put up fences to
15 keep people from going off trail. But then some people
16 might think, "Oh, I'm in such an enclosed space." So
17 what you would need to do is you'd need to put them far
18 outside the trails so that there weren't as many people
19 complaining it's all packed.

20 DEPUTY DIR. GREENE: Good. That was a great
21 idea. And then what was the one other one that showed,
22 too, better signs, I think you said, make sure so you
23 know which trails go which way.

24 JOHN BECKER, JR.: Yes. So wherever there's a
25 trail coming into a trail, you could have a sign saying

1 "Go this way" or a sign saying "One-way trail" or
2 whatever the name is.

3 DEPUTY DIR. GREENE: Perfect. Thank you.

4 CHAIR WILLARD: Great. Hey, thanks a lot for
5 coming. And have fun and be safe. Okay?

6 JOHN BECKER, JR.: Okay.

7 CHAIR WILLARD: All right. Bye.

8 (Applause.)

9 CHAIR WILLARD: Okay. Deputy Director -- or
10 you're done, aren't you? So now we should move on to
11 BLM Report.

12 **AGENDA ITEM IV(C). BLM REPORT**

13 JIM KEELER: I'm Jim Keeler, Bureau of Land
14 Management, State Office, OHV Coordinator.

15 OHV Commissioners, Mr. Chairman, Deputy Director
16 Greene, and the OHMVR staff, and public, it's an honor
17 to be here once again. I did want to mention that the
18 minutes -- or the report I turned in was April 15th,
19 and Olivia and I are still trying to work up a format
20 that works for you guys. So the way I look at this,
21 this is a work in progress. If this is a better
22 system, make sure you get ahold of both Olivia and I,
23 and I think we'll get something that goes better than
24 what we've had in the past.

25 So what I'm going to do today is actually go

1 through my report and just update any items and add a
2 couple of things to it since the time I first gave it
3 to Olivia. So if you want to grab a copy of that,
4 that's fine.

5 Starting at the top of the list -- can everybody
6 hear me okay? Okay. The Redding Office, Copley
7 Mountain Staging Area, we're going to have an agenda
8 item on that. So we'll just discuss it at that time.

9 Going on down, Central California OHV
10 Subcommittee RAC meeting, I don't know how many of you
11 know the BLM Resource Advisory Council, but kind of
12 like you, there are four of them across the state that
13 are appointed by the Secretary of the Interior, and
14 they look at various issues in kind of an advisory
15 format, but they're very carefully selected to be a
16 cross section of geographic areas and of philosophical
17 or professionals. So they span all the way from
18 off-highway vehicle folks to environmental community to
19 farmers and ranchers and other stakeholders in many
20 management prospects.

21 Central California RAC, because of what happened
22 with the closures at Clear Creek formed a subcommittee,
23 and they're now looking at all of the issues in Central
24 California. CenCal for us is Bishop; Bakersfield;
25 Hollister; Folsom, which goes across the Sierra front;

1 and now Ukiah. So these guys are representing that
2 group. And Bruce Richer from CORVA and the Council
3 Chair Steve Koretoff from Kerman are actually looking
4 across CenCal in kind of a parallel to what you guys
5 are doing. One of the things that is kind of exciting
6 to me that they're trying to develop is some kind of a
7 screening system for potential opportunities throughout
8 their whole resource area. And they're looking at a
9 smaller or a broader, I guess, thing than just one
10 agency at a time. They're kind of trying look at areas
11 that would be suitable for OHV and then begin to figure
12 from that what groups might be involved. And one of
13 the resources that the BLM can offer on that is the
14 RMPP process -- the Recreation Management and Public
15 Parks Act -- essentially that says that we are allowed
16 to put long-term leases on property and give them to
17 another government entity to manage as parks.
18 Generally, they have to be in areas that we have deemed
19 acceptable for disposal, which means they don't have
20 any serious resource issues. But what these guys are
21 trying to develop is some kind of a screening system so
22 they don't waste a lot of time on things that are going
23 to be dead ends.

24 So they've met three times, I guess, in various
25 places through the Central Valley. And the last

1 meeting I took Sixto Fernandez from the Division down
2 with me to see what they're doing. I would encourage
3 the rest of you guys to see what they're trying to
4 accomplish because I think that the future of
5 recreation -- of OHV is going to be kind of shaped
6 differently than it was in the past. I don't think
7 we're going to see great big areas of one agency that
8 are going to suddenly become available. I think it's
9 going to be more piecing together, building coalitions
10 at the local level, you know, and working with various
11 entities to kind of put together partnerships. So
12 that's happening in Central California.

13 Southern California, as usual, is a mess.
14 But that being said, we did have a Desert Advisory
15 Council meeting in Barstow on March 20th. I believe
16 Daphne got to go to that. And they -- that's the
17 Southern California RAC that covers the whole Desert
18 District. They took a tour of Johnson Valley, looked
19 at all the issues there, and then the meeting was all
20 the different desert issues that come up. The next
21 meeting will be July 19th, I believe, in Barstow. So
22 that's -- that, like you guys, is a public meeting that
23 usually incorporates a tour, and a lot of these same
24 issues come up.

25 ED WALDHEIM: June 19th.

1 JIM KEELER: June 19th. I'm sorry. I
2 miscounted.

3 I'm not going to mention much on the Johnson
4 Valley Expansion right now. What came out of that RAC
5 meeting, most of it's sort of in the rough box of the
6 planning right now in the Marine Corps, and then
7 there's some potential legislative stuff happening
8 there, too. So we're not sure where that's going right
9 now.

10 Moving on to page 3, Imperial Dunes, the Eastern
11 Dune Access Road that everybody's used forever is a
12 U.P. Railroad right-of-way road, and this year they
13 suddenly decided that they had to take that out of the
14 system because they were getting concerned about the
15 possibility of people and trains colliding. It's a
16 main line for them. So they just more or less
17 arbitrarily closed the whole road. We talked them into
18 keeping it open for the remainder of this season, and
19 we're doing NEPA. We've just finished an EA to build
20 our own road inside the fence that's going to close
21 their road. So we'll have, unfortunately, two parallel
22 roads. But they couldn't see another solution, and it
23 is their land across there.

24 Also, in the sand dunes, and maybe this is even
25 news to people, we had proposed at the DAC meeting and

1 at the SAS meeting, we went and talked about the
2 possibility of raising the fees for the coming season
3 at Glamis. As of yesterday, we'd withdrawn from that
4 proposal. At the moment it is postponed until further
5 notice. When Steve Borchard, our Desert District
6 manager, looked over of the questions that ASA had
7 given him, he couldn't honestly answer them to his
8 satisfaction. So he's postponed that rate increase for
9 now.

10 Going on down, the ARRA -- the bail-out money,
11 stimulus money -- I did present you guys with a
12 website. I know that at least in ours, and I'm sure
13 it's the same way through the government, one of the
14 criteria that they're pushing at us very strongly is
15 transparency. So there is currently a website for BLM
16 that actually shows a list of all the projects
17 nationally that includes a statewide list. As of this
18 point, Eric, we have yet to see dollar amounts
19 officially on any of those projects. So a lot of
20 people that we're trying to write these grants, we're
21 stuck in this place, just as soon not go through
22 writing the grant. But until we have guaranteed money
23 one way or the other, we're kind of stuck in that
24 process. But there's no way that we're going to sneak
25 anything past that's double dipping without everybody

1 knowing it, and that would be far more embarrassing
2 than using the extra money. So I don't see that
3 there's any huge threat there.

4 But I do have some of these, if anybody wanted a
5 copy of the list of projects in California. I've
6 got -- I made five or six of them.

7 COMMISSIONER LUEDER: Yes, that would be great.

8 JIM KEELER: And on the -- on my notes is the
9 website where I could -- you know, if somebody called
10 me, I'd be happy to ship you. But this website will
11 continue to flesh out as it goes along. They'll divide
12 it up into each project and start tracking progress. I
13 think that the people that win in this process are
14 going to be the ones that didn't get their applications
15 approved. It looks to me like it's going to be a very
16 cumbersome process. And it's really difficult in
17 government to spend money. As these guys know, getting
18 through the contracting process and everything else in
19 a hurry is just not fun. But you have my assurance
20 that I'm going to watch them real carefully and make
21 sure we don't double dip.

22 COMMISSIONER LUEDER: Thank you, Jim.

23 JIM KEELER: Okay. In legislation, the big
24 thing that happened this time period was the Omnibus
25 Public Lands Bill. Huge national-level bill with lots

1 and lots of different land management actions. And
2 I've summarized some of the biggest ones in California.
3 Ed wanted me to mention that the naming of the Amargosa
4 as a wild scenic river does exclude the Dumont Dunes
5 access in the Sperry Wash portion that's been a
6 designated route for quite a while. So they managed to
7 get that excluded from the designation area.

8 Mother Road Monument Proposal is something that
9 I'm not entirely sure what's happening. There's
10 probably people in this room that know far more about
11 it than I do. But along with the energy development,
12 it's just another of the things happening in the big
13 kaleidoscope that's moving around in the desert right
14 now of potential things that could have positive
15 changes as well negative. Primarily I think it's going
16 to be hard on the OHV community.

17 The next page 5, the Hollister Clear Creek
18 Management Area draft is still scheduled to be on the
19 street about -- well, sometime prior to July of 2009.
20 It's currently in an administrative draft form, which
21 means that some of the staff and cooperating agencies
22 are reviewing the draft right now. As far as I know,
23 we haven't decided for sure what our preferred
24 alternative is going to be. We have, I think, seven
25 alternatives in the plan ranging from no action, which

1 means re-open back to its old state, to almost full
2 exclusion of any humans from the area, and sort of a
3 span of stuff in between.

4 CHAIR WILLARD: Jim, what's the public comment
5 period going to be on that.

6 JIM KEELER: You know, I believe -- anybody else
7 can correct me -- I think it's two months once the
8 draft comes out. Sixty days, I believe.

9 CHAIR WILLARD: Okay.

10 JIM KEELER: And then it goes back in and then
11 comes out as a final, but there's another comment
12 period at that point and a protest period involved,
13 too. So there's still plenty of opportunity to look at
14 it.

15 CHAIR WILLARD: All right. I mean if it works
16 out with our timing, I'd like to have the Commission,
17 you know, consider the -- the draft -- what do you call
18 it -- RMP and the EIS and -- to see if we want to
19 provide any comment. So if the timing is right, maybe
20 you could make sure we get copies of those. I don't
21 know if there's links to them or something, or just
22 make us aware that they're available to look at.

23 JIM KEELER: It's very possible I can get you
24 CD-ROMs, too, at least.

25 CHAIR WILLARD: Okay. Good.

1 JIM KEELER: I will do that. And also we'll see
2 if the next Commission falls within --

3 CHAIR WILLARD: Comment period.

4 JIM KEELER: -- comment period, and we'll try to
5 get some kind of a little public discussion of it, if
6 you want.

7 CHAIR WILLARD: Right. Right.

8 JIM KEELER: Your call.

9 Quickly, three more plans in the works right
10 now. Bakersfield-Carrizo Plan, we're getting ready to
11 issue the -- to publish in August the final RMP there.
12 So that will be the protest period, public comment
13 period to the Carrizo Plan. Bakersfield RMP is the
14 rest of the Bakersfield field office. They've been
15 doing scoping and having some public meetings. That
16 will be -- the public comment period begins about
17 October of 2009.

18 And then the Imperial Sand Dunes RAMP --
19 Recreation Area Management Plan -- should have the
20 first draft of that out about the beginning of the
21 summer of 2009. So we're just in the final stages of
22 getting it. So on top of grants, I have a few other
23 things to review and do.

24 I did also want to add my congratulations to
25 Daphne's staff on the whole OLGA process and the way

1 they reacted to it. And I did also want to comment
2 that several members of the public took a lot of time
3 reviewing. I really did appreciate the people that
4 took that time. And I even appreciate the -- the level
5 of work that one of those grants takes an applicant.
6 But I probably, between me and Jim Weigant, have 200
7 hours into our grant application with five projects in
8 it for the State Office. So it's a lot. But the OLGA
9 doesn't make that all paper. There was probably 400
10 pages of paper in that we would have had to monthly
11 publish. So -- and if you gave that to every
12 Commissioner and all the paper, it's a good program.

13 COMMISSIONER SLAVIK: Saved a lot of trees.

14 JIM KEELER: We did. But we burned a lot
15 candles, too.

16 I'm happy to take questions at this point.

17 CHAIR WILLARD: Commissioners, any questions,
18 comments.

19 Commissioner McMillin.

20 COMMISSIONER McMILLIN: You commented on the
21 public comment period being 60 days.

22 JIM KEELER: Yes. I'm sorry, it's --

23 COMMISSIONER McMILLIN: The next two plans
24 you've got a time line. One of them is four months,
25 and one of them is two months.

1 JIM KEELER: Okay. I don't honestly know.

2 COMMISSIONER McMILLIN: So just check it out.

3 JIM KEELER: I think it's 60 days. I believe
4 that's correct.

5 COMMISSIONER McMILLIN: Okay. The one for
6 Bakersfield, the public comment period is from January
7 until April of '09. So...

8 JIM KEELER: That was the Impact Analysis. The
9 public comment period, if you look at 10 to 12, 2009.
10 That's the next column down.

11 COMMISSIONER McMILLIN: No, I was up one whole
12 set.

13 JIM KEELER: Okay. That was the Bakersfield
14 RMP.

15 CHAIR WILLARD: Carrizo Plan.

16 JIM KEELER: Carrizo. I'm sorry. Yes.

17 CHAIR WILLARD: It looks like it's the same
18 thing. There's a public comment period for draft
19 RMP/EISs. And one's four months, and one's two months.

20 JIM KEELER: Yes. I honestly don't know, then.

21 CHAIR WILLARD: Okay.

22 JIM KEELER: I believe the two months is
23 correct. I'm not sure.

24 COMMISSIONER McMILLIN: I also just want to
25 compliment you on having your report on time. I think

1 this format is perfect.

2 COMMISSIONER SLAVIK: Yes.

3 CHAIR WILLARD: Commissioner Lueder.

4 COMMISSIONER LUEDER: Yes, couple of questions
5 there, Jim.

6 Did I hear you right? You said the Central RAC
7 included Ukiah?

8 JIM KEELER: Yes. We've re-organized now.

9 COMMISSIONER LUEDER: Okay.

10 JIM KEELER: And I'm not -- I'm about 99 percent
11 sure -- I should have double-checked that, but Ukiah is
12 now in the Central California District. And my
13 understanding is it will now be in the Central
14 California RAC as well.

15 COMMISSIONER LUEDER: Okay. As I reviewed your
16 website and looked at the different RACs and the DAC
17 and all that, it seemed like in the northern California
18 area there wasn't a lot of public participation in the
19 meetings. I don't know if that's generally true or if
20 it's just maybe some of the meetings happened at a bad
21 time of the year or whatever. But it seemed like there
22 might be a little bit of opportunity for a little bit
23 more public outreach on the meetings.

24 JIM KEELER: Yes, that's a good comment. One of
25 the problems we have with the northern California RAC,

1 they try to send it to each field office. When it gets
2 to Susanville and Alturas and Cedarville, there's very
3 few people that want to drive that far for a public
4 meeting. When it's in Redding or Arcada, we generally
5 get higher attendance. But it's -- I take your point,
6 and I understand.

7 COMMISSIONER LUEDER: Okay. And I think that
8 was it.

9 CHAIR WILLARD: Commissioners, any other
10 comments?

11 If not, Jim, want to thank you. And, again, I
12 want to also underscore that we really, really
13 appreciate the written report. And the format is well
14 thought out, concise, to the point, and it makes our
15 ability to understand what's going on with BLM greatly
16 enhanced. So thanks for that.

17 JIM KEELER: I do also try to include web links
18 in there every chance I get.

19 CHAIR WILLARD: Yes, I saw that.

20 JIM KEELER: But if you have more questions,
21 don't ever hesitate to call me to get a quick update on
22 something.

23 CHAIR WILLARD: Okay.

24 COMMISSIONER SLAVIK: Thank you.

25 **AGENDA ITEM IV(D) . USFS REPORT**

1 CHAIR WILLARD: Okay. U.S. Forest Service
2 Report.

3 GARRETT VILLANUEVA: Garrett Villanueva, U.S.
4 Forest Service.

5 Good afternoon, Commissioners. I'm happy to be
6 here again to present to the Commission what's going on
7 with the Forest Service. And the first exciting topic
8 is the Rubicon Trail. And at this time the Eldorado
9 National Forest is working closely with the county on
10 those particular issues. And there is a statement in
11 the back of the report that I provided the Commission
12 today -- sorry it wasn't earlier -- the Eldorado
13 Statement -- Eldorado National Forest Statement. And
14 so that's -- is what was presented to -- at the Water
15 Board meeting last -- I think it was last Friday -- not
16 Friday yesterday, but the last Friday.

17 If I may take just a couple of moments to
18 characterize the travel management process just a
19 little bit. You know, I think in -- when I look back
20 at what the Forest Service has had to do over the
21 years, in talking to people and looking at the history
22 of our agency, I would estimate that travel management
23 is perhaps one of the most challenging things the
24 Forest Service has had to tackle in decades,
25 potentially. It's an incredibly complex process, not

1 only technically from taking it from inventory to
2 analysis, but also the public relations aspect of it is
3 incredibly challenging.

4 The travel management process was created, as we
5 know, by regulations. And the Motor Vehicle Use Map
6 that will come from that is going to be the enforcement
7 tool ultimately. And I think an important idea or an
8 important piece of knowledge to have for this
9 Commission, if you don't already know it, is that
10 Region 5 -- well, you actually probably do know this --
11 took on an immense inventory process of the
12 unauthorized or user-created routes in this region in
13 California. We're the only state in the nation to do
14 that. Every other state chose to look at what their
15 existing managed trail system was, and that's where
16 they started for their base line. So we kind of blew
17 that out and tried to do a tremendous service to our
18 public by inventorying those unauthorized routes for
19 consideration -- complete consideration to add them to
20 our systems and come up with complete route systems.

21 So with that, I'll give you an update on where
22 we are. The Eldorado National Forest published and
23 issued a Motor Vehicle Use Map, or MVUM, as we call it,
24 and it's now an enforceable tool.

25 In addition to the MVUMs that are in effect are

1 the Angeles National Forest, Los Padres -- that
2 being -- we have the Ojai, Santa Barbara, and Monterey
3 Ranger Districts. The Mendocino National Forest, the
4 Lake Tahoe Basin Management Unit, the Sequoia National
5 Forest which includes the Western Divide Range District
6 and the Hume Lake Management District, and the Six
7 Rivers National Forest Orleans Ranger District. Those
8 are all of our MVUMs that are in place. We have a
9 website link here to show you where our completed MVUMs
10 are. So you can check it out if you're curious.

11 We also have Draft Environmental Impact
12 Statements that are scheduled to be released to the
13 public -- all of our drafts will be released by June
14 5th of 2009. So coming up June 5th, 2009, all of our
15 EISs are scheduled to be on the street, which is pretty
16 significant. The final EISs are scheduled for
17 September 15th of this year. So our deadline to get
18 everything done is the end of this year to have all
19 MVUMs complete for this region.

20 We currently have MVUMs under review for the San
21 Bernardino, Cleveland, and Stanislaus. And on the
22 Stanislaus, that would be the Summit Ranger District.
23 The DEIS completion -- we have DEIS completion on the
24 Modoc, Stanislaus, Plumas, Inyo, Sequoia, Tahoe, Sierra
25 National Forests. And DEIS documents for the Lassen,

1 Klamath, Shasta-Trinity and Six Rivers are the ones
2 that will be released by June 5th. Those are the ones
3 that the DEIS is not complete yet.

4 And the issue of asbestos -- naturally occurring
5 asbestos, serpentine soil, continues to be something
6 that we are working on. There is not any concrete
7 resolution at this time, but it is -- it's being worked
8 on.

9 Training-wise, the Forest Service is working
10 diligently to train people up on our trail management
11 databases on how to do trail management objectives,
12 which are essential components for just our daily
13 management of our trails but also for -- as we go into
14 MVUM development if they are completed and ready.
15 Those are also going to be essential requirements for
16 any ARRA-funded projects -- American Recovery and
17 Reinvestment Act -- which is the Eco Stimuli that we'll
18 be talking about.

19 We're also doing -- actively pursuing ATV and
20 dirt bike training -- safety training for our
21 personnel. So -- and work with OHV Division staff on
22 that. And for ARRA, our economic stimulus stuff, in
23 speaking with the Forest about their projects and their
24 OHV grants, I don't know of any conflicts or places
25 where we'd be double dipping. So we have been looking

1 at it already. I think generally speaking it's pretty
2 low risk. However, I completely agree with my good
3 friend Jim from the BLM that we want to make this as
4 transparent as possible. So I've already talked to Dan
5 Canfield about how we might do that. And I think what
6 we're going to do is probably get together and look at
7 our complete list as far as what our projects initially
8 were -- because we don't have a final project list. We
9 haven't received any funding notification from
10 Washington yet; they're still prioritizing them. We
11 prioritize them at our region and send it to
12 Washington, and it's still there right now. We have
13 funded three projects in this region. They're what
14 were called the top ten projects, one in the Angeles,
15 one on the San Bernardino, and one in the Sierra
16 National Forest. My knowledge of those projects is
17 that there wouldn't be any conflicts with any of the
18 grant proposals. But, again, we'll follow through with
19 that and make it as transparent as possible, not only
20 for the public but also for the Commission.

21 So as far as new projects, we are working on a
22 user-friendly Motor Vehicle Use Map. I probably should
23 have put this up with the Motor Vehicle Use discussion.
24 So as the next generation of these maps come out, we
25 want to make them a little bit more user friendly.

1 Right now they're a black-and-white map printed on
2 newsprint, super cheap to produce. They're free to the
3 public. They will continue to be free. If we do some
4 stuff like put contours on them, put other things on
5 them, other landmarks, they are going to get more
6 expensive. And we will continue to make those for
7 free, but they will also look a little bit more like a
8 recreation-type map where you'll actually be able to
9 use them to navigate and find out where you are rather
10 than just a map of a big wide area with a couple of
11 squiggly lines on it, which are very hard to tell where
12 you are.

13 The Eldorado National Forest is exploring
14 opportunities to conduct a volunteer academy to help
15 train new and existing volunteers, and it will be used
16 as a pilot project to expand out to the rest of the
17 region and coordinate with other projects that are
18 already in place.

19 And the last issue I was going to talk about is
20 that my last day as the Assistant Program Leader for
21 Trails at the region is today. And I'll be going back
22 to Lake Tahoe Basin. I received a permanent promotion
23 at the Basin -- Lake Tahoe Basin Management Unit. So
24 I'll be going back there. But the good news is we do
25 have Keaton Norquist coming in who's a presidential

1 fellow to start and take my -- fill my role at the
2 region. And I'll be providing some cross-training with
3 him in order to make it as seamless as possible.

4 Are there any questions?

5 CHAIR WILLARD: Commissioners.

6 Commissioner Lueder.

7 COMMISSIONER LUEDER: Yes, just had a question
8 on the Motor Vehicle Use Maps that we received, and we
9 received some from Mendocino National Forest. I
10 noticed that the route numbers don't match up or
11 correlate with the existing trail numbers within that
12 system.

13 GARRETT VILLANUEVA: The trail numbers on the
14 ground?

15 COMMISSIONER LUEDER: Right.

16 GARRETT VILLANUEVA: Okay.

17 COMMISSIONER LUEDER: So I'm concerned because
18 I'm used to the trail numbers being what they are with
19 the list of names, and suddenly we've got these five-,
20 six-digit numbers that have taken over since. It's not
21 very user friendly.

22 GARRETT VILLANUEVA: We'll have to -- that will
23 be one of the things that will be updated over time
24 clearly because those do have to match.

25 COMMISSIONER LUEDER: Okay. Yes, I'm happy to

1 hear that.

2 GARRETT VILLANUEVA: Yes. If you have a
3 specific area, I'd love to talk to you about that.

4 COMMISSIONER LUEDER: Okay. And I'm -- with
5 that, I'm happy to hear that are doing additional maps
6 for the actual user. So I'm hoping that the new --
7 when the new trail maps do come out that that will be
8 resolved. But I just wanted to bring it up as a note.

9 GARRETT VILLANUEVA: I think -- well, my
10 knowledge of the process is there's a specified format
11 for how the trail numbers are used. And I guess there
12 could be database errors, that they're not using the
13 right ones, or they could be using a unique number on
14 the ground that wouldn't be maybe following our
15 requirements -- policy requirements. So I'll have
16 to -- I'll look into it. I'll have to talk to them
17 about it. But I'd like to get which areas specifically
18 that you noticed that in from you.

19 COMMISSIONER LUEDER: Well, basically, the
20 Mendocino National Forest, the southern map, which is
21 Upper Lake, CC Camp Creek Area, and then the Stoneyford
22 side. Those are the two that I'm familiar with. And
23 all the trails are labeled currently on the ground with
24 single or double-digit numbers. And that's true on the
25 existing maps that the users have as well.

1 GARRETT VILLANUEVA: Okay.

2 CHAIR WILLARD: Commissioner Slavik.

3 COMMISSIONER SLAVIK: Garrett, I'd like to thank
4 you for your service here. I think you're a good face
5 for the Forest Service. And we wish you well on your
6 next assignment. Thank you.

7 So you're replacement, Mr. Norquist, seems like
8 he's had a lot of time in academia. Do we need to get
9 him on the ground and get, you know, his feet dirty and
10 hands dirty?

11 GARRETT VILLANUEVA: Absolutely. Yes. Yes.

12 COMMISSIONER SLAVIK: Does he ride a motorcycle.

13 GARRETT VILLANUEVA: That, I don't know. I
14 haven't met him, to be honest. But I would say get him
15 dirty.

16 COMMISSIONER SLAVIK: Maybe we can ask Daphne to
17 make sure that she interfaces with him pretty closely.

18 CHAIR WILLARD: Anything else of the U.S. Forest
19 Service.

20 Commissioner McMillin.

21 COMMISSIONER McMILLIN: He knows a lot more
22 about it than I do, but I find it -- you seemed
23 surprised that those trail numbers and now the route
24 numbers don't match. That's a policy thing? That's
25 going to be confusing as heck out on the ground.

1 GARRETT VILLANUEVA: Well, what -- in the past,
2 you know, in a -- on a forest like the Mendocino who's
3 been very proactive in managing their OHV system, I
4 would say, they -- they ended up developing a numbering
5 system for the OHV trails that were really easy to
6 characterize and easy to use for people on the ground.
7 And now that we're going to this MVUM system, what
8 might happen -- what you could do on the ground, for
9 example, is you could have the official trail number,
10 you know, 18E29, something like that. That would be --
11 they're done by range. So like 18 East would be the
12 range, and then Trail 25 within that range. So that's
13 kind of our -- the policy. That's how we label our
14 trails. And if they want to do below that or do
15 another number above it even, say No. 1 or Trail No. 5
16 or whatever it is, they could do that. So there's a
17 couple different ways they could actually approach it,
18 you know, in order to make it as clean as possible for
19 the public to understand. But yes, when it comes to
20 tying into the regulations and the Trail Management
21 objectives and then putting that onto a Motor Vehicle
22 Use Map, they pretty much have to use the trail number.

23 COMMISSIONER McMILLIN: And then the next step
24 would be putting them -- marking them on the ground
25 correctly.

1 GARRETT VILLANUEVA: Absolutely.

2 COMMISSIONER McMILLIN: That's --

3 GARRETT VILLANUEVA: Yes. Which is going to
4 take some time for them to get to all of them. But
5 they will.

6 COMMISSIONER McMILLIN: A lot more money if
7 we've got to re-mark what's already marked -- if you
8 have to re-mark what's already marked.

9 GARRETT VILLANUEVA: Yes. Well, you can help,
10 if you want.

11 COMMISSIONER McMILLIN: No. We have helped with
12 \$12.6 million.

13 GARRETT VILLANUEVA: Absolutely. Absolutely. I
14 was joking. So yes, we need to re-mark that,
15 absolutely. And it will take some money, and that is
16 actually talked about in the environmental documents as
17 well.

18 COMMISSIONER McMILLIN: And a lot of people's
19 fanny packs have the old maps in them, and they've had
20 the old maps for a few years.

21 GARRETT VILLANUEVA: Yes.

22 COMMISSIONER McMILLIN: At least check it out.

23 GARRETT VILLANUEVA: I will.

24 DEPUTY DIR. GREENE: Just for clarification,
25 Garrett, so right now, from what we've heard, the MVUM

1 is going to be the key document. What worries me is
2 that this is the key law enforcement document.

3 GARRETT VILLANUEVA: Correct.

4 DEPUTY DIR. GREENE: What worries me is if we
5 hear from Commissioner Lueder that if you actually look
6 at that particular map and it doesn't equal what's out
7 on the ground and what you just said is that we will be
8 getting to those routes to identify them as either
9 being closed or open or with a new number. So the
10 public could be on a route that isn't showing on the
11 MVUM, hasn't been marked on the ground, and could be
12 cited by law enforcement, which would appear to me,
13 from our experience on the state side, would be a
14 recipe for disaster when you get before a judge if the
15 community chooses to challenge it. And so how can we
16 try and achieve a better success rate, because it just
17 seems like this is on some level just a disaster
18 waiting to happen. Could you provide some guidance on
19 that. And particularly, given that your replacement
20 isn't coming in until July.

21 GARRETT VILLANUEVA: Right. Yes, that's a -- I
22 mean it's probably going to be kind of a case-by-case
23 situation to some degree because, for example, I'm
24 pretty sure the Mendocino has a really good -- we call
25 them ROGs -- the Recreational Opportunity Guides. And

1 that's what's going to match up with those trail
2 numbers that they have on the ground. So the forest is
3 probably to be -- they're probably going to give you
4 the MVUM and they're going to give you the ROG and go,
5 "The numbers don't match up, but you can tell where you
6 are if you use both of these maps." And that will be
7 kind of an interim step. That's pretty common amongst
8 every forest is to have a ROG at least for their
9 different types of systems, whether it's a hiking trail
10 or an OHV trail.

11 DEPUTY DIR. GREENE: So as I'm riding a dirt
12 bike and I've got my gear on, and now am I pulling out
13 two maps when I get to that intersection to make sure
14 that I'm going the right way.

15 GARRETT VILLANUEVA: Yes, you could be.

16 DEPUTY DIR. GREENE: Okay.

17 GARRETT VILLANUEVA: Yes. It should be -- in a
18 lot of cases where they -- where -- you know, the
19 Mendocino's had a system of trails that they've been
20 using for five years, and they're managed trails.
21 Chances are those trails were kept, and they weren't
22 eliminated from the system. And there's very few cases
23 where we're actually eliminating trails from our
24 managed system. So if it's been a managed trail for --
25 in the past, it's probably being carried forward in

1 almost all cases.

2 CHAIR WILLARD: Commissioner Lueder.

3 COMMISSIONER LUEDER: Just a point of
4 clarification. I looked at the maps with exactly the
5 trails I'm familiar with, and it appears what they did
6 was they added -- I'm just looking at the Mendocino
7 south map. They added "854" to the beginning of each
8 trail number.

9 GARRETT VILLANUEVA: Okay.

10 COMMISSIONER LUEDER: So what they've got is --
11 you see "85402" right out of Middle Creek Campground.
12 So Trail No. 2 is now 85402 --

13 GARRETT VILLANUEVA: Okay.

14 COMMISSIONER LUEDER: -- is what they did. And
15 they did that throughout the whole map. So it does
16 confuse the situation more than it needs to be. But --

17 GARRETT VILLANUEVA: I'll look into that in some
18 more detail.

19 COMMISSIONER LUEDER: Yes. It would be helpful
20 to have some clarification on how they're going to
21 handle it on the ground, you know, what the thought
22 process was, and -- and why we need three digits added
23 to every trail now. So thank you.

24 GARRETT VILLANUEVA: Okay.

25 CHAIR WILLARD: Now that we're coming towards

1 the end of this whole process, it would really --
2 really be nice if U.S. Forest Service could let us know
3 the -- sort of the net outcome of all this, maybe an
4 expanded report. We can even make it a separate agenda
5 item. And basically what I'm looking for is, you know,
6 what was the net result of all this? I think initially
7 there were -- all the trails were surveyed, whether
8 they were considered regular trails or illegal trails,
9 they were all surveyed and catalogued. And so I'd like
10 to know what the net outcome was relative to OHV
11 opportunity. Was there loss? Is so, how much, where,
12 what type of trails? Are there things that could be
13 done to reverse some of the loss of opportunity? For
14 instance, in our last meeting, I asked you about trails
15 that had been abandoned because they happen to go
16 through private property, and perhaps an easement can
17 be acquired. So are there things like that that can be
18 identified so that maybe you can actually gain back
19 some opportunity? So I know it's a little early, but
20 perhaps you might want to tip Mr. Lynquist [sic] off to
21 the notion that that request might be coming from the
22 Commission that funded \$12 million for this
23 undertaking. I think we'd really like to have a more
24 complete final assessment of what the end result of
25 this all has been.

1 GARRETT VILLANUEVA: Yes, I think that makes
2 sense. And I think that would be -- I think that's a
3 good idea. I can definitely pass it on. And the
4 Forest Service greatly appreciates the state's
5 contributions to the effort for inventory and
6 production of our MVUMs.

7 CHAIR WILLARD: Yes. And you might make a
8 little footnote on that that, you know, we're
9 interested in OHV opportunity and doing it in a
10 responsible manner, of course. But if there's areas
11 where for some sort of grant funding a certain trail
12 can be restored or if, you know, a trail head had just
13 a little bit more effort put into it, then it could be
14 re-opened. It would really be great if opportunities
15 could be identified where the OHV users in the state
16 could see where we could somehow get back some of the
17 lost opportunity. That would be --

18 GARRETT VILLANUEVA: Absolutely. Just as a
19 matter of trying to clarify the process and how this is
20 supposed to work, you know, in some ways you could view
21 this first year of production and this first year of
22 establishment of these MVUMs as kind of a baseline.
23 And because of the scale, there are things that aren't
24 going to probably be perfect, and they're going to need
25 to be addressed. And every year we're going to have an

1 opportunity to update this map. So it's not -- it's
2 not set in stone. It's a starting point. And things
3 in some cases are going to be changed, whether they be
4 additions or deletions in some cases.

5 So I think as people recognize that, "Oops, that
6 trail's now closed. I thought that was on the map. We
7 really want that trail," you know, we can go back and
8 address those, or we had to close that trail because of
9 private property or because the trail head wasn't
10 adequate. As we come up with ways to address those
11 specific problems and mitigate them, then the finding
12 to add them may not be that hard of a choice to make.

13 CHAIR WILLARD: Yes, I think that's excellent
14 attitude. So yes, if you could just take away from
15 this meeting that this Commission, I think, would
16 really like to see that type of an attitude and to see
17 what can be done in a positive manner to increase the
18 opportunity going forward.

19 Commissioners, any other comments?

20 Okay. Thank you, Garrett.

21 GARRETT VILLANUEVA: Thank you.

22 CHAIR WILLARD: Time for public comment on the
23 BLM and U.S. Forest Service reports.

24 Ed Waldheim, followed by Dave Pickett.

25 ED WALDHEIM: Ed Waldheim, California Trail

1 Users Coalition.

2 Deputy Director Greene, you hit on the nose.
3 We're in trouble. There is no rule that the Forest
4 Service has to sign a single trail out there. If you
5 go from forest to forest, I run six National Forest
6 quarterly meetings with the forest supervisors that
7 range from "Yes, we're going to sign" to "No, we're not
8 going to sign." The MVUM map that is coming out, it's
9 very hard for the public to read. So you can see you
10 have to really look at it. That's the reason CTUC is
11 coming up with the maps under the new grant system. We
12 are adding seven new grants to our existing four that
13 we already have. And we will be getting together with
14 the staff of the Forest Service and the Bureau of Land
15 Management and make a decision on what are the routes
16 that we want to put on where we want the public to go
17 and encourage routes we want the public to go. It
18 doesn't show everything, but it shows the main routes
19 and it has the numbers. The problem I'm coming up with
20 is that even though our map is good, even our San
21 Bernardino/Barstow has all these numbers and spaghetti
22 of trails. We have to weed it out. There's way too
23 many. There is no way for you to find your way around
24 because nothing matches. In the Barstow -- east side
25 of 395, nothing matches. So we have a hard job.

1 Ms. Greene has \$6 million or \$5 million sitting
2 in the Route Designation pot that she -- I guess you
3 still have to work on how you're going to distribute
4 that to the Forest Service and the BLM. I would
5 encourage them really to do that. But I would really
6 encourage this Commission to make sure that we tell the
7 Forest Service -- not all of them are doing it, but I
8 think it needs to come from region, not at the whim of
9 a forest supervisor, "Yes, I will sign, "No, I will not
10 sign." I think everything has to be signed. Otherwise
11 there's no a law enforcement person can possibly cite
12 you on being on a trail because you don't even know
13 where you're at. So this is -- that is a big, big
14 problem. And I appreciate Mr. McMillin -- or
15 Mr. Willard talking about yes, it's our money; we put
16 \$12 million in it. I find it interesting, they said,
17 well, what the Forest Service came up with. Well, we
18 forced the issue. Remember, we forced them to do this
19 route inventory in the first place.

20 And on the BLM Report, my friend, I forgot to
21 tell him about it, we had a fantastic cleanup day --
22 Moose Anderson Day. That was our 13th anniversary for
23 Moose Anderson Day in honor of Mark Anderson who was a
24 Commissioner with us. Had 250 volunteers out there.
25 We picked up more trash and things like that. We

1 cooked two days, three days -- two days and a poker
2 run. And then following -- poker run afterwards. And
3 then the following weekend we had the El Mirage day.
4 That was our 10th annual El Mirage cleanup. We had 200
5 volunteers there. And that station in that area is in
6 the honor of Commissioner Jim Livermore who was also a
7 Commissioner with us on here. So we had two fantastic
8 cleanups take place. Our next one now will be in
9 October, mid year. We call it Mid Year in El Mirage
10 Cleanup Area in that area. So that's going to be a
11 nice one.

12 I'm really excited about El Mirage. Talking to
13 Kelly, I hope to have her come and help us in the area,
14 also -- and staff when they come out to the Jawbone
15 area there to make sure we have a good coordination of
16 law enforcement. But the management in the El Mirage
17 now, we're finally getting a better direction on which
18 way we're going to go and how to manage that whole
19 facility because I'm totally involved with that issue
20 over there and how we're going to manage, how we're
21 going to staff it, how we're going to do trail
22 maintenance and so forth. So we're really excited how
23 El Mirage is developing itself.

24 CHAIR WILLARD: Okay. Dave Pickett, followed by
25 Karen Schambach.

1 DAVE PICKETT: Dave Pickett, District 36
2 Motorcycle Sports Committee.

3 One comment on the BLM side. I'm going to ask
4 Mr. Keeler to send each of you a booklet called "HR
5 2930-1," which is a guide book that anybody that takes
6 a motorized permit out in the process for cost
7 recovery. It has helped our clubs. And I know in the
8 four-wheel drive community, they use the same document.

9 On that side, I'd like to see something similar
10 from the Forest Service. There's a lot of confusion
11 out there among the user community that takes out any
12 kind of a permitted event. And from forest to forest,
13 it seems like there's different direction. And now
14 that we're losing Garrett and we're going to have
15 another Washington fellow come in, I kind of take that
16 as an insult from Region 5. I think this Commission
17 and this Division, after the hundreds of millions of
18 dollars we've given these people should have somebody
19 here, not a newbie. Nothing against the new person,
20 nothing against Garrett, but gosh, darn it, that's not
21 right. This is our money. And you guys deserve that
22 respect as appointed Commissioners from our
23 Legislature, as well as the Division leadership. So
24 I'm a little testy about that right now.

25 Back to this cost recovery process, I mentioned

1 it at the last meeting, and I was hoping somebody from
2 the Forest Service would take the initiative to give me
3 a jingle. Didn't hear a word. I'm a little upset
4 about that.

5 On the TMP that's currently in place, my members
6 call all the time screaming bloody murder. Forty-five
7 days for comments, some forests have given extensions,
8 others don't. You guys saw the Tahoe, for example,
9 3,900-pages-plus maps. And then we have the Sierra
10 that's in process, and they won't give an extension on
11 it. So the target date that I have here is to have all
12 the DEISs done by 6/6/09? Where am I going to get the
13 time? I mean I heard a comment that 200 hours of a BLM
14 staff member was used to put -- just to review OHV
15 grants. Where's the public supposed to find the time
16 for this? You know, 200 hours -- 40-hour week, that's
17 five weeks, and that's just on one or two different
18 things. It's a lot for the public to absorb and to
19 make rationale, quality substantive comments. That's
20 all I ask for.

21 Thanks.

22 CHAIR WILLARD: Karen Schambach, followed by Amy
23 Granat.

24 KAREN SCHAMBACH: Karen Schambach, Center for
25 Sierra Nevada Conservation and PEER.

1 I just wanted to thank Garrett for the service
2 that he's done. I thought he's done a great job
3 representing the Forest Service at these meetings. And
4 I'm sure that his successor will as well. I don't
5 think it needs to be -- anybody needs to be offended
6 that he's being replaced.

7 COMMISSIONER SLAVIK: We'll get him dirty.

8 KAREN SCHAMBACH: Yes. That's our job, right?

9 I -- I am disappointed with the MVUMs as well.
10 The one on the Eldorado was -- came out a year after
11 the adoption of the plan, and it's pretty useless. I
12 agree that there needs to be signing on the ground as
13 well. I mean I understand the need to cite to the map
14 because signs disappear. But on the other hand, I
15 think that the public is owed a -- you know, an
16 experienced -- a forest where they can go without, you
17 know, getting lost and know where they can legally go
18 and where they can't. And in reality, people just show
19 up in the forest. They don't always have a map in
20 their pocket. And people -- you know, some of us that
21 use it regularly do carry maps, but the other people
22 decide on a whim to, you know, go for a weekend, you
23 know, drive, and they need to know, you know, one --
24 they need to know where they can legally go. One,
25 because, you know, they don't want to get a ticket,

1 but, two, there's so many roads out there. It's really
2 easy to get lost.

3 So anyway that's it. Thanks.

4 CHAIR WILLARD: Amy, followed by George Stewart.

5 COMMISSIONER SLAVIK: Could I make a quick
6 comment?

7 CHAIR WILLARD: Sure.

8 COMMISSIONER SLAVIK: Just a quick comment about
9 this route designation process. I'm sure this is all
10 digitized information on these maps. Why isn't there
11 some effort to try and put this in a format that people
12 who have GPSs could use?

13 GARRETT VILLANUEVA: Garrett Villanueva for the
14 Forest Service.

15 I think that might be one of the things that's
16 being considered for the user-friendly version of that
17 map. I know it's been talked about as far as putting
18 gradient systems on the map so you can use them with
19 GPS. And it's been talked about, as a matter of fact,
20 too, to download -- or have a downloadable map so you
21 could just, you know, put it on your Garmin or
22 whatever.

23 So in addition to that, there's talk of creating
24 interfaces for Google Earth -- as a plug-in for Google
25 Earth as well. So it's all being talked about. It's a

1 matter of making -- or spatial databases jive up and
2 creating a database that is that accessible for the
3 public to go grab it. Once we can create that base and
4 it's available, probably private entrepreneurs will
5 create the tool for the public to use it. But it's not
6 an easy task or we would have done it already.

7 COMMISSIONER SLAVIK: Thank you.

8 CHAIR WILLARD: Amy Granat, followed by John
9 Stewart.

10 AMY GRANAT: Amy Granat for CORVA.

11 I think some of the problems that you've heard
12 talked about from Dave and from Karen and Garrett from
13 the Forest Service is that the route designation
14 process wasn't geared toward the public; it was geared
15 towards the Forest Service. It was geared towards
16 making a system that the Forest Service could use, not
17 that the public can use. And in that manner, they've
18 got it backwards. It should be for the public. And to
19 prove that, here, this is the Sierra National Forest,
20 the EIS, if you haven't seen it. It's about 900 pages
21 and numerous maps, and it falls out of my hand. The
22 Stanislaus National Forest, the EIS, which is a little
23 smaller than this, is due May 30th. This is due June
24 15th. Okay? Nine hundred pages. I can't possibly get
25 through it. It's impossible for anybody who has a job,

1 who has a family, who has other responsibilities in
2 life to get through it. And yet there are a group of
3 us who have tried to comment on every NOI and DEIS
4 that's come out. And to prove my point, it states in
5 the Sierra National Forest there was an 80-day public
6 scoping period for the Notice of Intent. The Notice of
7 Intent was four pages, three pages at the very most.
8 This is 900. There's a slight problem here, guys. And
9 I can talk about this all day long, but the point is I
10 think the Commission needs to help and stand up for the
11 average guy. And this is not motorized or
12 non-motorized. This is everyone. This is anyone who
13 wants to make a substantive comment on this process.
14 We've got one chance now to get this right. And to get
15 it right, we're having to adhere to what I believe is
16 an arbitrary and capricious deadline that Region 5 has
17 set for no apparent reason. What is a month more going
18 to make a difference? What's two months more, three
19 months more? Granted, they have to finish the process.
20 We understand that. But granting the public 30 more
21 days, I don't think it's going to ruin their process
22 very much.

23 So I'm asking the Commission to take a stand for
24 the public, motorized or non-motorized users alike. A
25 lot of the money that they're using to fund this

1 project came from the Commission. Let's set guidelines
2 that stand up for people and tell them "You need to
3 give us more time." We are being told that we are
4 lucky to get 45 days. That was a quote from a Forest
5 Service employee. I don't think it's very nice. I
6 think it's rude. I hope you agree with me. And if so,
7 I urge you as a Commission, you have some influence,
8 act for people. Again, it's not particularly
9 motorized, although it will help the OHV community, but
10 it will also help everyone who's concerned with the
11 forest.

12 Thank you.

13 CHAIR WILLARD: Garrett, clearly you have a PR
14 problem here. Is there anything that could be done
15 with granting some extensions, or is it just by statute
16 that it has to be so many days, period?

17 GARRETT VILLANUEVA: It's -- that's in the
18 purview of the Regional Forester.

19 CHAIR WILLARD: The Region 5 Forester?

20 GARRETT VILLANUEVA: Yes. Randy Moore.

21 CHAIR WILLARD: Yes. Okay.

22 Commissioner Slavik.

23 COMMISSIONER SLAVIK: Can we entertain a motion
24 that this Commission send a letter to the Regional
25 Forester and citing all this information that we've

1 heard from the public? I don't see any reason why they
2 couldn't make it 120 days, in reality. They're
3 creating a situation where people are going to be on
4 the ground getting tickets, going to court, all kinds
5 of things are going to happen in the confusion of this
6 mess.

7 CHAIR WILLARD: Counsel, procedurally, we're in
8 the middle of a public comment. I mean can we take on
9 something like this right now, or how -- should we wait
10 until the end of the public comment period, or do we
11 have to do something different? I agree with
12 Commissioner Slavik. I feel like the need to do
13 something.

14 ATTORNEY LA FRANCHI: Why don't you finish the
15 public comments, and then open up the Commission's
16 discussion. That's what you might want to do.

17 CHAIR WILLARD: Okay. I think we'll do that.
18 So John Stewart, followed by Dan Amador.

19 JOHN STEWART: Good afternoon, Commissioners.
20 John Stewart, Resource Consultant, California
21 Association of 4 Wheel Drive Clubs.

22 Start off with the BLM; they're an easy one.
23 One of the things that Jim Keeler, the BLM
24 representative, touched upon but did not elaborate on
25 is energy. Energy is going to have a major impact on

1 recreational opportunities in the future. I would
2 recommend that the Commission start looking closely at
3 the upcoming energy projects within the Bureau of Land
4 Management's decision framework, especially in the
5 Desert Area and how they are going to impact
6 recreational opportunities.

7 The Forest Service -- got to love
8 bureaucracies -- so the bureaucracies do not get in the
9 way of common sense. The route inventories were
10 conducted. There was dispute over whether the route
11 inventories were actually used to create the Notice of
12 Intent and the draft Environmental Impact Statements
13 for the Travel Management. The Forest Service
14 representative mentioned an annual review process.
15 Well, it's nice that he mentioned the annual review
16 process here. There's word coming back that some of
17 the forests themselves are downplaying the fact that
18 there will be an annual review process.

19 Provision -- or providing the maps and the MVUM
20 in a user-friendly manner, that's been a tough nut to
21 crack. And I have been in discussions with some of the
22 predecessors of the Forest Service representative way
23 back to, you know, Rich Farrington and when some of
24 this started five, six years ago. It has always been a
25 challenge how to present it to the public, especially

1 how to give the public something that they could use,
2 whether they're riding a dirt bike, riding an ATV, or
3 driving a four-wheel drive. Having to manage sheets of
4 paper while you're otherwise just driving is a
5 distraction and a potential safety hazard. There's got
6 to be a better way.

7 Commissioner Slavik mentioned the GPS route.
8 Yes, let's come up to the current technology. Let's
9 provide -- instead of just talking about technology for
10 providing maps in a new format, let's actually put
11 forth some ideas and accomplish it. The technology is
12 there. The will to move it is lacking.

13 Finally, when the previous speaker spoke about
14 the -- everything that has to be looked at and
15 reviewed, I would challenge the Forest Service to start
16 putting and making available GIS-layered data of their
17 Travel Management Plans for those that have the ability
18 to download and start -- and allow a facilitated review
19 process that way by computer, by electronic means. I
20 would also challenge the Forest Service to begin
21 putting their Travel Management map data out in a
22 various topographical map formats that consumers use on
23 a daily basis, such as, you know, the National
24 Geographic Topo or any of these others, Map Source.
25 The technology is there. It just seems that the will

1 to do it and accomplish something is lacking. This is
2 something that yes, the Commission would be well-served
3 to move forward with a recommendation to the Forest
4 Service to come out and actually cooperate and work
5 with the public.

6 Thank you.

7 CHAIR WILLARD: Don Amador.

8 DON AMADOR: Don Amador, Blue Ribbon Coalition.

9 I wanted to kind of echo the comments made by
10 Chairman Willard about accountability. For those of
11 you who are new to the Commission, you may not remember
12 where the whole route inventory process started, and
13 that was the infamous MOI that was signed, I believe,
14 in 2001. I think the Chairman is correct in asking for
15 accountability because, at the end of the day, we have
16 to ask if this was all worth it. Was it worth the 12
17 or \$13 million that we spent for the route inventory
18 process? Was it worth using that money, taking that
19 money away from trail maintenance and de-funding most
20 of the national forests in California so they can go
21 out and maintain their trails for the last seven or
22 eight years? Was it worth the hundreds of millions of
23 dollars that the Forest Service has spent nationwide on
24 trying to implement this plan? At the end of the day,
25 in my professional opinion, I'm not sure it made any

1 difference at Stoneyford. Some of the areas that are
2 well-managed, when they sign their Record of Decision,
3 didn't make a damn bit worth of difference. So I think
4 this Commission is right in asking for accountability
5 because I think we may have made a big mistake back
6 about six or seven or eight years ago.

7 Thank you.

8 CHAIR WILLARD: Okay. That's it for public
9 comment.

10 Deputy Director.

11 DEPUTY DIR. GREENE: I have one question of
12 Garrett just because it was a little bit confusing
13 here. In the report it mentions to work on the
14 naturally occurring asbestos issue as it relates to
15 national forest transportation system and any proposals
16 for the addition of trails to the system. So can you
17 expand upon that? Are you looking at asbestos, what
18 kind of asbestos do you anticipate that will have an
19 implication on the routes that you're currently
20 designating? How does that work with all the DEIS
21 processes that are going on now, that the public is
22 commenting on? This is a little confusing.

23 GARRETT VILLANUEVA: I don't think there's a
24 set -- there isn't -- there's not a set policy, as far
25 as I know, on it's being addressed in particular with

1 regards to Travel Management. I know that some forests
2 have routes that are proposed in areas where there's
3 serpentine soils that are creating a problem. I don't
4 know -- I don't have a good answer for you for that
5 right now. I can -- that's something I'd have to look
6 into more and get back with you in the future.

7 DEPUTY DIR. GREENE: Okay. So the issue is that
8 with serpentine soil being the state rock, is it the
9 suggestion that there's concern that Forest Service
10 lands may be subject to the same scrutiny that has
11 existed at Clear Creek Management Area, and as a result
12 we'll see closure on those trails?

13 GARRETT VILLANUEVA: I wouldn't go so far to say
14 that at this point because I don't know enough about
15 it.

16 DEPUTY DIR. GREENE: Okay. And finally, then, I
17 recognize -- but I do think these are important
18 questions that need to be asked as the public is
19 responding to the DEIS processes now, that perhaps as
20 they're looking at a managed system, because that's
21 certainly what the forest is trying to attain, are
22 there possibilities that you might find routes that are
23 proposed to be open now as the system could, in fact,
24 be closed in the future? So that system that the
25 public is responding to may, in fact, be a changing

1 system at the end of the day.

2 GARRETT VILLANUEVA: When you're looking at
3 travel -- for purposes of Travel Management and route
4 designation, the analysis is based upon changes. So if
5 you're not changing an existing system, that would stay
6 the same; it wouldn't really even be analyzed. It's
7 just the existing system, and it's already managed.
8 It's there. It's adopted into the MVUM. So when we're
9 looking at a DEIS or an FEIS, that's analyzing the
10 change. So that would be additions or deletions to the
11 managed system.

12 So there's probably two different pieces that
13 you're kind of talking about here. There's existing
14 managed trails that would go through the serpentine
15 soils, and those would be one thing. And the other
16 thing would be new trails -- how they would consider
17 new trails that would go through those types of soils,
18 and those being trails that are unmanaged but that
19 exist on the ground that are proposed to be brought
20 into the system and shown on the MVUM and so forth for
21 motorized vehicles.

22 DEPUTY DIR. GREENE: So ultimately, though, if
23 you identify in the final statement that here is your
24 system -- I'm just trying to make sure that we're all
25 working off the same page. So if the public is aware,

1 it's on the MVUM, there is the possibility -- what you
2 might be suggesting is further studies would indicate
3 that some of those routes ultimately could also be
4 closed after the DEIS processes has been concluded.

5 GARRETT VILLANUEVA: Could be, yes. I mean I
6 don't know enough about where it's going right now to
7 say.

8 CHAIR WILLARD: I had missed someone for public
9 comment. Frank Funk.

10 FRANK FUNK: Frank Funk with the Highlanders 4
11 Wheel Drive Club.

12 In regards to the maps, I have an Eldorado
13 National Forest Map. There's four maps for the
14 district. You have to go to four different offices to
15 get the whole district.

16 One trail example is Barrett Lake Jeep Trail.
17 Back in the eighties it was 12N77. During the DEIS
18 process it was 14E. Today -- I just got this yesterday
19 because I drove around yesterday to come down here --
20 now it's 16E21. We've got two vehicles in our club
21 that have the 12N77 number on it because we've done it
22 for 30 years. Do we change it? They said in the DEIS
23 process they made a mistake. Now it's printed again
24 with a different number. It's confusing.

25 CHAIR WILLARD: Thank you.

1 Okay. So that's it for the public comment.

2 I think I'd like to take up a discussion of
3 Commissioner Slavik's suggestion that perhaps the
4 Commission address the issue of the public comment
5 period for the ongoing Travel Management DEISs. Maybe
6 the best way to do that is to put forth a motion. So I
7 think I'll do so.

8 I'll make a motion that through the Chair the
9 Commission send a letter to the Region 5 forester
10 recommending an adjustment of the time frames for
11 public comment.

12 I'd like to work with staff to figure out the
13 right wording for such a letter. But I think that
14 would be the gist of it. So that's my motion.

15 COMMISSIONER VAN VELSOR: Before we have a
16 second on that, may I comment?

17 CHAIR WILLARD: Is that appropriate? I made a
18 motion, and it hasn't been seconded. He wants to
19 --shouldn't we wait? Shouldn't we get a second and
20 then have discussion?

21 COMMISSIONER VAN VELSOR: Sorry.

22 CHAIR WILLARD: Yes. That's okay.

23 Is there a second?

24 COMMISSIONER McMILLIN: I'll second that.

25 CHAIR WILLARD: Discussion.

1 Commissioner Van Velsor.

2 COMMISSIONER VAN VELSOR: Yes. It's my
3 understanding that we first have to put an item as a
4 discussion or a business topic before we can vote on a
5 motion so that interested parties would have the
6 opportunity to speak to it. And I suspect the Forest
7 Service would like an opportunity to speak to this
8 before we make a motion. And I would like to hear from
9 all of the specialists that feel -- that may be able to
10 give us more information that Garrett wasn't able to
11 provide before we make a decision.

12 CHAIR WILLARD: Yes, that's why I was looking
13 for some direction from staff earlier on, whether it
14 was appropriate for us to vote on something that wasn't
15 specifically agendized specifically. I mean the U.S.
16 Forest Service reports are on the agenda, so is that
17 enough for us to then make a motion and do what we've
18 contemplated.

19 ATTORNEY LA FRANCHI: Yes, as a general rule, of
20 course, an item or action would be designated on the
21 agenda for action. Where I will state a flux with the
22 Commission, it's kind of a new day, and the
23 Commission's roles are changing and so on and so forth.
24 So it's a little unclear. I think my suggestion at
25 this point would be that you have the discussion, how

1 would you like to proceed. At a very minimum on a
2 report item, the Commission can always request that
3 something be put on the agenda for the next meeting.
4 If you want to have a special meeting in between to
5 consider, you know an actual letter, but certainly I
6 think it would be appropriate or it would be fine for
7 the Commission to say, for example, you know, "We're
8 concerned about this. We would like to send a letter
9 to Mr. Moore requesting him to come back with a report
10 at the next meeting. We'll agendize it so we can have
11 a more complete discussion about it at the next
12 meeting." So I think you could probably go that far.
13 But, again, I think we need to begin to clarify that in
14 the future, even on report items, the Commission may
15 take some action if it finds it necessary. But I think
16 we can clarify that for the future.

17 CHAIR WILLARD: Yes. Well, I think I would like
18 to at least discuss this a little bit further. Because
19 unfortunately it's a very timely topic because there
20 are DEISs that are in process, some of them due at the
21 end of this month, June 15th, and so on. And we can't
22 simply just put this off -- I mean we could put it off
23 to the next meeting. But if we do that, then we'll
24 lose all that time. And I don't even know if there are
25 any forests that would even be left that would have

1 much of a time frame left after the middle of July or
2 whenever our next meeting is.

3 So I mean either we do something now or we
4 really, I think, lose the opportunity. And that's
5 what's unfortunate about conducting our business four
6 or five times a year.

7 ATTORNEY LA FRANCHI: And I think at the end of
8 the day this is not the sort of action that -- that
9 would be directing or approving a particular outcome
10 that anyone could complain about. It becomes a
11 Commission's suggestion. So it's not the kind of
12 business item or action that generally the public --
13 the open meeting laws generally contemplate, which is,
14 you know, there's a specific outcome, like the
15 Commission's approving a permit, the Commission's not
16 approving a permit. It's not approving an action that
17 somebody's actually going to do something or would be
18 legally required to do something with. So I think it's
19 a little different situation than the kind of situation
20 that you usually see -- that usually the notice
21 requirements would apply to.

22 CHAIR WILLARD: Okay. Commissioner Slavik.

23 COMMISSIONER SLAVIK: I was hoping we could play
24 hard ball, actually, and put some stipulations in the
25 requests withholding funding or something else that we

1 could come up creatively.

2 You're shaking your head there, Bruce.

3 Well, if you guys have got to respond to 120
4 pages, or whatever, or 900 pages or whatever it is on
5 GIS in less than 30 days and we're giving money to the
6 Forest Service to complete this project, it doesn't
7 make any sense. And especially when it's an arbitrary
8 decision by the Forester. He could make it 120 days.

9 ATTORNEY LA FRANCHI: Neither the Commission nor
10 the Division at this point would have any kind of
11 capacity to enforce whatever stipulations you wanted to
12 place on it.

13 CHAIR WILLARD: Yes, I think at this point the
14 tone of the letter is more to let them know that we've
15 heard concerns from the public that they're not being
16 well-served in the process, and that's really simply
17 it. And -- gosh, can't we just give a little bit more
18 time? What's the hurry? This is very important. And
19 we see no harm in some extension to allow the public
20 adequate time -- all we're talking about is another
21 month or two for the public to provide comment. We're
22 not talking about changing the rules of the game or
23 changing any outcomes. It's just giving the public the
24 opportunity to comment on something that's very
25 important to them. And I think that's -- I don't see

1 anything wrong with just advising our partners in this
2 important endeavor of what we see going on. That's it.

3 So with that, other Commissioners --
4 Commissioner Van Velsor.

5 COMMISSIONER VAN VELSOR: I would like to stress
6 the need to follow procedure. And if the previous
7 situation, if the procedure was one way and because, as
8 Mr. LaFranchi mentioned, that we may be moving in
9 another direction and we may have new procedures, okay.
10 But I think that needs to be made public so that
11 everyone's aware of that.

12 I think that generally the public is assuming
13 we're operating under the procedures that we've
14 operated under for the past. And if it's required, and
15 it has been required that in order for us to take
16 action, then we have to notify the public ahead of
17 time, then I think that's the way we should proceed. I
18 wouldn't be opposed necessarily to invite the Forest
19 Service to attend our next meeting and put this on as
20 an agenda item so the Forest Service has to opportunity
21 to respond.

22 I believe as well that the original Memorandum
23 of Understanding required this process to be completed
24 by the end of 2008, which means we're already beyond
25 that. So we would be asking for an additional

1 extension beyond an already existing extension from
2 what we established in our Memorandum of Understanding.

3 CHAIR WILLARD: Deputy Director.

4 DEPUTY DIR. GREENE: If I may, I think this is
5 one of those topics where clearly there is a lot of
6 emotion, a lot of feelings. Yes, I will go back to the
7 Memorandum of Intent. And it was intended to try and
8 reach those target dates. California is leading the
9 way in route designation throughout the nation. But we
10 have heard concerns about the short timeline from all
11 sides of the public. I would say, however,
12 Commissioner Willard, I would have some reservation
13 about just automatically writing a letter without
14 having it agendized. And I know that Tim said we're in
15 a state of flux. I think it's important to be
16 consistent. If members of the public knew that the
17 issue of route designation was going to be on the
18 agenda, we may have seen see different members of the
19 public appear. I would be happy to agendize an
20 immediate meeting ten days from now, if that is
21 something that the Commission would want. I think the
22 process is a process for the public to be able to have
23 their input. Certainly it's up to you at the end of
24 the day, but I have concerns about the Commission
25 writing a letter today. And while I understand the

1 desire to adhere to a timeline, I don't believe that
2 this is going to make or break the Forest Service.
3 After all, an Executive Order was issued in 1971 by
4 Nixon where the Forest Service was supposed to have
5 routes designated. I have never proposed for a
6 long-term extension, but I do think that it is
7 difficult for the public to try and meet these short
8 timelines. That being said, it is up to the
9 Commission, but I do think we have to be honest with
10 the public and let them know what's on the agenda. And
11 this item is of such concern to the public, had they
12 known that we were talking about route designation and
13 timelines, I think you would have had a considerable
14 difference in the attendance here today.

15 CHAIR WILLARD: Well, thank you for the input.
16 I think -- I think our job here is to the public to
17 ensure that we're doing the best we can for the public
18 regarding the OHV Program. And clearly this is a real
19 important aspect of our program. It's a lot of OHV
20 opportunity. And I'm not -- I think I am concerned
21 about setting precedent, and I think it's important
22 that we do set a precedent by taking an action. Let me
23 explain why. This is a new commission. It's
24 dramatically different than the Commission before the
25 passage of the statutes per SB 742. We don't have the

1 same powers. We don't have the same, you know,
2 abilities with funding that we had before. So I think
3 Mr. LaFranchi's point is well-taken that -- that the
4 actions we take don't have nearly the ramifications
5 that they did in the prior Commission.

6 So, you know, writing a letter, I mean all we're
7 doing is writing a letter informing the U.S. Forest
8 Service of our concern. That's it. It's not going to
9 change anything. It's not going to change how Route
10 Management ultimately ends up; it's just delaying the
11 process. And as far as the process and the time
12 frames, yes, this would have been nice if it was all
13 done when it was supposed to be done, but that's not
14 our fault. I don't think the public should be denied
15 their due process simply because some other earlier
16 part of the process took longer for the Forest Service
17 to complete. That's not fair to the public.

18 And so, again, I'm just thinking about this from
19 the public's perspective. And -- and I think always,
20 always it's important for the public to have the
21 opportunity to comment on any public process. And this
22 certainly being a public process -- but, really, the
23 big gorilla in the room is Travel Management. And the
24 public needs to have an adequate amount of time to deal
25 with it. And you've seen those documents. I mean it's

1 just not enough time.

2 So I mean I've said enough on it.

3 Commissioners, any other comments before we get
4 into the motion?

5 Okay. Deputy Greene.

6 DEPUTY DIR. GREENE: I'm sorry, just one other
7 comment for clarification, is that in Memorandum of
8 Intent, it was signed by the Commission, the Division,
9 and the Forest Service. So it was an intent; it was
10 not just a contract. But those were the intended
11 timelines. Certainly a huge process.

12 CHAIR WILLARD: Right. Right.

13 Commissioner McMillin.

14 COMMISSIONER McMILLIN: I agree with everything
15 you just said. And I think whether we get a letter out
16 of here or not -- but I would be in favor of that --
17 asking the forestry gentleman -- I don't know by
18 name -- to meet with Division to talk about the timing
19 of the review is one thing, but, two, disappointment to
20 the fact that the report was not in here in time.

21 Another item might be -- I've got four things:
22 The timing; the amount of time we're giving people to
23 review stuff; the fact that the report was not in our
24 packets on time so that the public could see it; change
25 of leadership at the U.S. Forestry in the eighth inning

1 here on us; and then, you know, also to review what
2 rationalization they have behind two and three numbers
3 for -- per trail, and how they're going to enforce
4 that.

5 So just -- not direction, but just asking staff
6 to -- their staff, their leadership to get with our
7 Division staff and figure it out. And if Daphne thinks
8 we need to call a meeting in 10 or 20 days to give the
9 public the proper comment period and to give the
10 Forestry Department the opportunity to come up and
11 explain to us -- because I'm sure -- they're
12 professionals, and we need to hear from them. But I
13 think doing this sooner rather than later would be
14 important.

15 COMMISSIONER VAN VELSOR: I have just one more
16 comment on procedure. From the standpoint of my
17 ability to make an informed decision, I feel I don't
18 have enough information. And if this had been
19 available -- if the information had been available that
20 the Commission was going to take action on it, then we
21 would have had the opportunity to get the people that
22 have the information in the room so that we could get
23 the most educated opportunity, I guess, to make the
24 decision. And I don't feel at this point like I have
25 the necessary information to make the decision. That's

1 one of the reasons that I would prefer to see it
2 agendized and then move from there.

3 CHAIR WILLARD: I understand your need for
4 information. I think that's a given. It's just that
5 we don't have time. You know, this process is underway
6 right now. We wait until the next meeting and it's
7 like we might as well have not done anything. I think
8 we do have the experts in the room, though. You know,
9 staff has been involved in this process from day one,
10 and so we can certainly take the time to try to answer
11 any questions you have on the situation to maybe, you
12 know help out. But I know staff is very well-versed in
13 all aspects of the Travel Management Plan, the process,
14 and the agreements that we have with the U.S. Forest
15 Service. So I'm kind of pushing ahead here.

16 Commissioner Slavik?

17 COMMISSIONER SLAVIK: Just for FYI, I was
18 involved in the initial discussions on Travel
19 Management Workshops two or three years ago with the
20 National Off-Highway Vehicle Conservation Council, and
21 they had all the Forest Service Washington staff people
22 there to tell us what they wanted and what they needed,
23 and all the documentation and everything. And then for
24 about a year and a half I actually coordinated those
25 workshops on a national scale. So I've got some

1 background on in this thing, too. So I just wanted to
2 let you know that for information.

3 CHAIR WILLARD: Commissioner Franklin.

4 COMMISSIONER FRANKLIN: Yes, thank you very
5 much.

6 I -- I can move forward at the pleasure of the
7 Commission either way they go on this, whether it's in
8 favor of a request to the Forest Service -- and that's
9 all it is, is a request -- or not. I think, though,
10 however, I would like a little information that
11 wouldn't take 20 days. I would simply like to know
12 from the Forest Service with other public-scoping
13 projects, are these timelines similar for projects of
14 similar scale, a 900-page document. You know, if it's
15 -- if we are afforded the same public comment period as
16 other projects, then I think that's what it is. If
17 this has been established at the pleasure of the
18 regional forester and it's an arbitrary and capricious
19 time line, then we should ask for some additional time.
20 But that's something I think we could find out in a day
21 or two. Monday, Tuesday, the Forest Service should be
22 able to tell us whether or not this is something that's
23 a normal time line.

24 CHAIR WILLARD: Well, you know, we saw BLM had a
25 time line of four months for one of their DEISs. And I

1 think that given what's going on here, that's a more
2 appropriate time frame. You know, for all we know,
3 maybe the motivation behind this is that they feel that
4 the Division and the Commission is like, "Let's go.
5 Let's get this done" because that's what Memorandum of
6 Intent had in it. So we don't know that. So I think
7 it's a request, and it's also letting them know that
8 we're willing to see this thing slide a little bit if
9 need be to best serve the public.

10 COMMISSIONER FRANKLIN: Absolutely.

11 CHAIR WILLARD: Unless -- unless -- okay. Well,
12 let's get the Commissioners, and then we'll go to staff
13 for one final input before we decide what to do.

14 Commissioner Slavik.

15 COMMISSIONER SLAVIK: Yes, and I'm going to say
16 something here that's probably going to be a little
17 rambunctious, but I really think the Forest Service is
18 not -- is not forthcoming in these -- in these
19 timelines for the public. They really are doing it for
20 a procedural thing, that they can just get it off their
21 table and move on. If they were, they would have given
22 the public plenty of time to give -- to allow for
23 comment, and they would have engaged the public more.
24 But from the very beginning, they have throw out these
25 timelines. We knew this from the very beginning. They

1 drug their time line out, and now we're -- you're know,
2 we're faced with a critical situation here that once
3 these things are done, it's not going to be reviewed
4 unless some real crisis is facing the Forest Service
5 about some particular trail or district or whatever it
6 is. These things are going to be set in stone, and
7 that's why I think we need to really play hard ball.

8 CHAIR WILLARD: Commissioner Van Velsor.

9 COMMISSIONER VAN VELSOR: I think part of the
10 problem is that there are so many Travel Management
11 Plans in play right now, and that's what's causing the
12 most difficulty with those, that we're dealing with
13 eleven plans. The National Environmental Policy Act
14 has some relatively strict guidelines both from the
15 standpoint of time once the process is initiated -- so
16 once scoping is initiated, once the draft Environmental
17 Impact Statement is out, then they have 45, 60 days,
18 there can be an extension, but there is a formal time
19 line that is in place. And so they are restricted to
20 some extent, and I don't have, you know, enough
21 knowledge on that. But there is some restriction as to
22 how much extension they can allow once they've
23 initiated the formal NEPA process.

24 CHAIR WILLARD: Okay. Mr. LaFranchi.

25 ATTORNEY LA FRANCHI: Yes. I just wanted to add

1 one more comment, that my perception of what I was
2 hearing and then a need for a motion was merely the
3 suggestion that the Commission write a letter
4 expressing its concerns or its questions about the
5 process, not that it was making a specific request to
6 extend, but specifically it would be something along
7 the lines of "The Commission heard this at the last
8 report," wanted to make its questions along the lines
9 that Mark kind of kicked off, your point, Commissioner
10 Van Velsor is well-taken, that it wouldn't be in the
11 form of "We request you to do anything specific. We
12 are concerned about the timing based on what we've
13 heard from the public, and we'd appreciate it if you
14 would give consideration within your own program. Do
15 you have some flexibility to make some adjustments?"
16 So it wouldn't be a specific action. If, for example,
17 the Commissioner were now to actually be wanting to
18 take a vote to extend or request an extension
19 specifically of the timelines originally established in
20 the MOI, that would raise some other questions, and
21 that certainly would have to be on the agenda as a
22 specific action item that we would have to take up, and
23 there would be a lot of variables involved in that.

24 But my perception and my comments were based on
25 what I thought I was hearing, which is the Commission

1 has heard some things; it's got some concerns about it.
2 It would like to make those concerns known to the
3 Forest Service and would appreciate, if possible,
4 any -- if it could take some action on it.

5 CHAIR WILLARD: So the maker of the motion
6 amends the motion to be clear that any letter from the
7 Commission through the Chair would not be a request for
8 an extension; it would just be an expression of our
9 concern with there not being enough time for the public
10 to comment. Does that -- because I do appreciate the
11 fact that that -- asking for an extension would perhaps
12 be stepping beyond the limits we might have for not
13 having agendized the item. Does that make sense?

14 ATTORNEY LA FRANCHI: I think that would conform
15 to what -- the basis for what my comments were.

16 CHAIR WILLARD: No, I understood and agree.
17 Deputy Director.

18 DEPUTY DIR. GREENE: And just as a final
19 alternative, just to throw something else into the mix,
20 there certainly is no reason why, given what we've
21 heard today, that I certainly couldn't write a letter
22 as well saying that there were deep concerns expressed
23 and perhaps share your thoughts and views without
24 having it be put to a vote at this time. So just
25 another alternative.

1 CHAIR WILLARD: Or both.

2 COMMISSIONER VAN VELSOR: Do we want to consider
3 having a special meeting?

4 CHAIR WILLARD: I think that's a challenge.

5 COMMISSIONER SLAVIK: Could I just suggest
6 procedurally, if, Commissioner Van Velsor, you'd like
7 to make a motion that we move to amend the motion or --
8 as an alternative. You could do that in order
9 procedurally, again, to get that in front of the
10 Commission and have it discussed.

11 COMMISSIONER VAN VELSOR: Well, I would amend
12 the motion to accept Deputy Director Greene's offer to
13 write the letter to the Forest Service expressing
14 concern and hold a special session prior to our
15 scheduled July session in order to have the opportunity
16 to discuss this with the Forest Service while there's
17 still plans that are out there under consideration.
18 That may be too extensive of a motion.

19 COMMISSIONER SLAVIK: I like the first part.

20 So then you would need to get a second on the
21 amendment and then discuss the amendment and get a vote
22 on that, and then go back to the original motion as
23 amended.

24 COMMISSIONER VAN VELSOR: So I'll just amend it
25 then to ask Deputy Director Greene --

1 COMMISSIONER SLAVIK: I think technically,
2 Commissioner, what you're doing is you're making a
3 motion to amend the original. So I understand what
4 you're doing; I'm just clarifying for the record that
5 what Commissioner Van Velsor has asked to do is make a
6 motion to amend the original motion to request that the
7 Commission -- that the Division write the -- draft a
8 letter on the Division's letterhead as opposed to the
9 Commission's letterhead, and that a special meeting be
10 scheduled to, I guess, consider that letter before it's
11 sent out or -- I'm not sure exactly how -- I'm just
12 trying to clarify what the amended motion will be.

13 COMMISSIONER VAN VELSOR: To consider our own
14 letter.

15 COMMISSIONER SLAVIK: I would -- I would --
16 before you can discuss it, I'm just holding to Roberts'
17 Rules.

18 ATTORNEY LA FRANCHI: Right. And that's a good
19 thing to --

20 CHAIR WILLARD: Please keep us to Roberts' rules
21 because it gets too complicated if we don't stick to
22 Roberts' Rules. So -- we really need to.

23 So I'm going to second the motion simply to get
24 it on discussion because I -- I think it's worth
25 discussing. So I'll second the motion, and discussion.

1 Commissioner Slavik.

2 COMMISSIONER SLAVIK: I would be in support of
3 Deputy Greene writing that letter. I think we have
4 every confidence that -- if you can write a letter that
5 carries a lot of weight with the regional forester.

6 The second part of that to go along with
7 Commissioner -- Stan's -- Stan's concerns, I think we
8 need to know what the results of that letter going to
9 the regional forester is going to be. Because if it's
10 -- we're in a crucial time frame here. So if the
11 Division sends a letter and it gets no response in two
12 weeks or three weeks or whatever it is, we have
13 scheduled an agendized meeting to discuss the issue,
14 and then we might have a second response to that -- to
15 that situation.

16 CHAIR WILLARD: Deputy Director, your opinion on
17 a -- the merits and weight of a letter from Commission
18 versus Division to U.S. Forest Service.

19 DEPUTY DIR. GREENE: Well, I think, first off,
20 what we heard today was concerns about -- are we
21 looking -- I'd like to get some clarity. I heard
22 concerns about the Sierra in particular along with the
23 Stanislaus, which I think if -- Gary, you could clarify
24 -- those are the two outstanding issues at this point
25 in time for the DEISs?

1 GARRETT VILLANUEVA: As far as not being
2 complete?

3 DEPUTY DIR. GREENE: Correct. So in terms of
4 the time line that the public has to respond to right
5 now -- and the reason that I'm suggesting that is that
6 perhaps a phone call to be made directly to the forest
7 supervisor and also to Region 5 expressing the concerns
8 of the Commission would work, and see if there might be
9 some element of decision that would influence whether
10 or not we would, in fact, need a special meeting. But
11 for the following Commission meeting, we certainly
12 would have this issue on the agenda.

13 GARRETT VILLANUEVA: So according to my notes,
14 the draft EISS are Lassen, Klamath, Shasta-T, and Six
15 Rivers.

16 DEPUTY DIR. GREENE: So those are all out right
17 now with the time line for public response, one.

18 GARRETT VILLANUEVA: No, those are not out yet.
19 The ones that are out -- the DEISS that are complete
20 for out and out are Modoc, Stanislaus, Plumas, Inyo,
21 Sequoia, Tahoe, and Sierra.

22 DEPUTY DIR. GREENE: So right now the public is
23 responding to all five of those.

24 GARRETT VILLANUEVA: That's correct.

25 DEPUTY DIR. GREENE: No, I don't think so. I

1 think it's been closed --

2 GARRETT VILLANUEVA: Actually, that means that
3 those are complete. So some of those could have a
4 closed time period, you're right. Sierra and
5 Stanislaus are --

6 DEPUTY DIR. GREENE: I think the Stanislaus and
7 Sierra are open right now, which is the point of
8 confusion for the public in terms of trying to get
9 their comments --

10 GARRETT VILLANUEVA: I understand what --

11 DEPUTY DIR. GREENE: Okay. So it would be,
12 essentially, expressing the concerns that were
13 expressed here today, and to see if there is any
14 ability for wiggle room which we have seen in other
15 forests that have gone out for comment. There has been
16 some wiggle room in the past. And if the deadline is
17 not extended, the Commission could call a special
18 meeting. But if, in fact, the forest said, "Yes, we
19 understand, and we're willing to extend that public
20 comment period," that perhaps we could have it on the
21 July meeting.

22 CHAIR WILLARD: Could you do both? I'm a little
23 bit concerned about a phone call maybe not being as up
24 front and -- or in their face, if you will, as we need
25 to be. And so, you know, a letter -- maybe you'd want

1 to phone them first, say, "Hey, you know, the
2 Commission wanted me to send a letter, but I wanted to
3 give you a call." And I think the letter or the phone
4 call needs to be that we need to know if you're going
5 to be able to give some relief here, some extension,
6 otherwise we're going to have to call a special meeting
7 to see what the Commission, you know, wants to discuss
8 this. So maybe that might be the way we approach it.

9 DEPUTY DIR. GREENE: I will make a call next
10 week.

11 CHAIR WILLARD: Yes. Yes. Okay. Well, then
12 I'm willing do withdraw my motion on a Commission
13 letter and direct the Deputy Director to make the phone
14 call and a letter that both expresses the concern we've
15 heard from the public on the time frames and also let's
16 them know of the Commission's concern and potential
17 interest in calling a special meeting if there's no
18 relief forthcoming in the very immediate future. So
19 something to that -- and, Deputy Director, you and I
20 can work on this, I guess, and staff, Commission, if
21 that's okay.

22 Any other discussion?

23 DEPUTY DIR. GREENE: You still have one motion
24 outstanding.

25 CHAIR WILLARD: I think I --

1 DEPUTY DIR. GREENE: Both were withdrawn?

2 CHAIR WILLARD: I withdrew my motion.

3 COMMISSIONER VAN VELSOR: And I'll withdraw my
4 motion as well - or my amendment to the motion.

5 CHAIR WILLARD: Okay. So we have -- right up to
6 the brink on a couple things, and then we backed off.
7 We got something done. Okay. Good.

8 So moving forward.

9 Yes, take a break. How's that. 3:30.

10 (Brief recess, 3:13 p.m. to 3:32 p.m.)

11 CHAIR WILLARD: Please, if you could take your
12 seats. We're going to get started again.

13 Deputy Director, would you like to talk about
14 the Rubicon?

15 **AGENDA ITEM V(A). RUBICON TRAIL UPDATE**

16 DEPUTY DIR. GREENE: Yes, I just wanted to
17 provide an update.

18 As this Commission knows, we've had a number of
19 agenda items concerning what was the draft Cleanup and
20 Abatement Order for the Rubicon Trail. The Water Board
21 met on April 23rd at 1:00 to a packed crowd who had
22 lots of thoughts and comments on the order. The
23 meeting adjourned about 7:30 that evening.

24 You've got the result in your packet. So in the
25 consideration of time, I won't walk through everything.

1 But as the Forest Service just mentioned that the
2 Forest Service was also named in the order along with
3 El Dorado County. We did not have the final Water
4 Board Order at the time we sent out the Commission
5 binders, as they were sent subsequently, and are in
6 your packet now.

7 The back part of that packet describes
8 specifically the actions that the Forest Service and
9 County need to take to comply with those orders. That
10 includes everything from Trail Maintenance Plans to a
11 Saturated Soil and Water Quality Protection Plan,
12 ultimately a long-term Management Plan. It is clearly
13 laid out by the Water Board with timelines and
14 expectations for achievement. I think at the end of
15 day, as difficult as this process is and has been, it
16 has provided an opportunity for all sides of the
17 community to come together, to once again in a very
18 public forum in front of a regulatory agency, to be
19 able to identify the issues at hand and those things
20 which need to be addressed on behalf of the County and
21 the Forest to make sure of the long-term sustainability
22 of the Rubicon Trail.

23 There are a couple of points that are specific
24 to this summer. In July of this summer, they need to
25 come with their Maintenance Training Plan for the

1 county, the forest, and the volunteers who are working
2 out on the trail. Items regarding sediment, erosion
3 control, winter recreation, sanitary issues must also
4 be considered and specific actions have to be met by
5 both the County and the Forest Service.

6 CHAIR WILLARD: Commissioners?

7 Keep going.

8 DEPUTY DIR. GREENE: Okay. At this time I would
9 like to introduce Will Harris of the California
10 Geological Survey, with whom we have asked for
11 assistance when looking at the Rubicon Trail. Many of
12 you will remember the Bakersfield Project, the SVRA we
13 wanted to build. Unfortunately, on that project, they
14 brought us the bad news years ago that the soils were
15 not sustainable for an SVRA. It was a difficult
16 decision but ultimately we pulled out of that project.
17 So when the Rubicon Trail issue came up, we asked CGS
18 to come in and help us, ultimately help the County, to
19 try and do an assessment of the trail, really, a plan
20 for where you could identify those areas which were
21 problematic, and more importantly identify solutions.
22 Will Harris is here today. And I've asked Will if he
23 could provide the Commission an overview of what that
24 assessment looks like and how technology can be our
25 friend in laying out some of the future changes that

1 perhaps the County could make in identifying those
2 areas on the Rubicon Trail that need to be addressed.

3 So, if I may, Will Harris.

4 WILL HARRIS: Good afternoon, Commissioners.
5 It's my pleasure to be on the agenda this afternoon.

6 Yes, to Daphne's point and to a question I think
7 a lot of people have at times, who is CGS. We're part
8 of the -- the California Geological -- the California
9 Geological Survey is part of the Resources Natural
10 Agency of the State of California. CGS is part of the
11 Department of Conservation under the Resources Agency,
12 and we are a division of the Department of
13 Conservation. We have an inter-agency agreement with
14 State Parks, OHMVR Division that started, I think,
15 before -- well, we really got things going with the
16 CARP process in the development of the Soils
17 Conservation Standard and Guidelines, which was a
18 multi-agency endeavor, and Department of Conservation
19 was part of that.

20 Since then we've done a variety of things, and
21 we've worked with a variety of different departments of
22 the Resources Agency, OHMVR being one of them. And to
23 that point and to the Rubicon, the genesis of our work
24 at the Rubicon began in May of 2008 when we went out
25 there with El Dorado County. Daphne and Phil asked us

1 to go out and look at the Ellis Creek crossing of the
2 Rubicon Trail. The county had received grant monies
3 for planning a crossing at that location and also on
4 Gerle Creek at Rubicon Trail.

5 So we were out there with a number of
6 stakeholders for the Rubicon Trail, and it became very
7 clear at that time, everyone had a list of things to
8 do. Everyone had their own history of things that were
9 done on the trail, but there was no central repository.
10 And at that time we had been in the process with other
11 State entities of providing roads and trails
12 assessments, and we suggested to the Division that it
13 might be a good idea for El Dorado County to have
14 essentially a central repository, a list of things to
15 do on -- that is managed just on one list, on one
16 database. And so at that time we started the process
17 of proposing the idea first to the Division and then to
18 El Dorado County. And we got out in the field in
19 August and September. We've had subsequent visits
20 since then where we've assessed the trail using GPS --
21 two different GPS devices. And for the sake of
22 brevity, and I'd be happy to answer some more specific
23 technical questions if you have them, but I'll just
24 leave it that we GPS'd the trail.

25 And I just have some highlights of what we

1 found, and then I'm going to walk you through the
2 process of the GIS system. And it's not a Power Point,
3 which is probably a good thing, but it is a little bit
4 cumbersome, and it's meant for a GIS user. But if
5 you'd just bear with me, I think you'll get the gist of
6 how powerful it is.

7 So for the assessment, we assessed a little over
8 61,000 feet of trail, which is about 12 miles of trail.
9 And in that time, just some rough highlights to that,
10 approximately 60 percent of the Rubicon Trail crosses
11 soiled area versus granitic slabs; approximately 12
12 percent of the trail is on riparian, lakeshore, marshy
13 areas, areas that potentially are prone to flooding.
14 Some of those areas are from seasonal flooding, some
15 from periodic flooding. We also mapped trail
16 intersections where other trails come into the Rubicon
17 Trail. Trail intersections frequently are erosional
18 problems, and that's why we mapped those as point
19 features. We also looked at areas where -- for
20 instance, where areas are flooded. We looked at areas
21 that were potential re-route locations. And we
22 designate re-routes, and we -- we stepped away from any
23 legal consideration, which was very convenient for us.
24 We just said, okay, all things being equal, where --
25 and no political ramifications whatsoever, where would

1 we want to put this trail since it's in this flooded
2 area. For example, where would we put a designated
3 trail -- let me use -- "designated" is not the right
4 word. Where would we re-route this trail at this
5 section. And so we put those on the database as well.

6 The idea behind the database is we finish it; we
7 then give it to El Dorado County DOT -- Department of
8 Transportation. They are the ones that manage this
9 database system. We essentially hand it over to them.
10 We're available for consultation in terms of management
11 and how to update it. The central idea of this is
12 that, again, it's a central repository of data that, as
13 fixes are done, the database is updated. So you see
14 areas that are green, yellow, or red here. If you,
15 say, take an area that is red and you fix it with a
16 couple of water breaks, you then go back to DOT and
17 update it as a green location. You also can connect
18 photographs to that. So it's -- what's very important
19 about this, too, is it falls into the Soil Conservation
20 Standard and Guidelines in that it provides a
21 Management Plan for them to adhere to the standard so
22 that they have essentially in place something that will
23 provide monitoring data for them. So it should -- and
24 this was -- a lot of this actually will help
25 considerably towards the draft -- or towards the

1 cleanup and abatement as well for their ongoing
2 management.

3 I could just go through, if I could, some of
4 the -- some of the things we have in here to
5 demonstrate to you. And if you want to throw out
6 questions while I'm doing that now, just feel free.
7 And, again, this is going to be a little cumbersome,
8 but -- thank you.

9 Okay. So here's the trail. We started at
10 Wentworth Springs Campground. We started at Wentworth
11 Springs Campground, and we also did the Loon Lake
12 intertie, which comes up from the south. And we
13 extended past Spider Lake, past Buck Island, and up
14 through Rubicon Springs up to the El Dorado County
15 line.

16 I'm going to focus on Ellis Creek because it
17 seems like every time there's a field trip, we start at
18 Loon Lake and number -- if it's more than five or ten
19 people, it seems like no one gets beyond Ellis Creek.
20 So I think a lot of people are familiar with Ellis
21 Creek.

22 Some of the things that we've incorporated into
23 this are -- let me zoom in first. So you'll see green,
24 yellow, and red, both segment and point locations. And
25 the red there you see is the Ellis Creek crossing. And

1 let me turn off the segment so now we can zoom in and
2 look at this feature here. The dots don't get any
3 larger when you zoom in. I think you can see right by
4 the hand -- to the right of the hand there are two red
5 dots. The one above is Ellis Creek, and the one below
6 it is a tributary Class III or a seasonal or a
7 ephemeral drainage that is flowing water now during the
8 snow melt.

9 So if I go to the information button, the
10 database is brought up in terms of what our findings
11 are for this location. And in this case, the features
12 of the stream, the condition is red, which you can see.
13 The treatment is abandon/re-route, and then there's a
14 note, "Ellis Creek, see report." So there are portions
15 of this -- where things are a little more complicated,
16 we have simple mitigations like install water brakes,
17 and they're a little more complicated mitigations where
18 we give in some cases a Volkswagen version and a
19 Cadillac version of what to do. In this case, the
20 Cadillac version is to re-route and install a bridge.
21 And so now we'll turn on the re-routing proposed
22 detours. Going back to the segment features, the line
23 that goes back on there. Now I'm going to go to
24 Proposed Detours. And you can see in purple we have a
25 proposed detour. Again, I can go back to the

1 information button and get some information about the
2 segments, about what to do. But you can basically see
3 this -- in purple the location where we suggest the
4 re-routing be done. In the case of right here, this is
5 using an existing trail that leads towards Bugle Lake
6 and then a bend to the right to get across here.

7 We did have a field trip on Thursday with
8 El Dorado County DOT because they had proposed a
9 crossing to go in at the existing crossing. They
10 wanted to put a bridge there and use a temporary
11 crossing upstream. And the point was brought up by a
12 number of us at their monthly ROC -- or Rubicon
13 Oversight Committee meeting that, well, if you're going
14 to put a crossing in, you might as well do two things
15 at once. If you put a temporary crossing in upstream,
16 you're going to cause a lot of disturbance.
17 Hydrologically it makes a lot of sense to put the
18 crossing upstream anyways, make that the new location
19 and use the existing crossing as your temporary
20 crossing. And I think we came to accord on that, and
21 we'll discuss that next week at the ROC meeting.

22 Another feature in this is we have photographs
23 that are embedded into this database, and that's going
24 to be very important, again, to go back to the
25 monitoring and report of monitoring. Photographs have

1 properties which indicate when they are taken and at
2 what time of day. So in the initial assessment, we did
3 take photographs. And so we have with that information
4 embedded here, too.

5 COMMISSIONER SLAVIK: Could you show us one for
6 an example?

7 WILL HARRIS: Okay. Sure. Sure thing.

8 CHAIR WILLARD: Go the Ellis Creek crossing, if
9 you could, right where you're talking about.

10 WILL HARRIS: Let me go back to that.
11 Then you go down to this lightning bolt, and that
12 brings up your series of photos that were taken there.
13 And so here are photos of the crossing, the proposed
14 location, and also, as I scroll through these, they go
15 down towards the -- that's just a mushroom. It was
16 fascinating to the person taking the photograph. A
17 little flora and fauna. And this picture here is a
18 picture of where the proposed crossing -- the new
19 location would be. As we scroll through this, this is
20 the existing crossing looking east up the Rubicon Trail
21 towards Placer County, again looking east, and this is
22 looking westerly or southwesterly, and that's moving
23 downstream. Let me exit that.

24 Another interesting feature on the Rubicon Trail
25 is that you can see Ellis Creek takes a bend on the

1 left-hand side of the image -- takes that bend to the
2 left. This the USGS 1:24000 quadrangle map. One is
3 actually incorrect. The stream actually continues. If
4 you see the -- kind of the bunny ears here on the
5 topographic line, the stream actually continues here,
6 and that's where these photos are taken. The reason it
7 does do that is because down here a glacial till,
8 basically fine and very poorly cohesive, not a lot of
9 clay in the materials, very easily erodible. When a
10 tree falls in one channel, it's going to divert and
11 erode and cause the channel to go to another location.
12 So the stream actually has diverted into here. So USGS
13 map is incorrect. And let me just bring up a photo
14 just to show you how erodible this material is, because
15 there's a -- it is kind of impressive. You can see
16 this flat area here, and then moving up the drainage,
17 you can see the channel. And these are pretty -- those
18 are probably 10 to 15 feet high. There is one here
19 with, I think, a person in there for scale.

20 DEPUTY DIR. GREENE: Will, do you have an
21 example of a before and after of a work group?

22 WILL HARRIS: You're thinking of Walker?

23 DEPUTY DIR. GREENE: Yes. There was one --

24 WILL HARRIS: Let me try to get to that one.

25 DEPUTY DIR. GREENE: And part of this process,

1 Commissioners, is the ability to really look at this as
2 an experiment for how in the future we might be able to
3 use this technology to monitor trails in areas across
4 the state.

5 WILL HARRIS: I do want to show a couple other
6 things that are in this database because it is pretty
7 darn robust. We have embedded in here not just the
8 geology, but the glacial materials -- the glacial till
9 that I was mentioning and glacial deposits in the area.
10 This is from USGS maps. The huge QG is the Quaternary,
11 basically, that's 1.6 million years. So down here,
12 again, naturally where you have Pleasant Lake, you have
13 a glacial till. That's the stuff that I showed the
14 pictures of where its' eroding.

15 Another thing we have embedded in this is a very
16 illustrative indication of how the geology affects
17 the drainage in the area as well the trail itself. You
18 can see the sets of joining in the granitic graph.
19 It's very typical of post solidification or -- as
20 granite solidifies, it contracts and forms joints.
21 Those joints are obviously points of weathering. So
22 you have these kind of north, northwest-trending
23 joints, and also the west, southwest-trending joints
24 that are at perpendicular angles to each other. And
25 the highs of -- the topographic highs are in this

1 region here. So they're coming down along the north --
2 or the south -- the south, southeast-trending joints.
3 For instance, down here, they would be descending down
4 here, and then they hit these joints along here, and
5 then they get diverted. In some cases, the trail --
6 the Rubicon Trail took advantage of that location --
7 those joints and was placed along those -- along those
8 joints.

9 Another thing the Rubicon Trail took advantage
10 was the fact that this is a glaciated valley, at least
11 portions of it, and they -- the trail itself is
12 actually up against -- you know, you've probably all
13 heard the term "U-shaped valleys" when you're looking
14 at glacial terrain in a mountain region. The trail is
15 actually in that transition from a steep U -- the steep
16 part of the U or the vertical part of the U and
17 transitioning to the flatter part of the U, the bottom
18 of the U. In that transition, up above the wet areas,
19 the flat valley and before you get to the vertical
20 slopes, that's where the trail is. So they took
21 advantage of that topographic feature of the terrain.

22 So that's it in a nutshell what we have thus
23 far. The idea is, again, we give this to the El Dorado
24 DOT. There's a very active stakeholder group that
25 is -- that participates consistently at the ROC

1 meetings. We are in attendance at those meetings now.
2 So I envision that we come up with work projects at
3 these ROC meetings based on the database, and the
4 parties that do the volunteer work or the DOT that does
5 the work comes back the following month, says, "Okay.
6 We did this. Let's update our database and go on to
7 the next month." We still have to get that going, but
8 that's the process that I would like to see happen.
9 But it's going to be up to the DOT -- El Dorado DOT.

10 So with that, thanks.

11 COMMISSIONER SLAVIK: Question.

12 CHAIR WILLARD: Commissioner Slavik.

13 COMMISSIONER SLAVIK: Is that an Arcview.

14 WILL HARRIS: It's ArcGIS.

15 COMMISSIONER SLAVIK: Is that different?

16 WILL HARRIS: Yes. ArcGIS 9.3 is a little more
17 robust than Arcview 3.2. There's a subprogram within
18 ArcGIS map that's similar to Arcview.

19 COMMISSIONER SLAVIK: And is that compatible
20 with what the Forest Service is using?

21 WILL HARRIS: I'm not sure what they're using.
22 But the Forest Service is well aware of this database.
23 Dianne Rubiacco, with Eldorado National Forest, has
24 been a consistent participant in the ROC meetings, and
25 she's well aware of this assessment.

1 CHAIR WILLARD: Okay. Any other comments,
2 Commissioners?

3 Okay. Well, thank you.

4 And I probably should move on to --

5 DEPUTY DIR. GREENE: Will, thank you very much.

6 CHAIR WILLARD: -- public comment at this point
7 on the Rubicon. I guess I'll go through the list.

8 John Stewart.

9 JOHN STEWART: Good afternoon, Commissioners.
10 John Stewart, resource consultant, California
11 Association of 4 Wheel Drive Clubs.

12 I want to thank the California Geological Survey
13 for their work. It's very important. And I was at the
14 Central Valley Regional Water Quality meeting where
15 this topic was discussed and the Abatement Order was
16 issued. I was also a party to helping the Rubicon
17 Trail Foundation draft or graph their proposal or their
18 presentation for that Water Board.

19 They haven't managed to address the issues.
20 Early on in the process they had done a commendable
21 job. And this ArcGIS layer work, yes, that is
22 something very important. As we move into the future,
23 it helps document what has happened and predict maybe
24 what will happen. And in answer to Commissioner
25 Slavik's question about compatibility, the Forest

1 Service and Bureau of Land Management are currently
2 using this GIS technology, the ArcGIS by ESRI. That's
3 pretty much a government standard, as is the counties
4 throughout the State of California. So it is pretty
5 much a standard way to now begin to interchange data as
6 we move forward with resource issues and help document
7 what's going on.

8 So thank you.

9 CHAIR WILLARD: Don Amador. Looks like he's
10 gone.

11 Amy.

12 AMY GRANAT: Pass.

13 CHAIR WILLARD: Karen, followed by Dave Pickett.
14 He's gone.

15 KAREN SCHAMBACH: Karen Schambach for Center for
16 Sierra Nevada Conservation and PEER.

17 I'm on the Rubicon Oversight Committee and have
18 been since it was originated in 2002. And I just am
19 very hopeful, as Ms. Greene said, I think, finally the
20 County and the Forest Service will, you know, work
21 together and get -- make some things start happening on
22 a plan for a sustainable -- a sustainable plan of
23 operation for the trail.

24 One thing that wasn't mentioned, I'll bring up,
25 the Forest Service had talked at that meeting about not

1 thinking that they were subject to an order by the
2 Water Board, and there was some discussion that they --
3 I think they have 30 days to appeal their -- their
4 being named on that, in which case we may have more
5 delays because it's really going to take both the
6 County and the Forest Service to actively engage in the
7 management of the trail. So we're all hoping, you
8 know, that we get through that 30 days and move on.

9 Thanks.

10 **AGENDA ITEM V(B). REVIEW AND DISCUSSION OF HR 689**

11 CHAIR WILLARD: Deputy Director, HR 689.

12 CHIEF JENKINS: I can address that.

13 In your binder there is a brief one-pager that
14 describes HR 689 and a rough map. We do have a couple
15 of more specific maps behind me. In just a minute I'll
16 pull those out and give you a better look at those.
17 But in essence, this is a federal bill, HR 689,
18 proposed by Representative Herger.

19 The purpose of this bill is to consolidate some
20 holdings between Forest Service and BLM near Shasta
21 Lake, Shasta-Trinity National Forest. In the proposal
22 there would be some U.S. Forest Service land in the
23 Shasta-Trinity National Forest that would be
24 transferred to BLM. Conversely, there would be some
25 land from BLM near the Trinity Wilderness that would be

1 transferred to the U.S. Forest Service. The key
2 components, I think, in this are that there are -- one
3 of the pieces that's going from BLM to the U.S. Forest
4 Service is currently wilderness, and it would remain
5 wilderness. And so nothing would change as far as that
6 portion of it. Likewise, in Section 4 of the proposed
7 bill, there is some language in there that none of this
8 exchange affects existing rights or rights-of-way,
9 easements, withdrawals, leases, licenses for permit --
10 licensing or permitting that exists on the parcels with
11 the exception that any of those things that exist would
12 transfer from being managed by one agency to being
13 managed by the other agency. So the net affect would
14 be just a change of management responsibilities, not a
15 change in the way the areas are being operated or the
16 authorities to do certain activities in those areas.

17 Let me grab these maps briefly, and you'll get a
18 little better idea. And these will be up later for the
19 public -- we'll put these back in the back again when
20 we're finished so the public can look at these.

21 This first one you can see here is Shasta Lake
22 in the center of the map. And this property over here
23 in green -- largely in green is Forest Service
24 property. All this property over here in yellow is BLM
25 property. In this case, this piece, the Chappie-Shasta

1 OHV area is right in here. And the checkered lands
2 here that belong to U.S. Forest Service that are on the
3 west side of the lake are going to be transferred from
4 being managed by Forest Service to being managed by
5 BLM. As I understand it, talking to Mr. Keeler, it's
6 practically happening right now. This will make all of
7 the administrative things official to reflect what's
8 really going on in the current situation.

9 In exchange, just a slightly shifted view, once
10 again, here's Shasta Lake. So up here you can see --
11 the Trinity Alps Wilderness area is up in here. So
12 this parcel that's cross-hatched in orange is the piece
13 that's going to be going from the BLM to the U.S.
14 Forest Service because you can see it's part of this
15 larger consolidation with this larger Trinity Alps
16 Wilderness area up above. There's also two smaller
17 parcels that are included in this: Shasta Lake parcel
18 way over here; and the Highway 89 parcel way over here.
19 So that's the essence of it, exchanging these parcels
20 from BLM to Forest Service, and exchanging this other
21 piece right next to the lake back to BLM. Management
22 actions on the property remain essentially unchanged.
23 Those are the -- that's the basic outline of HR 689.

24 I don't know if there's also any further
25 clarification you want before discussion.

1 CHAIR WILLARD: Commissioners, questions,
2 comments.

3 Commissioner McMillin.

4 COMMISSIONER McMILLIN: Who initiated this swap?
5 Was it OHV, or was it the Division, or was this just a
6 BLM/Forestry --

7 CHIEF JENKINS: I think Mr. Keeler will answer
8 that.

9 JIM KEELER: My understanding is that
10 Congressman Herger -- I'm sorry, Jim Keeler, BLM,
11 California State Office.

12 My understanding is, is that this was
13 recommended by the OHV community in Redding, and
14 Congressman Herger has supported that on his own --
15 carried this on his own.

16 COMMISSIONER McMILLIN: So the status of the
17 bill?

18 JIM KEELER: The status of the bill, if you
19 want, they had a hearing in the Public Lands and Energy
20 Subcommittee. It was marked up -- the hearing was on
21 March 24th. It was marked up, which in federal
22 parlance means it was made into a bill and put on the
23 House floor on April 28th. My understanding is that at
24 this point there is no companion bill in the Senate to
25 it. But it passed unanimously through the House

1 Committee. So it probably is pretty non-controversy.

2 COMMISSIONER McMILLIN: There will be -- there
3 will need to be a bill on the Senate side, right?

4 JIM KEELER: There will.

5 COMMISSIONER McMILLIN: Yes.

6 COMMISSIONER SLAVIK: Do you have to have a
7 sponsor?

8 JIM KEELER: Probably so. My recommendation
9 would be to contact Herger's office.

10 COMMISSIONER McMILLIN: Thank you.

11 JIM KEELER: BLM does support it, by the way.

12 CHAIR WILLARD: Commissioner Van Velsor.

13 COMMISSIONER VAN VELSOR: Do we know if the
14 Forest Service is supporting it.

15 JIM KEELER: They didn't choose to appear at the
16 hearing. I don't know what that meant. I assume --
17 it -- it has been a bit of a nightmare for two agencies
18 to try to manage one OHV area. And the big portion of
19 the lands going to the Forest Service from us they've
20 managed is under an MOU anyway. So I don't think -- I
21 think probably it's, other than maybe some professional
22 ego, no big deal.

23 CHAIR WILLARD: Commissioner Lueder.

24 COMMISSIONER LUEDER: Yes, a couple of questions
25 for you, Jim.

1 JIM KEELER: Yes.

2 COMMISSIONER LUEDER: The net effect for OHV if
3 this bill is passed, is it positive, negative, or
4 something in between?

5 JIM KEELER: I'd say it's probably a bit
6 positive just because when we've had competitive events
7 out there, the permits -- at different times, one
8 agency or the other has changed permit policies. For a
9 long time BLM managed the event permits, and then with
10 the change of leadership in the Shasta-Trinity, then
11 they wanted a second permit. So it was just another
12 headache. As a casual-use area, I don't think it will
13 make any difference at all.

14 COMMISSIONER LUEDER: Okay. Then secondly, the
15 area that's going to be going to the Forest Service
16 that's in the Trinity Wilderness, are there any roads
17 or is it all roadless and trailless area.

18 JIM KEELER: I'd assume it's trailless since
19 it's already wilderness. There's no vehicle trails in
20 it for sure.

21 COMMISSIONER LUEDER: Okay.

22 JIM KEELER: I don't know about the other two
23 parcels. And there's two more that Phil mentioned that
24 are listed in the text but not anywhere else: One in
25 Humboldt County, and one in Siskiyou County. But I

1 don't think that they're significant. It's just little
2 tiny portions.

3 COMMISSIONER LUEDER: Okay. Thank you.

4 CHAIR WILLARD: Okay. Public comment.

5 Karen Schambach

6 KAREN SCHAMBACH: Pass.

7 CHAIR WILLARD: Pass. Ed's gone. Dave
8 Pickett's gone.

9 Amy?

10 AMY GRANAT: Pass.

11 CHAIR WILLARD: Mr. Amador is gone.

12 John Stewart?

13 JOHN STEWART: Pass.

14 CHAIR WILLARD: Okay. Public comment is closed.

15 Deputy Director.

16 DEPUTY DIR. GREENE: Just for clarification
17 purposes, Commissioner Lueder, I believe this was put
18 on the agenda today because a member of the public
19 asked earlier. It got put on the agenda by you for
20 consideration today. Is that correct?

21 COMMISSIONER LUEDER: Yes.

22 DEPUTY DIR. GREENE: Okay.

23 CHAIR WILLARD: Okay. The next item on the
24 agenda is the Commission's draft of a Policies and
25 Procedures document that we brought up at the last

1 meeting.

2 COMMISSIONER LUEDER: Sorry, Commissioner
3 Willard, I didn't have an opportunity to make a motion
4 on that last item.

5 CHAIR WILLARD: I'm sorry.

6 COMMISSIONER LUEDER: I'd like to make a motion
7 that the Commission support the current bill, HR 689,
8 and send a letter of support for that bill.

9 CHAIR WILLARD: Is there a second.

10 COMMISSIONER McMILLIN: Second.

11 CHAIR WILLARD: Discussion?

12 COMMISSIONER SLAVIK: Are we getting ourselves
13 into the same situation as we did earlier?

14 DEPUTY DIR. GREENE: This is a Business Item,
15 and it's been properly noticed.

16 COMMISSIONER SLAVIK: Okay.

17 CHAIR WILLARD: I'll offer the vote.
18 Those in favor?

19 (Commissioners simultaneously voted.)

20 CHAIR WILLARD: Okay. Motion passes.

21 So, Deputy Director, you and I can work on
22 another letter?

23 DEPUTY DIR. GREENE: Correct.

24 CHAIR WILLARD: Yes, thank you.

25 Okay. Sorry, I short-changed you on that last

1 one.

2 **AGENDA ITEM V(C). COMMISSION POLICIES AND PROCEDURES**

3 CHAIR WILLARD: So moving forward to Policies
4 and Procedures. This is a draft document that we
5 discussed at our last meeting. And there's been a
6 little bit of wordsmithing on it in the meantime.

7 Deputy Director, do you want to -- do you have
8 any comments at this point on it or...

9 DEPUTY DIR. GREENE: At the last Commission
10 meeting, we had identified a subcommittee to work on
11 these proposed policies and procedures. At that time
12 Commissioner Lueder and Willard were identified as
13 being on that Policy and Procedures Committee.
14 Division staff worked with Commissioner Lueder, made a
15 number of suggested track-change comments, which you
16 have before you. Those are for consideration. You'll
17 see a number of changes there. We tried to keep them
18 highlighted. For those of you who are looking on the
19 materials, you'll see little etch marks on the
20 left-hand side. That's indicates where there's a
21 proposed track change. And then for those of you who
22 don't want to read a track-change document, there's a
23 solid document.

24 CHAIR WILLARD: Okay. Commissioners, any
25 comments at this point?

1 Commissioner Van Velsor.

2 COMMISSIONER VAN VELSOR: A couple. In the
3 second paragraph, the second line, at the end of that
4 line where we say "Approve general plans and amendments
5 of our State Vehicle Recreation Areas," my question is,
6 do we have the authority to approve?

7 And secondly, I was unable to find in the Public
8 Resources Code where it says State Vehicle Recreation
9 Areas, that we actually review and comment on State
10 Vehicle Recreation Areas. I'm not sure where that is.

11 CHAIR WILLARD: It's my understanding that it
12 is. And I'll ask Daphne to direct us to that.

13 CHIEF JENKINS: You're talking specifically
14 about General Plan approval. There is a section in the
15 5090 Section of the Public Resources Code that
16 specifically says any powers given to the California
17 State Park & Recreation Commission are also given to,
18 by definition, the Off-Highway Vehicle Recreation
19 Commission. And so in order to find the location where
20 it says that the OHV Commission, you all, would approve
21 a General Plan, you have to go back over to the 5001
22 Section of the Vehicle Code -- the Vehicle Code -- of
23 the Public Resources Code where it begins to talk about
24 General Plans in there. It's composed a little bit
25 differently over in that code. Unlike the 5090

1 Sections of the Vehicle Code where we have all the --
2 all of the powers of the Commission, all the duties of
3 the Commission and powers are listed all kind of in one
4 laundry list, over in the other section -- I've got too
5 many numbers in my head right now -- if you go back to
6 the other section that describes those authorities, it
7 doesn't pull it out that way as here's all the things
8 that the Park & Rec Commission can do; it's buried in
9 the section talking about general planning of park
10 units of the Park System. It describes when you have
11 to do a General Plan; it describes when you do not need
12 a General Plan for a unit, and it describes the basic
13 things that need to be included in the General Plan,
14 and, finally, who approves it, which in this case the
15 is the Park & Rec Commission. So by transference, you.
16 That's a long answer to a short question. Sorry.

17 COMMISSIONER VAN VELSOR: And I have one more, I
18 think, is all.

19 CHAIR WILLARD: Okay.

20 COMMISSIONER VAN VELSOR: Then on the third
21 paragraph, the track changes there, the sentence that
22 starts out, "However, other than those provisions
23 expressly provided by law," I don't quite understand
24 what is the intent of that statement is.

25 CHAIR WILLARD: Commissioner Lueder, since you

1 were the author of that language, maybe you can give us
2 your input.

3 COMMISSIONER LUEDER: I inserted that sentence
4 because I think the idea of this Policies and
5 Procedures is a general framework for us to operate
6 from. And that sentence states that all of the
7 policies and procedures contained herein shall be
8 liberally construed, which means in the spirit of the
9 intent of the document, instead of strictly construed,
10 which would be to the letter of every word and sentence
11 in the document. So it provides us a little sense of
12 flexibility given times of need when we do need some
13 flexibility. So that was my intent in that sentence.

14 CHAIR WILLARD: Yes, when I initially read that,
15 I had some concern about it. But since then I've --
16 I've come to terms with it, and I think I'm in
17 agreement with the language. I think it's good.

18 One thing to keep in mind is that, you know,
19 these are policies and procedures, and we'll vote to
20 put them in place. I mean should we choose to do so,
21 they'll be put in place. But we can also very easily
22 amend them from time to time as we Commission sees fit.
23 We would simply -- a Commissioner could simply make a
24 motion, and we could discuss it, and we would vote on
25 amending these as needed going forward. So it's a

1 document that can and, I perceive, will be changed as
2 we move forward. I just felt the need to have
3 something in place that gave us some collective
4 guidance on how to conduct ourselves because we really
5 didn't have anything. So that's the -- that's the
6 purpose on it.

7 You know, I, for one, am happy with where we're
8 at on it, and I would -- I'm prepared to adopt these
9 today, if that's the pleasure of the Commission.

10 Commissioner Van Velsor.

11 COMMISSIONER VAN VELSOR: I have one in the some
12 paragraph.

13 CHAIR WILLARD: Go ahead.

14 COMMISSIONER VAN VELSOR: Next to the --
15 third-to-the-last sentence, the word "environment," to
16 be consistent with the Public Resources Code, I would
17 recommend "natural and cultural resources" be
18 substituted for that so we can capture cultural
19 resources in there, which is not necessarily assumed by
20 just saying "environment."

21 DEPUTY DIR. GREENE: Where are you.

22 COMMISSIONER VAN VELSOR: It's the -- the third
23 paragraph, the third sentence from the bottom, the word
24 "environment." And that was all I had.

25 CHAIR WILLARD: Commissioner Slavik

1 COMMISSIONER SLAVIK: Just a real small thing.
2 On that same paragraph where it says "advocate" crossed
3 out -- go back, "develop and promote recommendations
4 for improvement of program in it's entirety," shouldn't
5 there be a "the" in there.

6 COMMISSIONER McMILLIN: There is.

7 CHAIR WILLARD: There is.

8 COMMISSIONER LUEDER: There is.

9 COMMISSIONER SLAVIK: Oh, I'm sorry. I missed
10 it.

11 CHAIR WILLARD: Okay.

12 DEPUTY DIR. GREENE: Just on the last page, Item
13 No. 10 in relation to the discussion at today's
14 meeting, I don't know if the Commissioners have any
15 thought on that.

16 CHAIR WILLARD: Yes, I read that and I thought
17 about it. You know, I think that's where the -- the
18 language that Commissioner Lueder put in kind of works.
19 I guess specifically the Forest Service Reports were on
20 the agenda, and that's what we were talking about.

21 So I don't know, Counsel, if you've got any
22 further feedback on that. I mean would we have been
23 sort of in violation of our own policies should we have
24 voted on sending a letter to U.S. Forest Service as we
25 had discussed? Well, that really wasn't taking a

1 position, though. That was just sending a letter. It
2 wasn't really a position. That was just sending a
3 letter. I think that's different, actually. So that
4 wouldn't have applied. But no, I think if we're going
5 to take a position, I think then that should be
6 agendized, and that's more important that we're taking
7 an official position on something. Yes. Was something
8 else that happened today that brought this in?

9 Okay. Any more discussion?

10 I'm going to make a motion, I think. I'll make
11 a motion that the Commission adopt the Policies and
12 Procedures as they are today before us with the one
13 change suggested by Commissioner Van Velsor on the
14 first page, paragraph three, third line from the
15 bottom, inserting the words "public resources" before
16 the word "environment."

17 Is that correct?

18 COMMISSIONER VAN VELSOR: "Natural and cultural
19 resources."

20 CHAIR WILLARD: To replace the word
21 "environment." So that's the one change.

22 COMMISSIONER McMILLIN: Second.

23 CHAIR WILLARD: Discussion.

24 Call for the vote. Those in favor?

25 (Commissioners simultaneously voted.)

1 CHAIR WILLARD: Great. Pass.

2 You know, actually, I think we -- we should have
3 had public comment on that. I'm sorry.

4 DEPUTY DIR. GREENE: Follow policy and
5 procedures.

6 CHAIR WILLARD: Exactly. Someone has to be
7 watching me. It's getting late in the afternoon.

8 Does the public have any comment on this? We
9 really do want to take your comments. We had some
10 comment before, and maybe it's sort of besides the
11 point now.

12 John.

13 JOHN STEWART: John Stewart, California
14 Association of 4 Wheel Drive.

15 Thank you for passing the Policies and
16 Procedures. It's about time.

17 CHAIR WILLARD: Okay. That's what I thought.
18 Okay. Great. Thank you. Sorry for that oversight.

19 All right. Commissioner Slavik has something
20 that he would like to discuss. It's not on the agenda,
21 but he wanted to talk briefly about American Trails.

22 Commissioner Slavik.

23 COMMISSIONER SLAVIK: It's just some information
24 for the Commissioners and the audience. I think a lot
25 of people already know about this. But American Trails

1 is an organization of trail users, a national
2 organization. And at one point in time they were not
3 interested in motorized recreation at all. That has
4 changed in the last ten years, something like that.
5 And the executive director lives in Redding. I thought
6 when we had the Clear Creek venue going, we could
7 probably put that on the agenda, but that didn't work.
8 So I asked her just to provide you guys, you folks with
9 an information packet.

10 I think from our standpoint there is one
11 motorized recreationist on their board of directors.
12 And they are probably one of the most politically
13 powerful recreation groups in the country, and they
14 support the Recreational Trails Program. So we get,
15 you know, some funding fro the Recreational Trails
16 Program. We pretty much need to work with them or
17 should work with them in order to get -- so we're all
18 working on the same page.

19 And just one final thing, we -- the State Parks
20 actually had a -- were partners in one of their
21 conferences in Redding several years ago. So they meet
22 every two years, and they meet around the country; so
23 it's not strictly a California thing.

24 Thank you.

25 CHAIR WILLARD: Okay. Thank you.

AGENDA ITEM V(D). DISCUSSION ON ENERGY SOURCES

1
2 CHAIR WILLARD: The last business item is just a
3 general discussion on alternative energy sources for
4 OHV. This was my idea if you're wondering where did
5 this come from.

6 I'll give you a little background. As some of
7 you may know, I'm an avid snowmobiler. And in our
8 community, snowmobiles can be somewhat contentious. So
9 the primary issue was noise, really. That was it. I
10 mean the homeowners don't really care about snowmobiles
11 other than they don't like the fact that they sometimes
12 can make a lot of noise. So I started thinking about
13 ways to mitigate that, and low and behold, I started
14 thinking about electric-powered snowmobiles. So I
15 ended putting some time into looking at that and seeing
16 if it was viable. And that just sort of led me down
17 the path to learning a lot about alternative sources of
18 energy. So I had a little bit of background over the
19 last couple of years just sort of thinking about this.

20 And then I think recently with, you know, the
21 economic situation, the fact that there's now stimulus
22 money available for green technology, and then just, I
23 guess, my general sense that maybe this was a good time
24 to start at least a discussion about this. So I don't
25 have any real firm, concrete things. I have an idea

1 and suggestion that I'll make a little bit later. But
2 I just wanted to kind of get the discussion going with
3 the Commissioners. And, you know, clearly we're in an
4 environment where politics have created a reality. So
5 whether or not you are a firm believer in global
6 warming or not is sort of besides the point because
7 it's the political reality that we're faced in dealing
8 with. As sort of stewards of the State's OHV Program,
9 I think it makes a lot of sense for us to sort of look
10 down the road and see where the future may lead us.
11 And clearly with, you know, the Governor's signing
12 AB 32, this mandating a 25 percent reduction in
13 greenhouse gases by 2020, and I'm sure that there's
14 federal legislation that's coming soon that will have
15 similar impacts, OHV needs to, you know, be aware
16 that -- that things are going to be happening whether
17 we like it or not that could have an affect on the
18 vehicles that we use.

19 So I want to try and get out in front of that.
20 I think that's a wise thing to always do if you see a
21 looming issue that's coming that could impact something
22 that you're -- you do or you're fond of, and that's
23 sort of where I'm coming from. I'm also a firm
24 believer that greenhouse gas emission controls are not
25 going to be dealt with by reducing the quality of life.

1 It's not going to happen. It's just not. First of
2 all, we can't do it. It's just not -- we're not going
3 to get down to the level that the experts say we need
4 to get to by changing the way we do things. That being
5 said, I am a very firm believer that the path towards
6 achieving our goals is through technology. And what a
7 great place to be in to try to stimulate that
8 technology. Here in Silicon Valley, we do now see the
9 emergence of a green-technology industry that has the
10 potential to become the same as, you know, the
11 information technology sector that grew up here in
12 Silicon Valley. And, indeed, if -- if the world is to
13 deal with global warming as the crisis that many see it
14 as, this type of technology is the only way to do it.
15 And it's technology that's not only going to be applied
16 here in the State of California, but, indeed, it's
17 technology that can be applied throughout the world,
18 and that's where it really needs to be applied is in
19 the emerging countries. So the benefit to that is
20 increased employment and the creation of a whole new
21 industry here in California.

22 So that's kind of where I'm coming from, if you
23 will, and why I just want to sort of stimulate a
24 conversation on what we might do as a Commission and
25 the vision with our OHV Program to see if it made sense

1 to do things with our program that would stimulate
2 technology. There are several manufacturers out there
3 right now, as some of you may be aware. There's Zero
4 Motorcycles in Santa Cruz, Quantya that I think is a
5 subsidiary of Bombardier. Barefoot manufactures
6 electric ATVs. They used to be in Sonoma. I think
7 they moved to Oregon recently. And there's a few more.
8 In fact, even -- you've heard of Tesla Motors? They're
9 creating electric cars, but they're also -- they've
10 just opened up a division that's just simply involved
11 with vehicle power trains, and that could be applied to
12 OHV.

13 So -- and it's not just electric. There's other
14 things like biodiesel for rock crawlers, if you will.
15 I have a friend of mine that's got a Jeep Rubicon that
16 he's converted to run on biodiesel, and he runs down to
17 the local Mexican restaurant and gets the used grease,
18 And he runs his Rubicon perfectly well. It smells a
19 little funny, but other than that, it works.

20 So I guess I've talked enough. I'd like to hear
21 what others have to say about it. So, Commissioners,
22 what do you think? Any ideas?

23 Commissioner Van Velsor.

24 COMMISSIONER VAN VELSOR: Yes, I would like to
25 comment on this.

1 I agree with you to a large extent. I think
2 it's critical that we start considering this. I think
3 that the Commission can take a leadership role in
4 helping people to understand some of the issues
5 associated with climate change and how we can impact
6 that. I don't think that -- I mean I think technology
7 is key; it's important. And I don't think that we in
8 the long-term will need to change our quality of life
9 that much. I do think, though, that there is going to
10 need to be some change in our behavior. I think that
11 we can do that as a Commission and as a Division by
12 looking at not only promoting some of the technologies
13 that will reduce our emissions, but we have talked
14 about trying to increase the number of SVRAs near urban
15 centers so people don't have to drive as far. So we
16 reduce the travel associated with getting to the SVRAs;
17 we provide electric vehicles. And I think that the
18 Commission and the Division can be very effective in an
19 education role as well because once we start
20 demonstrating the use of electric vehicles and we start
21 talking about reducing the distance that folks have to
22 drive to get to locations and so forth, I think there's
23 a lot of opportunity. And I agree, I think that we
24 could be very helpful in that role.

25 CHAIR WILLARD: Okay. Any other Commissioners

1 have anything? Or I could continue talking on it.
2 I've done a lot of thinking on this.

3 Commissioner Slavik.

4 COMMISSIONER SLAVIK: As a retired employee of
5 American Honda Motor Company that really likes to tout
6 their horn about being an environmentally sensitive,
7 you know, manufacturer of products, I can't imagine
8 that they're not sitting back on their haunches and not
9 addressing this issue probably quite secretly. But
10 perhaps we can -- I can make some contacts and the
11 relationship with -- because of the corporation being
12 housed in California and the relationship with OHMVR,
13 there's a long history, maybe there's something we
14 could put forward to them.

15 CHAIR WILLARD: Yes, I think in further thinking
16 this through a few weeks ago, I started to think about
17 the different manufacturers and especially the new ones
18 that are sort of starting to emerge in this. And I
19 just thought that in the past it's always been helpful
20 to sort of give these new technologies sort of helping
21 hand. And that's sort of, kind of what I'm thinking
22 of. And it's interesting you should mention the SVRAs
23 because one of the ideas I -- I had -- I don't know if
24 it's kind of a hair-brain idea or not, but what if one
25 or more of the manufacturers was interested in

1 participating in the creation of an SVRA that was
2 alternative energy only and maybe they pay for it, and
3 it's located close in to an urban center, and they can
4 use it to demonstrate their products, perhaps even have
5 on-site R&D facilities, and that somehow we could
6 assist them with either the setting of it up or finding
7 a site, managing it for them? Maybe there's some type
8 of alternative structure where we can be involved with
9 some sort of a leaseback with them. There's lots of
10 different ways that maybe we could try to assist
11 private -- the private sector with the creation of some
12 sort of an OHV-riding opportunity. And, you know, I
13 know this is not perhaps a big deal with a lot of
14 OHV'ers in the room, but that's not the point. And I'm
15 certainly not thinking of, you know, doing this in lieu
16 of looking for another site. That's not at all what
17 this is about. It's about trying to stimulate a new
18 technology that, you know, isn't viable today but is
19 showing signs of perhaps being viable a few years from
20 now, and, you know, what can we do as a state agency to
21 sort of, you know, help that technology grow.

22 Anything else? I'll keep talking.

23 COMMISSIONER FRANKLIN: You're doing a fine job.

24 CHAIR WILLARD: Commissioner McMillin.

25 COMMISSIONER McMILLIN: I agree with everything

1 you've said. And I think it all boils back to
2 education. Maybe in the grants process when we looked
3 at we only have the 20-month \$9 million of money that's
4 been requested and only 1.9 is in education, maybe we
5 can look at the grants process for next year and any
6 money that we're, quote/unquote, whether we're not --
7 when we are leaving money on the table, we can somehow
8 automatically go into alternative energy so we don't
9 leave money -- alternative energy uses that are
10 promoting OHV so we're not leaving that money on the
11 table in future years.

12 CHAIR WILLARD: Commissioner Lueder.

13 COMMISSIONER LUEDER: I just wanted to say that
14 I think there is -- there's already been a model of
15 this kind of setup through the Alternative Fuel R&D
16 Center in Sacramento for street vehicles. So I'm not
17 sure which agency was involved with that, but I would
18 think it would be Cal/EPA or some related agency. So
19 there might be some clues that could help us with the
20 public/private partnership that would have to happen in
21 order for us to move forward with that so we wouldn't
22 be reinventing the wheel, necessarily, but just
23 adapting it to what we're looking at doing.

24 CHAIR WILLARD: Cool.

25 Commissioner Franklin.

1 COMMISSIONER FRANKLIN: Yes, I'm struggling with
2 it a little bit myself. I'm not totally for the idea.
3 I'm not totally against the idea. I think we need to
4 look at some things. Obviously I'm not in the same
5 position Paul is where I would promote sharing
6 proprietary information from the manufacturer. But
7 most definitely everybody is looking into future
8 products and how to get there and what to do.

9 Obviously you mentioned it earlier that the
10 current business climate being such for manufacturers
11 pour millions of dollars into R&D on a product that has
12 a limited sales potential and use potential is a little
13 bit much to ask, but I like the idea of a park being
14 available, whether it's specifically for that park or
15 reduced-entrance fee for people and products that are
16 trying new technologies. And I think -- you know,
17 don't get me wrong. We do need to look at that --
18 issues like this. I'm involved in a snowmobile issue
19 on a yearly basis, clean snowmobile challenge back in
20 Michigan that has alternate-fuel snowmobiles. I see
21 how they run, and the schools that use them as
22 engineering projects. So I have a little bit of
23 understanding on it and the challenges that they face
24 in making something that would truly be acceptable to
25 the off-road community. We have a little ways to go,

1 but that doesn't mean we shouldn't start looking.

2 CHAIR WILLARD: Okay.

3 COMMISSIONER FRANKLIN: And I appreciate you
4 bringing the subject up, truly.

5 CHAIR WILLARD: All right. Good.

6 Staff have any comments on any of this?

7 DEPUTY DIR. GREENE: We're delighted that the
8 discussion is taking place because it's one of the
9 topics that we addressed in the Strategic Plan in terms
10 of talking about a new gateway and the idea of
11 technology. Don Amador and I had the pleasure of
12 attending the 24-hour race of Zero Motorcycles. It was
13 somewhat entertaining as they said, you know, "Start
14 your engines," and you literally heard, "Click, click,
15 click," and then off they went.

16 And it was interesting because we had a sound
17 meter, and the plane that went over was louder than the
18 bikes going around the track. And we looked at each
19 other and said, "Is it the sound? Is it the speed?
20 There's something different, but that's okay. It's
21 just different."

22 We look at this technology as part of a menu of
23 options of what we want as we look at OHV recreation.
24 In particular, I look at two counties, I look at San
25 Diego County in which have struggled for decades to be

1 able to get a park and also Los Angeles County. I
2 truly think that if you could identify a site in very
3 close proximity to downtown Los Angeles where there is
4 a business park or where there's an open plot of land
5 and you were able to have electric technology or
6 alternative technology to showcase evolving
7 technologies and OHV recreation that would be great.
8 The opportunity to share an environmental message, a
9 responsible OHV recreation message, when we're talking
10 about reaching out to a new generation -- this is
11 really what we're trying to talk about. It's kids in
12 the cities who may run from the law because they don't
13 have a legal place to ride. If we could look at
14 technology and how it could give these kids an
15 opportunity to ride legally, an opportunity for us to
16 share a message, to make a contribution, I think this
17 would be fantastic and could be a win-win for counties.
18 We have a real opportunity that should be considered.

19 So I appreciate the fact that you're bringing it
20 up.

21 CHAIR WILLARD: Great.

22 CHIEF JENKINS: Also, just a couple of other
23 related items. This, of course, is something that we
24 all are interested in, as well. And I think you're
25 probably already aware, but just to review, we've done

1 a few things in the Division. We had the fat-fryer
2 oil-burning UTV down in Southern California at Ocotillo
3 Wells. We've been testing a couple of different
4 motorcycles both from Quantya giving the manufacturer
5 feedback. I'm very excited to hear the interest from
6 the Commission on trying to move forward on what would
7 make those viable products in the industry. One of the
8 things I'm hearing from both private individuals and
9 our staff is that electric is different from
10 fuel-burning dirt bikes. These vehicles are creating a
11 new niche that people might choose to buy. The idea of
12 parks being situated closer to urban areas is also
13 intriguing. And this is something that also could be
14 considered in some of our current SVRAs. There are
15 portions that we do not open for opportunity currently
16 primarily because of sound issues. Conceivably, we
17 could create some trail systems in our existing
18 opportunity lands that would only be allowable to be
19 ridden on by electric vehicles. And so if you wanted
20 to invest in an electric vehicle, you would know you
21 had your own, you know, very limited-use area where you
22 wouldn't be having to compete with a vehicle that might
23 have different capabilities and not be compatible use.

24 So certainly we are interested in working with
25 the Commission to develop these and many more ideas on

1 this.

2 DEPUTY DIR. GREENE: One other point of
3 interest, just recently at the Las Vegas Supercross,
4 they had a mini motocross at which Quantya and Zero
5 competed against one another. This reflects how
6 industry is bringing this technology to the community
7 at large.

8 CHAIR WILLARD: Commissioner Slavik.

9 COMMISSIONER SLAVIK: I think given the
10 scenario, Phil, what you're talking about, you know,
11 small pocket parks somewhere in the city, you may be --
12 you should be prepared maybe to have a lease -- you
13 know, a number of leased vehicles available, because
14 there's not going to be a bunch of kids there ready to
15 spend \$7,000 to have a bike that runs for 30 minutes.
16 So I mean it's really going to require, I think, an
17 effort on your part to really step out of the box on
18 these things.

19 CHAIR WILLARD: Well, that was -- the idea I had
20 was that we -- it really isn't only going to work
21 unless you get the manufacturers involved. I mean
22 they've got to either be a vendor -- they've got to be
23 on site, because, you're right, there just aren't
24 enough of them around there. Well, the other thing is
25 if you consider what -- how long does it take to set up

1 an SVRA? I mean it's not going to happen like that,
2 right? I mean it's -- you know, let's just say that,
3 you know, next week we found a site in San Diego County
4 and the county was all gung-ho? It's still going to be
5 two, three years before it was up and running. The
6 technology is progressing. There's more and more of
7 them going to be out in the market. But even still, I
8 think your point is well-taken that it's going to --
9 that's why I mentioned that -- you know, the
10 possibility of perhaps having on-site R&D facilities
11 for the manufacturer, and then also having perhaps, you
12 know, customer support, sales, you know, someone who's
13 interested in checking this thing out. You know, this
14 something I want to buy, I want to get involved with,
15 and they could, you know, go for a demo ride. I mean
16 what a great opportunity for a manufacturer, I think.
17 And perhaps there's enough interest there where it
18 could stimulate, you know, the idea that they might pay
19 some rent that would help fund the development of a
20 project.

21 So I think I want to hear what the public has to
22 say. And there's a couple comments. But I -- I think
23 I'm feeling some positive interest from the Commission.
24 And I think with that I'd like to suggest a
25 subcommittee to further investigate ways that the

1 Commission in working with Division might further
2 stimulate this whole concept. And I'll volunteer to be
3 one of the subcommittee members, and we can have one
4 more -- I think I'll just sort of try to choose who's
5 interested. You know, maybe if you're interested, you
6 know, you can contact me afterwards next week or
7 something and we talk about what makes the best makeup
8 for the subcommittee to move forward, and then we can
9 have it on the agenda for the next meeting to see --
10 you know, with some concrete ideas on what we might do
11 to move forward.

12 But before we close out the discussion, let's
13 open it for public comment because I'm really
14 interested to see what the public might have to say.

15 Bruce Brazil, followed by Joe Sand.

16 BRUCE BRAZIL: Bruce Brazil, California Enduro
17 Riders Association.

18 And I have several comments here because it's
19 something I also have a slight interest in. But, first
20 off, just to even keep it on a smaller scale and local,
21 do the SVRAs have any idea of what their energy
22 consumption is just from, again, the operations of it,
23 not the riders, you know, and their electricity fuel
24 use in their vehicles? You'd have to have a little
25 starting point there in order to see if you could

1 improve upon it and in what ways to improve upon it.

2 Another part is that the global warming is kind
3 of a controversial subject still. So rather than
4 calling it a global-warming remedy, maybe an energy
5 conservation plan. I think you'd get a lot more people
6 going along with it.

7 And currently in the Bay area, I know of two
8 indoor go-cart tracks. These are gas powered. Now,
9 what would happen if we had a couple tracks either
10 indoor or outdoor for electric? This would give people
11 something local they can go to. It wouldn't be trail
12 riding, but that's okay, partly because of the limited
13 distance that you can go with an electric vehicle. And
14 if you get out there in the boonies and the old
15 electric meter is saying, uh-oh, sorry, Charlie, it's a
16 long way back. So the possibility of setting up
17 something for the indoor use. And, also, there also a
18 lot of people that tinker with making electric
19 vehicles, be it motorized bicycle, motorized cycles,
20 go-carts, but they have no place really to ride them
21 unless they make them street legal, and that's an extra
22 hassle for them. So if they could provide a smaller
23 track for them to go and compete or to ride them, I
24 think that would be quite a benefit. And there's -- I
25 think it's a national Electric Vehicle Club, and

1 they've got several different chapters even in the Bay
2 area here. And I don't have the name right off the top
3 of my head. I can provide that at some later date if
4 anyone's interested. And they might be able to give
5 some benefit and -- for information on all of this
6 because there's several of them that have home-built
7 it's electric vehicles.

8 Thank you.

9 CHAIR WILLARD: That's very interesting. I
10 hadn't thought of that. But there are a lot of
11 tinkerers and maybe they don't get them licensed for
12 the street. So perhaps if there was an alternative
13 energy SVRA -- there could be an asphalt area that
14 street-type vehicles could come and ride, too.

15 BRUCE BRAZIL: And it wouldn't necessarily even
16 have to be asphalt. Like an electric super moto or
17 flat track, also with carting. It could all fit in
18 there.

19 Thank you.

20 CHAIR WILLARD: Great. Thank you.

21 Joe Sand.

22 JOE SAND: Good afternoon. Joe Sand. I'm a
23 Trustee on the California Foundation, and I'm the owner
24 of Specialized Four-Wheel Drive in Sacramento. My
25 voice isn't doing too good here. I hope you can hear

1 me all right.

2 As a number of people in this room would
3 probably tell you, you're saying what I've been saying
4 for a couple years to everyone. I have identified a
5 couple of years ago that the future of off-road
6 recreation was quiet and clean and electric and high
7 performance. It's a mistake to think that the
8 technology has to be developed because it doesn't. The
9 technology exists now. It just takes basically the
10 backing to put it together. This evolved into a couple
11 of partners of mine here in the Bay area who were
12 actually ex-tesla employees to develop a new electric
13 motor that is intended from the ground up for
14 high-performance electric-vehicle use. And this is
15 sort of the second generation of the Tesla motor.

16 At this point everything is funded out of our
17 pockets. And the first motor to be developed is
18 actually going into a motorcycle. It's a street
19 bike (unintelligible).

20 THE REPORTER: I'm sorry. I know it's difficult
21 --

22 JOE SAND: You can't hear me? My voice isn't
23 doing well. I'm sorry.

24 But my point in being here is that, you know, I
25 don't know what you have to offer. But these are

1 things that could be put together and begin to happen
2 fairly quickly given the backing. My original concept
3 was to get this technology into competition off road
4 because it's the general public seeing that rock
5 crawler -- the electric rock crawler beat the pants off
6 the gasoline ones by a high 1,000. These are all
7 doable. Then the public will start to look at these
8 things and really take them seriously and decide that
9 that's what they want in their driveway. That's what I
10 want to be doing for the rest of my life, to be honest.
11 But if you guys can help me get there, I'd much very
12 appreciate that.

13 CHAIR WILLARD: Great. Well, you can contact me
14 through our OHV website. I'd like to continue the
15 dialogue.

16 JOE SAND: I'd like to. Thank you.

17 CHAIR WILLARD: Thank you.

18 Jim Keeler.

19 JIM KEELER: Just speaking as -- Jim Keeler,
20 BLM, California State office.

21 Speaking as an individual, another possibility
22 might be a one- or two-day event or fair or a traveling
23 tent show to some of the SVRAs. And it's possible,
24 also, if you did it right, tinkerers and organizations
25 could come together in that kind of a venue. So if you

1 just had an expo just to put it together and see what
2 happens. It couldn't hurt.

3 CHAIR WILLARD: That's another great idea. I
4 had that idea and staff had the idea at the same time.
5 And that's a work in progress, I think.

6 Chief, do you want to make any more comments on
7 that?

8 CHIEF JENKINS: Yes, that's one that we've been
9 working on where we actually had a date set to do an
10 Electric Vehicle Expo where it encourages people, you
11 know, that were bringing blossoming technology to come
12 into the environmental training there at Prairie City
13 because it just seemed to be a natural fit. And as
14 things sometimes go, this event got postponed due to
15 conflicts up with the opening of the Environmental
16 Training Center and the Governor's schedule. So we'll
17 continue to work on this. It certainly is exciting to
18 me and it tickles my creative sparks as I've always
19 liked tinkering with little vehicles. I think a lot of
20 people that are drawn to OHV recreation just like to
21 tinker. And this could be a whole new playground.

22 CHAIR WILLARD: Yes. Great.

23 So I'll just run through the list of people who
24 have just signed up to make comments.

25 John Stewart.

1 JOHN STEWART: Good afternoon. John Stewart,
2 California Association of 4 Wheel Drive Clubs.

3 There are interesting opportunities available
4 for the people willing to step out and take a risk. I
5 think the -- some of the ideas tossed around here merit
6 investigating. If you look at some of the issues of
7 trying to move some of the troubled kids off of streets
8 through some of the CalPal Programs or some of these,
9 then providing an intercity electric cycle track of
10 traffic some sort of point where they would, you know,
11 have a partnership with industry to have -- or a
12 partnership with the cities or counties. A lot of
13 interesting opportunities come up here for how you can
14 actually get kids engaged and involved in what is going
15 on and get them off the streets and into some is in?
16 Activity.

17 Yes, you may be competing with a soccer team,
18 baseball team. But when you start looking at some of
19 the big sports complexes like that, perhaps there is a
20 position or a little space on some of these larger
21 athletic fields where a small cycle track could be put
22 in a natural park setting where it would draw the
23 families in and, you know, something manage with a
24 private/public partnership could, you know, can be of a
25 benefit.

1 I applaud you for taking this step because
2 there's a lot of opportunities that could be looked at
3 or need to be looked at for the social interactions
4 that would come out of this and how we can improve the
5 recreational opportunities in life that are available
6 to the people under the -- you know, with the knowledge
7 that the recreational activities and sports we know
8 today may not necessarily be the recreational
9 activities of every tomorrow. So change is always
10 coming, and it's a matter of looking at the change.

11 Now, there is one caution, though, that I think
12 you would have to ensure that somehow the OHV Trust
13 Fund does not become a slush fund or a single supporter
14 for some of these alternative-vehicle recreational
15 options. You know, you still have to maintain a focus
16 as that Trust Fund is mostly for -- or is paid by gas
17 tax and for that and for the SVRAs for trail
18 maintenance. That's got to maintain the focus. But I
19 think there is some room through the Grants Program
20 where something can be worked out to invest into a
21 public/private business relationship.

22 So good luck.

23 CHAIR WILLARD: Yes. I want to thank you for
24 your comment. Yes, I might want to underscore the fact
25 that this is in no way -- at least my concept is in no

1 way to, you know, take away from the existing OHV
2 Program. This is just another component of it. It's
3 interesting that you should mention the gas tax. In
4 reviewing the Strategic Plan early on, I was thinking
5 that we were going to need to look out five years, but
6 we need to look out 20 years. I mean what happens to
7 the program 20 years from now if alternative-energy
8 sources are much more predominant and the gas tax
9 revenues are falling off? Then how do we sustain the
10 program that we have? And this is something that we've
11 talked about with staff. And it's definitely something
12 that -- it's not here yet, but it's something to keep
13 in the back of your mind because, you know, that's
14 where we get our funding is through the sale of
15 gasoline. And if that's going to start to go down over
16 time of, certainly not tomorrow, but 20 years from now,
17 who knows. Something to keep in mind.

18 Karen Schambach, any comments on this?

19 KAREN SCHAMBACH: Karen Schambach, Center for
20 Sierra Nevada Conservation.

21 I don't have a lot to add. It's been -- thank
22 you for the vision, and I've enjoyed the discussion.

23 I guess my -- the one thing that's already been
24 said by a couple of people that I would reiterate is
25 that this has the possibility of securing areas in

1 urban areas where your SVRA is not many possible
2 because of noise issues. So, you know, it has the
3 benefit of being close to, you know -- the possibility
4 of having an SVRA right in a town, close to a town
5 because the primary issue of locating them in those
6 places is noise. So you wouldn't have people having to
7 drive a long way to recreate. It would provide
8 recreation for kids in the city. And I think it's a
9 fascinating idea.

10 CHAIR WILLARD: Good. Thank you.

11 Amy, comments?

12 AMY GRANAT: He had mine.

13 CHAIR WILLARD: Great. Thank you.

14 Okay. So that's it on the public comment.

15 I want to thank you for that.

16 So I will, you know, get the ball rolling with a
17 subcommittee. I'll be one of the members of the
18 subcommittee. And then, you know, whoever's
19 interested, let me know. We can talk about who else
20 would be on the committee. We'll have it on the next
21 meeting's agenda. In the meantime, I think I'll reach
22 out to some of the manufacturers and perhaps some of
23 the other -- the agencies that Commission Lueder
24 mentioned to see what they've got going and work with
25 Division staff and see where this might take us. I'm

1 pretty excited about it, and thanks for the opportunity
2 to get the idea out there. And we'll see where it
3 goes.

4 Does Commissioners have anything else to comment
5 on or --

6 Commissioner McMillin.

7 COMMISSIONER McMILLIN: I'll make a general
8 statement. Yes, I'd like to just make a general
9 statement that I think it was a good field trip
10 yesterday. It was a good meeting today. And I want to
11 congratulate the Division staff and leadership on two
12 things: One, getting the Strategic Plan put to bed for
13 now. We worked hard on that for three or four years.
14 And the other thing would be there was some litigation
15 against the Division which was handled and also put to
16 bed without any loss of our grant -- of our Trust Fund
17 money, and I want to congratulate the Division on their
18 leadership on that.

19 And then also just make a request that we
20 continue to have these meetings out of Sacramento, if
21 at all possible, and potentially in southern California.

22 So thank you.

23 CHAIR WILLARD: Thank you.

24 Chief, Deputy Director, any closing comments?

25 DEPUTY DIR. GREENE: Just a closing comment.

1 Thank you, Commissioner McMillin. We do
2 appreciate it. And the goal is to try and keep moving
3 the meetings around the state. The next -- I would
4 like to move to southern California for the July
5 meeting. I will, however, caution everybody that May
6 19th is a very important day on behalf of the State of
7 California, and we may end up in yet another travel
8 freeze. So I will just let everybody know that that
9 July meeting, we just don't know yet, but that may be a
10 possibility.

11 On that note, I, too, would like to thank all
12 the Division staff. These meetings don't happen just
13 overnight but take a great deal of planning and
14 coordination. So a thank you to everybody here today,
15 and in particular Olivia Suber. And I just appreciate
16 all the public who came yesterday as well as today. So
17 thank you both. And happy Mother's Day.

18 CHAIR WILLARD: Yes, happy Mother's Day.

19 Okay. Thank you. The meeting is adjourned.

20 DEPUTY DIR. GREENE: Gary, excuse me, we really
21 should take a vote to adjourn.

22 CHAIR WILLARD: Sorry.

23 All those in favor?

24 (Commissioners simultaneously voted.)

25 CHAIR WILLARD: All right.

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DEPUTY DIR. GREENE: So noted. Seconded by
Commissioner McMillin.

(Meeting adjourned at 5:05 p.m.)

--oOo--

Respectfully submitted,
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