STATE OF CALIFORNIA
OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

MEETING MINUTES

September 15, 2012

El Dorado County Board of Supervisors Chambers
330 Fair Lane
Placerville, CA 95667

OFF-HIGHWAY MOTOR VEHICLE RECREATION (OHMVR) COMMISSIONERS PRESENT

Paul Slavik, Vice-Chair
Breene Kerr
Diana Perez
M. Teresa Villegas
Stan Van Velsor
Absent: Gary Willard

OHMVR DIVISION STAFF PRESENT

Philip B. Jenkins, Acting Deputy Director, OHMVR Division
Kathryn Tobias, Senior Staff Counsel, California State Parks

AGENDA ITEM I - CALL TO ORDER – 9:02 a.m.

A. Pledge of Allegiance

B. Roll Call

Five members of the OHMVR Commission ("Commission") were present at time of roll call. Commissioner Willard was absent from the meeting.

Commission Discussion: Vice-Chair Slavik expressed his deep appreciation for a very dynamic and impressive tour of the Rubicon Trail.

AGENDA ITEM II - APPROVAL OF AGENDA

Motion was carried by Commissioner Van Velsor and seconded by Commissioner Kerr. Motion carried.

AGENDA ITEM III - APPROVAL OF SUMMARY MINUTES

Vice-Chair Slavik called for a motion to approve the summary minutes for the February 25, 2012 Commission meeting. Motion was carried by Commissioner Perez and seconded by Commissioner Van Velsor for approval. There was a simultaneous vote by the remaining Commissioners to approve these minutes; however, Commissioner Villegas abstained as she was recently appointed to the Commission; therefore, she was not present at February 25, 2012 meeting. Motion carried.

Vice-Chair Slavik called for approval of summary minutes for the June 23, 2012 Commission meeting. The motion was carried by Commissioner Perez and seconded by Commission Van Velsor to approve the summary minutes.

Commissioner Villegas abstained, as she did not attend the June 23, 2012 meeting. Motion carried.

Commission Discussion: Vice-Chair Slavik introduced the newest Commission member, Teresa Villegas, as a wonderful addition to the Commission and a member who is full of potential because of her background in environmental work. Commissioner Villegas followed with a short introduction regarding the detail of her background which includes government and environmental organizations.

Vice-Chair Slavik concluded her introduction commending Commissioner Villegas for being so willing and enthusiastic to experience off-highway vehicle (OHV) recreation given her limited background in the recreational activity.

AGENDA ITEM IV - REPORTS

A. Commissioners' Reports

Commissioner Perez reported a number of tours and outreach efforts to the public and state legislators regarding different aspects of the OHMVR Program. In early July she had a two-day tour of Carnegie SVRA with Sector Superintendent Joe Ramos. During this time she also met with Mark Connolly to address some concerns. In early August, Commissioner Perez spent time at the State Capitol to meet with Assembly Member Joan Buchanan to continue discussions regarding Carnegie SVRA; and met with Assembly Member Luis Alejo and a number of other assembly members and senators to discuss the purpose and value of the OHMVR Program. In mid-August, Commissioner Perez attended a planning meeting in Grover Beach to discuss the Pismo Visitor Center proposed for Oceano Dunes SVRA. Finally, in early September, along with District Superintendent Andy Zilke, Commissioner Perez met with Assembly member Katcho Achadjian to review the Pismo Visitor Center and solicit his support in obtaining needed permits.

Commissioner Kerr reported his outreach efforts relating to the budgetary issues and his hope for a potential license plate program. His efforts included contacting Assembly Member Jim Dell and Rich Gordon, who are both Bay Area representatives. Commissioner Kerr concluded his report with encouraging members of the audience to contact their State Assembly Members or Senators regarding OHV issues.

Vice-Chair Slavik described his communication with Senator Alan Lowenthal's staff regarding the "hidden" OHMVR funds, and also mentioned attending a tour of Hungry Valley State Vehicular Recreation Area (SVRA) hosted by District Superintendent Jeff Gaffney. The purpose of this tour was to give Commissioner Villegas an idea of the OHV opportunity near Los Angeles, and to familiarize her

with an SVRA. Commissioner Villegas confirmed Vice-Chair Slavik's assumption that she was not aware that Hungry Valley existed.

B. Deputy Director Reports

1. General Program Update

Acting Deputy Director Jenkins began by thanking the County for providing the meeting location and expressed his gratitude for all of the staff that participated in the coordination of the Commission meeting. He also recognized and thanked the County, State, and Forest staff; and individuals who volunteered their time coordinating the Commission tour.

Vice-Chair Slavik added a special thanks to Ranger Ken Kramasz, from Carnegie SVRA, who led the Rubicon Trail Tour on a trial bike. He expressed his delight for seeing a motorcyclist being utilized in such a valuable way.

Acting Deputy Director Jenkins continued by thanking the Commission and all of the members of the public for their continued support and outreach efforts through an adventurous budget cycle, and reminded the public that the Commission is made of volunteers spending their time to advocate for all parts of the OHMVR Program.

2. Update on Proposed Kern County Acquisition

Peter Jones, a Park and Recreation Specialist working for Hungry Valley and Hollister SVRA, provided an update on the proposed acquisition for 28,500 acres of land in Eastern Kern County. The land is located due west of Red Rock Canyon State Park (SP) and is adjacent to Dove Springs and Jawbone OHV areas. Currently, the land is privately owned by ReNu, used for OHV recreation, and collectively managed by Friends of Jawbone and the Bureau of Land Management (BLM).

On August, 2, 2012, the OHMVR Division held a public focus group meeting at the new Friends of Jawbone Visitor Center. The meeting provided a general overview of the project by OHMVR staff, and included a presentation by the Nature Conservancy regarding the unique and abundant natural resources in the area and the importance of this region as it connects to the Sierra Nevada and coastal range allowing for wildlife passage, and the region includes an important refuge for migratory birds – Butterbredt Springs which is managed by the Audubon Society. The audience of this meeting consisted of 25 individuals presenting a broad range of interests groups such as local ranchers and landowners, Native American representatives, Friends of Jawbone, BLM, United States Marine Corps (USMC), the Nature Conservancy, the Audubon Society, and more.

The purpose of this meeting was to solicit these interest groups and discuss their hopes, concerns, and immediate issues surrounding the proposed acquisition. Some of the concerns included whether there will be adequate

protection of natural and cultural resources; concern whether the State would allow wind energy development to occur as it causes a problem for migratory bird survival and could change the landscape; and concern whether there would be funding in the future to continue management of the area if the land is acquired by the OHMVR Division.

Hopes included the OHMVR Division's ability to provide additional resources for habitat and species monitoring and protections, increased law enforcement; and that the acquisition and management of this land would be a showcase example of sustainable multi-use recreation, as well as the model for efficient multi-agency management.

Mr. Jones concluded his report by informing the Commission that a website for this project is under construction to make the process more transparent for the public; scoping meetings regarding the proposed acquisition would be held in October in Ridgecrest and Lancaster; and the draft Environmental Impact Report regarding the acquisition would be completed and released by the end of the year.

Commissioner Kerr asked a clarifying question of whether or not the land has been purchased. Mr. Jones responded that it has not yet been purchased. It was further clarified that public hearings need to take place before the purchase is complete. Commissioner Kerr asked clarifying questions regarding the price of the land, how the price is determined, and expressed concern of purchasing land with the potential of OHV recreation so close to other OHV areas. Acting Deputy Director Jenkins clarified that the purchase price would be roughly $18 million, there are established routes on this property that allow for OHV recreation, and that much of the private property has been blocked off. Acting Deputy Director Jenkins emphasized the efforts of the Friends of Jawbone and the BLM to keep the routes limited to BLM property, and further explained that by the OHMVR Division purchasing this property would warrant the possibility of coordinating with BLM to manage the landscape as a unit.

Commissioner Kerr questioned the status of the acquisition funding. Acting Deputy Director Jenkins responded that the funding has already been appropriated by Legislature, and that the funding is available. Acting Deputy Director Jenkins further explained the details of the acquisition process including the need for public hearings, a thorough and final EIR, and approval from the Department of General Services including a confirmation that the appraisal is appropriate.

Vice-Chair Slavik asked how the operation of this area would work if the OHMVR Division acquires the land and if the acquisition by the OHMVR Division would mean that the Division has control. Mr. Jones responded that the operation of this area could involve a Memorandum of Understanding (MOU) between BLM and the Division and working with groups such as

Friends of Jawbone. It would be managed as a continuous piece of land rather than separate jurisdictions. Acting Deputy Director Jenkins supported this notion and expressed the OHMVR Division's commitment to working collaboratively with other agencies. The hope is to combine additional capital and support with the experienced support already in place.

The public can expect the management process and other changes, such as the addition of trails, to be discussed during the general planning process; and can expect it to be several more years before actual additional trails or any new facilities develop. These additions and changes to the areas are all dependent on the outcome of the general planning process that will go through a public process before being approved by the Commission.

Vice-Chair Slavik questioned whether the new property would be run like an SVRA and if a visitor center with maintenance facilities would be separate from Jawbone Visitor Center. Acting Deputy Director Jenkins responded that it wouldn't make sense to build new facilities because, through the efforts of BLM and Friends of Jawbone, they already exist.

In response to inquiries made by Vice-Chair Slavik regarding park entry, Acting Deputy Director Jenkins explained that the Eastern Kern County area would be similar to Ocotillo Wells SVRA, and entry points include Red Rock Canyon SP. Further, there are multiple access points, even private property as long as you have permission from the private owner. Also, control would be managed similarly to Ocotillo Wells SVRA since it also does not have a defined entry point.

Commissioner Perez asked questions regarding the map displayed as part of this presentation. Paula Hartman, from TRA Environmental Sciences, informed the Commission that the website, which is in the development stages, will include an updated map that is more informative relative to the location of this area and the specific parcels within it. Commissioner Perez requested a field trip to this area as the process continues. Acting Deputy Director Jenkins confirmed this request and the trip will be incorporated in the current or next year's schedule.

The Commission followed with questions regarding: the willingness of sellers, which areas belong to BLM or are private holdings making up the 28,500 acres, and ownership and management within the California City area regarding OHV activity. Mr. Jones reaffirmed that the 28,500 acres is property currently owned by ReNu, a willing seller. Acting Deputy Director Jenkins discussed the multi-agency approach in the California City area and reaffirmed that a cooperative management approach among the City, County, State, and other groups is necessary for this project to be successful.

Commissioner Van Velsor asked a couple final, clarifying questions regarding the current use on the property, and if any area has been fenced. Acting

Deputy Director Jenkins answered that some of area is fenced, while other parts of the area has transient trails that cross parcels. Paula Hartman pointed out that OHV activity is focused on the eastern half of this property and that several of the ReNu parcels for sale are within the Jawbone Open Riding Area. Ms. Hartman further described the current challenge to distinguish between private and public parcels, unless the area has been made identifiable by fencing put up by the Friends of Jawbone.

Commission Van Velsor questioned whether the upcoming EIR is based on both existing use and potential future use or if that is delayed by the completion of the General Plan. Acting Deputy Director Jenkins explained that multiple environmental reports are required throughout this process. The first EIR is part of the acquisition process only and will look at current and potential future action and will be used to gather information such as existing routes. This is the first CEQA action for the purchase. Once the land is purchased, the General Plan EIR will examine the existing uses and potential changes to those uses. Once acquired, the OHMVR Division would address any immediate issues such as environmental damage. Commissioner Van Velsor followed confirming that current use would not change until the General Plan was complete. Acting Deputy Director Jenkins explained that it would not change unless it was causing immediate threats to the environmental sustainability of the area, if so, then it would be addressed immediately.

Vice-Chair Slavik expressed his excitement for the possible acquisition of new property and commented that the people in Southern California would be ecstatic to know they are getting something new for a change.

3. 40th Anniversary Celebration Update

Superintendent Brian Robertson described efforts made by the OHMVR Division including interviewing users and collecting public testimony about memories made after a day of OHV recreation. The end result of collecting these stories will be a publication documenting memories made over the last forty years that is set to be complete in 2013. Throughout the year, the 40th Anniversary theme will be included in other events held at SVRAs to recognize the long history of OHV recreation and the OHMVR Division's promotion of providing quality OHV recreation opportunities while sustaining cultural and natural resources.

4. Johnson Valley OHV Area – Twentynine Palms FEIS

Dan Canfield, Acting Planning Manager, began his report providing background information on the Johnson Valley OHV Area ("Johnson Valley"), the largest OHV area of its kind in the nation totaling 190,000 acres, and its relevance in the Twentynine Palms Final Environmental Impact Statement (EIS) released by the USMC.

In July of 2012, the Final EIS was released, and the USMC identified Modified Alternative 6 as their preferred choice. If chosen, Alternative 6 would expand the Twentynine Palms military base to the west into the Johnson Valley OHV Area. 146,000 acres of Johnson Valley would be acquired by the USMC, and exclusively reserving 108,000 of the total acquired acres to military use. The remaining 38,000 acres would remain open to public OHV recreation 10 months out of the year when not in use by the USMC.

The OHMVR Division submitted a comment letter during the open period for the Final EIS which was included in the Commission report. The next step of the National Environmental Policy Act (NEPA) process requires the Secretary of the Navy to issue a Record of Decision, and if the decision is Modified Alternative 6, the Department of the Navy will begin working with BLM for the land transfer. Ultimately, the land transfer has to be approved by the United States Congress and the President of the United States.

House Representative Roscoe Bartlett of Maryland authored a successful amendment which would require addition studies by the USMC before they are able to acquire Johnson Valley.

Commissioner Villegas followed the report asking whether partners, the city or county submitted letters. Mr. Canfield stated that he was unaware if other local partners submitted letters, and he wouldn't know until the submitted letters are released to the public; however, there was a large movement of non-profits and enthusiasts of the land that created websites and several letter-writing campaigns.

Commissioner Perez asked whether the USMC has a deadline to complete the additional assessments before the land is transferred. Mr. Canfield responded that the deadline is open and is required of the USMC in order for movement to continue with the land transfer process.

Commissioner Kerr asked whether or not the Hammers are to be transferred, and Mr. Canfield confirmed that the Hammers is part of the land to be acquired in Modified Alternative 6. Commissioner Kerr expressed his hope that the Hammers would not be part of a live-fire area. Mr. Canfield was not certain of this, and Acting Deputy Director Jenkins requested that the details of this topic be left to BLM who are dealing directly with the USMC.

The end of this report concluded with final questions regarding whether legislation could have an effect on the purchase and a reaffirmation that Congress and the President would have to give the final approval on this land transfer.

5. Legislation Update

Acting Planning Manager, Dan Canfield, provided an update on state and federal legislation which included a summary of legislation and current status. The following bills were addressed:

California Legislation

AB 1595 – this bill, authored by Assemblymember Cook, establishes a definition for Recreational Off-Highway Vehicles (ROV) in the California Vehicle Code. The language addresses safety concerns related to the operation of ROVs such as: sets age limit and/or required direct supervision by an authorized adult or parent/guardian, requires operators of ROVs to wear helmets, mandates that passengers must be able to grip the safety bar and have their feet on the floor while securely seat-belted into a seat, and makes it illegal to install seats in locations not originally provided by the manufacturer. This legislation was approved by Governor Brown on July 24, 2012, and will be effective January 1, 2013.

AB 1266 – this bill, also authored by Assembly member Cook after receiving feedback on his original bill, amends AB 1595 by postponing the additional seat prohibition until July 1, 2013, eliminated the feet on the floor requirement; however, passengers still need to be able to sit back with their seat belt restraints and have a handhold. AB 1266 passed through Legislature unanimously and currently waits for the Governor's approval.

Federal Legislation

HR 6286 – introduced on August, 2nd, 2012 by Representative Elton Gallegly of California, this legislation proposes to establish the Clear Creek National Recreation Area to promote environmentally responsible high quality motorized and non-motorized trail based recreation, including OHV use, scenic touring, and access for hunting and gem collecting, while protecting ecological, geological, scenic, cultural and historical resources, fish and wildlife values, and other resources of the landscape. The area proposed would consist of approximately 75,000 acres of Federal land in San Benito and Fresno Counties. This bill was referred to the House of Natural Resources Committee and Subcommittee on National Parks, Forests and Public Lands on August 14, 2012.

HR 4109 – introduced February 29th, 2012, this bill, also introduced by Representative Gallegly, establishes two dedicated OHV areas, and expands existing wilderness areas in the Los Padres National Forest. This bill was referred to House Committee of Natural Resources on February 20, 2012.

Commissioner Perez and Kerr sought clarity on AB 1595 related to age requirements and supervision while driving ROVs, and driving vehicles with an engine size over 1000 cc. Acting Deputy Director Jenkins clarified that existing law states when driving any of these vehicles, the operator must be able to reach and operate all controls while seat-belted. The additional

requirement for ROVs is if the operator is under 16, then he/she must be supervised by an adult. Currently, this makes ROVs and ATVs the only two classes of vehicles that have an established age limit in addition to the operation requirement. In response to Commissioner Kerr's next question, Acting Deputy Director Jenkins further clarified that for vehicles with an engine size over 1000 cc, such as a larger dune-buggy, motorcycle, or a Jeep being operated off-highway, the only requirement that applies is that the operator is able to reach all controls, and if under age 16 supervision is not required

6. **Public Safety Update**
   Superintendent Brian Robertson provided a public safety update on the OHMVR Division's efforts related to the Rubicon Trail including law enforcement education and outreach.

   The OHMVR Division law enforcement team has been on the Rubicon Trail each season for the last three years. This year, starting in May, the team contacted approximately 3,000 trail visitors. Superintendent Robertson explained the intentions of these contacts, which is not to enforce solely, but to educate the visitors about laws and promote positive habits such as picking up trash if they see it on the trail.

   Superintendent Robertson introduced Dennis Cullen to provide information on a Memorandum of Understanding (MOU) in progress that would formalize the cooperative agreements between the multiple agencies that manage and operate the Rubicon Trail.

   Mr. Cullen described the beginning of the Rubicon Trail and the Rubicon Oversight Committee, and the events that lead to the collaborative efforts seen on the Rubicon Trail today. The formalization of this collaboration between the OHMVR Division, the U.S. Forest Service (USFS), and the El Dorado County Department of Transportation and Sherriff's Office is necessary so that collaboration continues into the future. Mr. Cullen provided examples of what the MOU includes, such as the authority of each agency and what is expected of each entity involved.

   Commissioner Kerr discussed the importance of signs in this area especially in providing visitors the appropriate route home if he/she is lost. Acting Deputy Director Jenkins acknowledged the Commissioner's suggestion and mentioned that there are more signs there now than there have been in the past.

PUBLIC COMMENT ON COMMISSION AND DIVISION REPORTS

- Bruce Brazil: California Enduro Riders Association
- John Stewart, California Association of 4-Wheel Drive Clubs
- Don Amador, Blue Ribbon Coalition
- Karen Schambach, PEER and Center for Sierra Nevada Conservation

The Commission questioned the status of the general plan for Red Rock Canyon SP; mentioned the possibility of reaching out to the State Park and Recreation Commission and the importance of open-communication between the two Commissions; and discussed how the Red Rock Canyon SP General Plan parallels with the upcoming planning process for the Eastern Kern County Acquisition. The Commission requested that they remain fully informed on any updates related to the Red Rock Canyon SP General Plan and any updates related to the Eastern Kern County Acquisition.

C. BLM REPORT

Mark Conley provided a general update. He first recognized his colleague, Jim Keeler, as he retired the previous month after almost 20 years of work. Currently, BLM is in the process of filling Mr. Keeler's position and this new candidate will represent BLM as the motorized OHV coordinator at future Commission meetings.

Mr. Conley mentioned that the Imperial Sand Dunes Recreation Area Management Plan EIS is out for public review; the 30-day comment period will end on October 14, 2012. BLM will be reaching out to the public attending the Sand Show on five informational meetings about the Imperial Sand Dunes Recreation Area Management Plan EIS in hopes of receiving further comments. It has been over two years and BLM has received thousands of comments. Imperial Sand Dunes is BLM's most intensively used recreation area in California, and they are attempting to address many issues. Given the large response from the public, eight alternatives were identified. BLM will look at protests before a Record of Decision is issued, and is looking forward to moving ahead as there has been a lot of public participation from agencies, users, and other stakeholders.

Commissioner Kerr asked if BLM managed the Dumont Dunes and if that is part of this report. Mr. Conley stated that Dumont Dunes is managed by the Barstow Field Office and although it is managed by BLM the planning effort is a separate report from the Imperial Sand Dunes Plan.

Mr. Conley further explained the challenge that BLM faces in managing such a highly-used area and the difficulties for emergency medical and law enforcement.

Vice-Chair Slavik requested that Mr. Conley provide some background information on Glamis, Imperial Sand Dunes, and Dumont Dunes for the newer Commissioners, including how many people visit and the acreage. Mr. Conley estimated acreage of Imperial Sand Dunes at 214,000 acres; Johnson Valley at 188,000 acres; and referenced Dumont Dunes as a smaller dune system surrounded by wilderness and other land-use allocations. Mr. Conley stated that the maintenance, law enforcement, and restoration work being done would not be possible without the work of BLM staff and the funding from the OHMVR Grants Program.

Mr. Conley discussed Jawbone Butterbredt, an area rich with cultural and natural resources and an important recreation area, and the need to address potential management issues among Red Rock Canyon State Park, BLM and the OHMVR Division. Further, he and mentioned that State Director Jim Kenna is very interested in working with State Parks to help manage the Jawbone Butterbredt area. Mr. Conley briefly stated that the West Mojave Plan is in the discussion stages regarding land management and land-use allocation.

Mr. Conley provided an update on the Twentynine Palms expansion. BLM is working closely with the Department of the Navy and the USMC; and BLM did submit comments on the Final EIS. He clarified that this is not considered a land purchase, but should be referred to as a land withdrawal. Mr. Conley confirmed for Commissioner Kerr that the Hammers is included and racing would be impacted in this area; further, there is no other location for this type of activity. BLM has stated their concern regarding these impacts to the USMC and expressed that there is no other area in the California Desert for the activities that occur at Johnson Valley today.

Mr. Conley discussed the Clear Creek legislation introduced by Representative Sam Farr and mentioned that a formal meeting has not yet been scheduled for BLM to comment on the legislation. Commissioner Kerr expressed dissatisfaction with the current situation with Clear Creek and asked whether BLM and the OHMVR Division are ready to resolve the issues. Mr. Conley responded that BLM has not yet selected a final preferred alternative on the best way to manage Clear Creek. Acting Deputy Director Jenkins confirmed that there has been inter-agency discussion about possible ways to move forward.

The Commission asked questions regarding BLM's involvement with the bill authored by Representative Farr. Mr. Conley confirmed that BLM's Hollister Office, and the State and Washington Public Offices were consulted and that BLM would provide official comments; however, an official stance cannot be taken until there is a formal hearing. Commissioner Kerr expressed hope that the agencies would collaborate before the formal meeting so that a unified recommendation can be proposed.

Mr. Conley ended his report with an update on the partnership with State Parks, the USFS, BLM, Kern County Sherriff's Department, stakeholders, and other partners to address law enforcement issues on private land, as well as completing restoration work and inventorying routes in the Tehachapi Area.

D. U.S. FOREST SERVICE REPORT

Kathleen Mick discussed new projects at the Regional Office including work on a wet weather strategy that was made possible by funding provided by the OHMVR Grant Program. Roger Poff will complete an assessment to help develop a tool the USFS can use for a better approach and implementation of wet weather management on OHV trails. Local units, stakeholders, including OHV groups, will

be recruited as volunteers to help collect data and develop a strategy in the local area.

In regard to other Regional projects, as required by Subpart A, a requirement to identify the minimum road system in each national forest, the Region has created an internal guidebook that expands on the USFS manual and handbook. Ms. Mick stated the goal of the guide is to provide more information so USFS staff can easily identify recommendations for the transportation system, and incorporate the recommendations in NEPA documents. Identification of this transportation system will begin July 2013. The public should focus on what the current transportation system provides in terms of roads, areas where recreation is concentrated, where roads could be expanded or decreased, and what the transportation system provides for recreationists. Forest supervisors have also been working more closely with the counties and local governments to address some of the needs that may not have been addressed the first time with travel management. For example, the Shasta/Trinity is working through NEPA to add additional routes to their system.

Other projects include the Motor Vehicle Use Maps for Shasta/Trinity and Tahoe National Forests, the two forests still working to develop their maps, which will soon be available on the USFS website. Currently, USFS staff is refining map and making MVUMs more consistent and user-friendly for the public. Ms. Mick stated that the decline in grant funding could force USFS to discontinue colored maps; however, the Forest is in process of creating an application for smartphones that resemble the MVUMs with geo-referencing so users will be able to navigate while on the ground.

Ms. Mick provided an update on the USFS budget. Although the current year's budget does not show a significant decrease, there has been a decrease in the past several years. Ms. Mick described the revised management approach of using more volunteers to balance the severe impacts; however, the USFS will suffer due to the uncertainty of funding from the OHMVR Grant Program. The impacts will affect the Federal fiscal year 2014.

Ms. Mick provided a litigation update including a brief discussion on the ongoing lawsuits related to travel management known as Subpart B, Designation of Roads, Trails, and Areas for Motor Vehicle Use. A final order was issued on the Eldorado National Forest lawsuit; the planning process has started for the supplemental EIS that focuses on routes and meadows, and USFS now has direction since the decision was finalized. Ms. Mick is hopeful the public process component will help develop alternatives that can create a common-ground resolution. Ms. Mick stated that the Klamath National Forest lawsuit waiting for a hearing; Stanislaus National Forest lawsuit is now waiting for the judge's final decision; and the new lawsuit concerning the Tahoe National Forest is pending hearing dates.

Regarding national over-snow litigation, several entities have challenged the 2005 Travel Management Rule regarding snowmobiling, also known as Subpart C, which allows but does not mandate the USFS to regulate over-snow vehicle use via prohibitions, restrictions, and allowances. Ms. Mick stated USFS found such regulations were not needed in California; however, since the national litigation is proceeding, the future of this regulation is uncertain. Ms. Mick stated that the issue should be resolved fairly quickly as it would be in court within the next six weeks. Regionally in California, there is pending litigation against the over-the-snow program and grooming that occurs; the USFS is communicating with the OHMVR Division as allowed; however, further details cannot be provided at this time.

Ms. Mick informed the Commission that each year the Regional Forester sets priority for the region in terms of vision and strategy and how they want to approach work. Regional Forrester Randy Moore is focusing on and working with counties on ecological restoration, resilience, and ecological sustainability. As time moves on, more will be heard on how this will be applied to each of the national forests and what will be done to restore landscapes and watersheds while allowing the current recreation uses. Also, early adopter forests, such as the Sierra, Sequoia, and Inyo National Forests, will be the first to have forest plan revisions; this process has started internally. All agencies and the public should pay close attention to the upcoming meetings and comment and review periods over the next two years.

Ms. Mick discussed the Sierra National Forest decision to address seasonal closures, which have not been working well. USFS staff is working with users to modify the approach in order to accommodate both users and the natural resources. The Klamath, Tahoe, and Plumas National Forests are also making revisions, including collaborating with user groups and conducting wildlife surveys in the Plumas to allow 30 miles of single-track trail use that couldn't be accommodated before because of the lack of data.

PUBLIC COMMENT ON BLM AND USFS REPORTS

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

PUBLIC COMMENT PERIOD ON ITEMS NOT ON THE AGENDA

- Dave Pickett, District 36
- John Stewart, California Association of 4-Wheel Drive Clubs
- Karen Schambach, PEER and Center for Sierra Nevada Conservation

AGENDA ITEM V - BUSINESS ITEMS

A. Election of New Chair

Motion was set to elect a new Chair. Commissioner Kerr moved to elect Vice-Chair Slavik as the Chair and Commissioner Van Velsor seconded. A vote was called and the motion carried with Commissioner Slavik abstaining.

Commissioner Perez moved to recommend Commissioner Kerr as the new Vice-Chair. Chair Slavik called for a vote. A vote was called and the motion carried with Commissioner Kerr abstaining.

B. Rubicon Trail Report – El Dorado County Rubicon Trail Management

Chair Slavik introduced Jack Sweeney, District 3 Supervisor for El Dorado County. Supervisor Sweeney thanked those who attended the gathering at Mark Smith's Museum on Jeeping and introduced his son, Bob Sweeney, the Rubicon Trail tour leader who organized the field staff; and thanked Vicki Sanders and her staff for their in-house coordination efforts.

The success achieved by El Dorado County has been a cooperative venture. Many people contributed, conspired, worked, agreed, and set their differences aside to make this happen. Supervisor Sweeney stated that these entities would not have pulled together had it not been for the Order set by the Regional Water Quality Control Board (RWQCB) in Sacramento. Supervisor Sweeney expressed his gratitude for the RWQCB for suggesting changes and thanked the staff from the OHMVR Division, the Friends of the Rubicon, the Rubicon Trail Foundation and those collectively referred to as Panel B, including Karen Schambach, who worked together to resolve the issues. He also thanked former Deputy Director Daphne Greene for her persistence and determination for getting the job done.

Supervisor Sweeney explained the location of the Rubicon Trail and described its detailed history. It is believed that Native Americans used the Rubicon Trail and that the first reported use by settlers was in 1844. El Dorado County was formed on February 18, 1850; shortly after, on September 9, 1850, California became the 31st state. In the 1860s, people began using this trail as a trans-Sierra route. Soon travelers realized this trail wasn't as steep as others, access was fairly easy, and discovered great mineral water. The trail became so popular that the Wentworth Springs Hotel was erected in 1868, and then the Rubicon Springs Hotel was built shortly after. On August 3, 1887, Supervisor Sweeney's great-grandfather petitioned so the Rubicon Trail would be a public road. More recently, although there has been some disagreement whether the Rubicon Trail is a pubic road, the County and the USFS worked cooperatively for an easement instead of against each other through lawsuits. Supervisor Sweeney handed out commemorative coins for 125 years of the Rubicon Trail being a public road and continued his presentation on the history of the Rubicon Trail including the start of Jeepers Jamboree in 1952 by Sweeny's father along with Mark Smith, Gene Chappie, and others from Georgetown. Supervisor Sweeney explained that the original users of the Rubicon Trail had no constraints, and the trail received little maintenance. Supervisor Sweeney presented a video titled "It's in Your Hands" to show what happened over this period of time.

Supervisor Sweeney mentioned that the Rubicon Oversight Committee, a group of users, the environmental community, the County, and USFS, was created in 2002 to address issues seen in the video. This group created a list of accomplishments based on the concerns they had for the Trail, and has achieved

nearly every one. Unfortunately, there was an incident that forced Supervisor Sweeney to close the Spider Lake area in July 2004. At the same time the RWQCB issued a cleanup and abatement order (CAO) to address these issues.

Supervisor Sweeney introduced Ed Knapp, from the El Dorado Counsel's Office, who explained the opportunity that RWQCB gave the County by issuing a CAO and described the aid that the OHMVR Division provided. Mr. Knapp stated that the original issuing of the CAO made the County panic because they had never dealt with something like this before; however, they soon discovered that the OHMVR Division had knowledgeable and supportive staff that was willing to help. Mr. Knapp thanked former Deputy Director Greene for involving California Geological Service (CGS) as it was the expertise of and experience of CGS that ended up being the key to success. Further, Mr. Knapp explained, not only did the OHMVR Division provide the forward movement through the determination of former Deputy Director Greene, but OHMVR staff also provided knowledge and experience; and it is the funding from the OHV Trust Fund that made everything possible. Mr. Knapp closed stating that the County is working on a long-term funding solution and expressed how gratifying it is that stakeholders from different ends of the spectrum worked together to create a sustainable management strategy.

Commissioner Villegas recommended that the County look at this as a regional project with many partners that are able to advocate to the state for project funding as these are the types of projects they have purview over.

Supervisor Sweeney followed with the importance of cooperative efforts and how the County has honored that through an easement signed by the County and USFS on August 14, 2012. The easement describes the workings of the cooperative action, including seasonal use of the Rubicon Trail.

Vicki Sanders, from County Administration, presented the education campaign that the County uses. The program, using bandanas and user-to-user education, has been extremely successful; it has been so successful that Utah and Oregon's BLM have contacted Ms. Sanders to use the same program in their area. Ms. Sanders created a system using colored bandanas that address oil spills and sanitation. Users, if they are hiking or driving the Rubicon Trail, display the bandana and it signifies that they have been educated on how to clean up oil spills and the proper sanitation approach. Users recognize each other, and if they notice another does not have the bandana then that is their opportunity to tell them about the program and proper use of the trail. The County has adopted this strategy of educating instead of enforcing, and it has been effective. Ms. Sanders has been addressing one motto per year to ensure that the public has the opportunity to grasp the message each bandana carries.

Supervisor Sweeney took a moment to discuss the MOU among law enforcement agencies. Because of the multiple jurisdictions along the trail it is easy for users to try and evade enforcement of the law by moving into a

jurisdiction where laws are either different or interpreted differently. The MOU provides an outline for enforcement agencies to work together to ensure that the law is appropriately enforced and the trail continues to be sustained and enjoyable for future generations.

Don Spear, from El Dorado County Department of Transportation (DOT), Maintenance Division, provided an overview of the many Best Management Practices (BMPs), including rock dissipaters and pressed walls that have been placed along the trail to prevent erosion along banks and rock-lined ditches. He explained flying in fractured rock as opposed to hauling it in was the more cost effective and efficient approach.

Matt Smeltzer, the Deputy Director of Engineering for El Dorado County DOT, provided an overview of the two bridge projects for the Rubicon Trail and stated that this was the first time he has ever worked with so many different agencies toward the same goal. The bridge type selected is cost efficient and requires little maintenance. The Rubicon/Ellis project will cost $1.2 million; and the Wentworth/Girly project, which is already under construction, is will cost $1.5 million. Mr. Smeltzer noted $93,000 in initial funding from the Grants Program got the projects started.

Supervisor Sweeney ended the Rubicon report with a funding chart on the money that has been spent so far; who provided the funding; and the next steps. He noted the huge amount of volunteer time spent on the Rubicon Trail.

Vice-Chair Kerr followed with a concern about poorly signed area off of the USFS road.

Commissioner Perez thanked Supervisor Sweeney for his hospitality and the efforts of the County staff and commended former Deputy Director Greene and Acting Deputy Director Jenkins for their efforts and leadership.

Commissioner Villegas echoed Commissioner Perez's comments.

Chair Slavik recommended that Supervisor Sweeney take this great story to the National Off-Highway Vehicle Conservation Council so people across the country could hear about the Rubicon Trail.

Supervisor Sweeney answered that users often take signs from these areas as keepsakes. Chair Slavik recommended, as a possibility for long-term funding, a gift-store selling Rubicon signs.

C. Carnegie SVRA Planning Related to Alameda/Tesla Parcels and East Bay Regional Park District

Superintendent Rick Leflore provided a brief overview of Carnegie SVRA and an update on planning efforts and explained past and recent contact with East Bay Regional Park District (EBRPD) related to the Alameda/Tesla parcels, including a possible letter to be written by the OHMVR Division. Currently, the General Plan

is moving forward by evaluating the existing SVRA and the 3,478 acre Alameda-Tesla expansion area, which was acquired using OHV Trust Funds in 1998.

Superintendent Leflore referenced past media material and letters, including a December 2007 letter from former Deputy Director Greene to the EBRPD General Manager that reiterated the General Plan process was moving forward and that “this area will remain in operation and management by the California State Parks OHMVR Division and is not under consideration for sale.” That same month EBRPD had released a master plan map including the Tesla property as potential EBRPD parkland. In June 2012, Assembly Member Joan Buchanan and State Senators Loni Hancock and Mark DeSaulnier sent a letter to Resources Secretary John Laird stating their opposition to any efforts to open Alameda-Tesla to OHVs. In response to the General Plan NOP, EBRPD submitted a letter noting that because a number of stakeholders have expressed interest in the Alameda-Tesla area’s resources, “the Tesla site was included in the district master plan map as potential parkland during the last update in 2007.” The OHMVR Division has continued to reiterate to EBRPD that the Division has no intention to sell or lease Alameda-Tesla but is willing to work with EBRPD on mutually shared goals. Superintendent LeFlore confirmed the OHVMR Division would be writing a comment letter on the EBRPD master plan policy update.

Acting Deputy Director Jenkins summarized that per legislative guidelines on the appropriate use of the OHV Trust Fund, the OHMVR Division has the responsibility to, where appropriate and available, expand OHV opportunity. Further, nothing in the OHMVR Division’s guiding legislation would lead the OHMVR Division to contemplate turning over land purchased by OHV Trust Fund dollars to someone else or to not use it to further OHV recreation opportunity. Acting Deputy Director Jenkins reaffirmed the Division’s intent to work toward common goals and welcome constructive input from EBRPD as the Division realizes there are outstanding historical items in this area; as communication remains open between the OHMVR Division and EBRPD, it should be clear that the OHMVR Division is developing a management plan for the property while incorporating input from all stakeholders, but will not contemplate selling the land.

Commissioner Villegas recommended that the Commission make it part of their protocol to request that other agencies participate in project discussions at OHMVR Commission meetings when jurisdictions overlap. She also advised that the next letter sent from the OHMVR Division should mention the joint-partnership approach.

Acting Deputy Director Jenkins clarified that originally a supplemental plan was to be completed for the newly acquired Alameda-Tesla parcels; however, during former Deputy Director Greene felt strongly the responsible approach was to look at Carnegie SVRA as a whole with the new acquisition included, reframing the environmental documentation to include the whole park unit. Indeed, there is no Alameda-Tesla park as the Alameda and Tesla parcels were added to Carnegie

SVRA. In summary, past planning efforts were not completed because the General Plan was revised to take a holistic approach.

Commissioner Van Velsor reaffirmed the need for the Commission to be involved as early as possible in the general planning process, and wanted to know more about what efforts the Division would make to ensure the Commission is well-informed and able to participate.

Acting Deputy Director Jenkins explained that 1) there is still opportunity to participate in the Carnegie General Plan as the OHMVR Division is still in the first steps of the process and 2) the OHMVR Division has been working with AECOM on identifying and coordinating the best times for the OHMVR Commission to provide input. Schedules are being coordinated to create the best opportunities.

Commissioner Van Velsor recommended a public workshop where Commissioners could be more hands-on and be given the opportunity to be involved in greater detail. Acting Deputy Director supported Commissioner Van Velsor's recommendation and stated his idea is similar to the model used to create the OHMVR Strategic Plan.

Chair Slavik invited the public to comment on this item.

After additional Commission discussion regarding the timing and suitability of drafting a letter to EBRPD, Chair Slavik asked for a motion to write a letter that staff, Chief Jenkins, and the Chair would collaborate on and send it as soon as possible. Commissioner Kerr so moved and Commissioner Perez seconded. A vote was called and the motion carried.

PUBLIC COMMENT PERIOD ON AGENDA ITEM V(C) PLANNING AT CARNEGIE SVRA

- Nick Haris, American Motorcycle Association
- Dave Duffin, Carnegie Forever
- Bruce Brazil, California Enduro Riders Association
- John Stewart, California Associate of 4WD Clubs
- Karen Schambach, PEER/Sierra Nevada Conservation
- Dave Pickett, District 36, Motorcycle Sports Committee
- Don Amador, Blue Ribbon Coalition

D. FY 2012/2013 Enacted Budget Update

Acting Deputy Director Jenkins discussed the 2012/2013 Budget including activity over the last year. According to his report, the enacted budget for 2012/2013 included $54 million that was allocated to run the operations of the OHMVR Division including the SVRAs and overhead costs. Further, the Grants Program, allocated $26 million the previous year, was proposed as $21 million but reduced to $10 million in the enacted budget. Finally, Acting Deputy Director Jenkins described the capital outlay budget for FY 2012/2013 that was originally

proposed at $25 million in projects; however, a total of approximately $8 million was appropriated for spending in the final budget.

Acting Deputy Director Jenkins explained that two finance letters were added in the May revision of the budget: one for Air Quality Compliance to finance PM10 mitigation efforts at Oceano Dunes and Ocotillo Wells SVRAs, $4.8 million, and the other for the Corral Hollow Creek Restoration. The Corral Hollow Creek Restoration is a request for finances to continue work on watershed at Carnegie SVRA including sediment runoff, and so on.

The Commission followed the report with numerous questions related to the finance letters and the status of funding for projects like Oceano Dunes Visitor Center. Acting Deputy Director Jenkins answered that the money has been allocated and is available for the Oceano Dunes Visitor Center, and that the project will move forward once permits are issued.

More details related to projects that were removed from the Governor's Budget, such as the Carnegie Road Construction Project and Heber Dunes Initial Development that included visitor-serving facilities were mentioned. In Acting Deputy Director Jenkin's final summary of the budget, he noted that the Hollister Hills Rehabilitation and Infrastructure Project remained as did the $2 million opportunity purchase; however, the only item not shown on the budget document provided by the OHMVR Division is the $7 million that was moved directly into State Park's operating program to help keep parks open. Originally, the Legislature proposed that $21 million be taken; however, the Governor reduced this amount from $21 million to $7 million.

Dan Canfield was introduced to explain another piece of the budget, the Recreational Trails Program (RTP). Mr. Canfield provided background information on the program including its existence since the 1990s, and that the funds come from the federal government through the Federal Highway Administration and the funding is divided between non-motorized (70%) and motorized projects (30%). There was uncertainty as to whether the RTP program would continue until Senator Boxer sponsored SB 1813, which moved to keep the RTP intact in the new Federal Surface Transportation Funding. With this new program, the Governor of each state has the ability opt out. Since Governor Brown did not take this option, the OHMVR Division and the California State Parks Office of Grants and Local Assistance are working together, and requests for proposals and workshops will be made in early 2013. Mr. Canfield offered to provide a more detailed report on the RTP at the next Commission meeting.

Commission Kerr asked how much funding is expected for motorized projects; Mr. Canfield answered that the annual, total appropriation is approximately $6 million, with 30% of it allocated for motorized projects.

Chair Slavik followed asking if the newly found $35 million could be applied to the Grants Program and questioned if there were any new developments on where

the money came from, why it was there, and how it can be used. Acting Deputy Director Jenkins informed the Commission that several audits are ongoing and that everyone would have to wait for those results in order for those questions to be answered.

PUBLIC COMMENT ON AGENDA ITEM V (D) ENACTED BUDGET UPDATE

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

E. Special Interest License Plate Program

Acting Deputy Director Jenkins provided a report on previous efforts toward an environmental license plate, including the effort made by Amy Granat supporting this idea, and explained the steps required to create a specialized license plate. In essence, there an environmental license plate that can be created through legislative action or a specialized license plate that can be sponsored by an agency and moved forward that would generate, once startup costs were covered, annually around $40 per plate that would go toward whichever program it supports.

Vice-Chair Kerr mentioned that in order to start a program such as this, 7,500 people have to sign-up; however, the process does not require special legislation since this is a public agency and it can be sponsored internally. Acting Deputy Director Jenkins confirmed this to be true. In addition a status of 7,500 plates has to be maintained and approval from the Director of State Parks would be required. Vice-Chair Kerr expressed that some legislators have been interested in this idea in the past and summarized that the financial impacts of a program such as this wouldn't be significant in the first year, but that over time this program would be a significant, dedicated funding source. Several graphic designs were presented, and discussion continued regarding possible plate designs and messaging. Acting Deputy Director Jenkins stressed the importance of including the concept of the OHMVR mission and environmental and financial sustainability in the messaging.

Chair Slavik suggested reaching out to the public via the Internet or including children and schools to come up with possible plate designs.

Vice-Chair Kerr encouraged the Division to find out what internal approvals would be required and how to come back with better-developed designs.

Commissioner Villegas agreed with the creation of a subcommittee; further, she felt that is was necessary to compare programs, how much previous programs have generated, the costs related to operation and administration, and she expects that this is the type of fact finding would be completed by the subcommittee.

After confirming a vote was not required to appoint a subcommittee, the Commission established a subcommittee of Vice-Chair Kerr and Chair Slavik to study the proposed special license plate program.

PUBLIC COMMENT ON AGENDA ITEM V (C) FEASABILITY OF SPECIAL LICENSE PLATE PROGRAM

- John Stewart, California Association of 4-Wheel Drive Club
- Dave Pickett, District 36 Motorcycle Sports Committee
- Bruce Brazil, California Enduro Riders Association
- Nick Haris, American Motorcycle Association
- Don Amador, Blue Ribbon Coalition

CONCLUSION

Commissioner Perez made a closing statement regarding the urgency to reach out to the State Park and Recreation Commission, and requested that Commissioner Villegas join her. Commissioner Perez closed thanking former Deputy Director Greene and Acting Deputy Director Jenkins for their impressive and monumental work since the 2004 audit.

Vice-Chair Kerr closed expressing the importance for the community to work as a united front toward common goals. He emphasized that the goal of the proposed license plate program is to generate protected funding, and that it is important to work together, using the Rubicon Trail as an example, for the success of the program and to ensure that the trails remain open for future generations

Chair Slavik closed expressing the pride he feels being part of the OHMVR Commission and thanked the Commissioners for their outstanding efforts made outside of the Commission meetings.

ADJOURNMENT: Motion to adjourn the meeting was made by Commissioner Kerr, Commissioner Van Velsor seconded, and the motion carried unanimously.

Chair Slavik adjourned the meeting at 3:54 p.m.