

DRAFT

**CALIFORNIA OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION
MEETING MINUTES
CalPERS Auditorium, Lincoln Plaza North Complex
400 Q Street, Sacramento, California**

December 3, 2008

Those in attendance:

OHMVR Commissioners:

Gary Willard, Chair
John Brissenden, Past Chair
Mark McMillin, Vice Chair
Brad Franklin
Eric Lueder
Kane Silverberg
Paul Slavik

OHMVR Division Staff:

Daphne Greene, Deputy Director
Phil Jenkins, Division Headquarters Chief
Vince Anibale, Supervising Ranger
Dan Canfield, Grants Administrator
Kelly Claar, Supervising Ranger
Aaron Freitas, Marketing and Research
Meriko Hoshida, Parks and Recreation Specialist
Tim La Franchi, Legal Counsel, DPR
Josephine Parra, Office Assistant
John Pelonio, Superintendent II Ranger
Vicki Perez, Administrative Assistant I
Olivia Suber, Staff Manager III
Jared Zucker, Park Interpretative Specialist

Registered Visitors:

George Barnes, Sierra Club California
Bruce Brazil, CA Enduro Riders Association
Richard Brightman, CA Nevada Snowmobile Association
Mark Brownless, Napa County Sheriff's Department
Shawn Callahan
Mike Clark, Napa County Sheriff's Department
Mark V. Connolly, Connolly Ranch
Debbie Gaynor, USFS Eldorado National Forest
Tricia Gill
Amy Granat, CA Off-Road Vehicle Association (CORVA)
Nick Haris, American Motorcycle Association

Joseph Herrera, San Joaquin County Sheriff's Department
Chuck James, USFS – Stanislaus
Jim Keeler, BLM – CA State Office
Kyra, National OHV Conservation Council, Nevada County Woods
Riders, CORVA
Nell Langford, Safe Beach Now
Marsha Lilly, Safe Beach Now
Michelle McClelland, Alpine County Sheriff's Department
David Michael, USFS Tahoe National Forest
Dana Nichol, Pete Conaty & Associates
Tom Pogacnik, BLM
John Parks, San Bernardino County Sheriff's Department
Dave Pickett, District 36 – American Motorcycle Association
Karen Schambach, Public Employees for Environmental
Responsibility (PEER)
Jerry Scribner, Western State Trail Foundation
Michi Smith, USFS Eldorado National Forest
Gary Somerville, San Bernardino Sheriff's Department
Donald Spuhler, CA Association of 4WD Clubs
John Stewart, CA 4WD Association
Tom Tammone, CORVA
John Vallett, Hollister Hills SVRA
Stan Van Velsor, The Wilderness Society
Jim Weigand, BLM - CA State Office
Terry Weiner, Desert Protective Council
Fred Wiley, Off-Road Business Association
Betty Yee, Regional Water Quality Control Boards

I. CALL TO ORDER

Chair Brissenden called the meeting to order at 9:10 a.m., in the CalPERS Auditorium, Lincoln Plaza North Complex, 400 Q Street, Sacramento, California.

A. PLEDGE OF ALLEGIANCE

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

B. ROLL CALL

Seven Commission members were present.

II. APPROVAL OF AGENDA

The agenda was approved as proposed by the Chair.

Chair Brissenden welcomed everyone. He acknowledged how long it had been since the last meeting.

The Commissioners were asked to introduce and share a bit about themselves.

III. REPORTS

A. DEPUTY DIRECTOR'S REPORT

DD Greene welcomed the Commissioners and the public. She pointed out that as a result of SB 742, the Commission membership was increased to nine members. There are still two vacant positions. She acknowledged how long it had been since the last meeting. This was the result of a lack of quorum, budget issues last summer, and difficulties in scheduling a meeting. She expressed her desire to facilitate more regular meetings and tours for the Commission. She also recognized that ongoing budget issues facing the State might affect the ability to host meetings around the State.

With a request from the Chair she introduced the OHMVR staff at the meeting.

DD Greene presented an overview of the year with a slide show. The following program areas were highlighted:

Ocean Dunes State Vehicular Recreation Area (SVRA)

In cooperation with the ATV Safety Institute, Oceano Dunes SVRA implemented a successful ATV safety certificate training drop-in program at the Dunes. This program is designed to allow the public easy access to ATV safety training.

From March to October each year, 300 acres of Oceano Dunes is closed to OHV use for the Federally Endangered Snowy Plover and the Threatened California Least Tern. The park has a very aggressive program to protect these species. This year saw the highest hatch rate and fledge rate for these two species along the California coastline.

A dune stabilization project and a reseeding project at Oso Flaco Lake are also underway.

Hollister Hills State Vehicular Recreation Area

In May 2008, Hollister Hills SVRA celebrated the opening of the Renz property which added approximately 1600 acres to the park. It took 19 years to open the property so it was an exciting and much looked forward to day. The 23 miles of trail were designed and constructed where no use had occurred before. Trails were built to provide a challenging riding experience while maintaining the integrity of the natural environment. The trail system represents a new way of approaching trail design which include efforts to reduce impacts of sound and dust and new methods of

watershed management and species protection. Park staff, the local cooperating association (HHORA) and volunteers contributed thousands of hours getting this system of roads and trails opened.

Hollister Hills SVRA park staff has been testing electric dirt bikes at the park to provide feedback to the manufacturer. Thus far feedback from the public and the park staff has been very positive.

Prairie City State Vehicular Recreation Area

In late May, 2009, Prairie City SVRA hosted the 40th Hangtown Motocross Classic. This annual event is the largest outdoor sporting event in Sacramento County and this year was no different. Approximately 24,000 people attended the event which signifies the start of the outdoor motocross racing series.

In the spring of 2009, Prairie City SVRA plans to celebrate the opening of the Environmental Training Center. This Center, completely powered by solar energy, is a training area where students can walk or ride amongst vegetation designed to showcase the five major bioregions of California; ride an electric motorcycle and utility vehicle; and learn about safe and environmentally responsible OHV operation. The ETC will demonstrate how these technologies can be applied in a setting geared towards educating youth through hands-on training.

Carnegie State Vehicular Recreation Area

Things have been very busy at Carnegie. This past year, the completed Watershed Study provided a starting point for addressing sedimentation caused by historic activities in the Corral Hollow Watershed. Other projects including planting trees, improvements to the view shed, and improvements to address ground stabilization are underway.

Hungry Valley State Vehicular Recreation Area

In conjunction with the Police Activities League, Hungry Valley staff have created a model program that introduces kids to the outdoors and exposes them to outdoor recreation and career opportunities. This three-day program emphasizes public safety, resource management, mechanical skills and encourages teamwork among all the participants. It is an extremely successful program and has resulted in a direct improvement in their interest and participation at school.

Heber Dunes State Vehicular Recreation Area

At 340 acres, Heber Dunes SVRA, is a small, urban park, located three miles from the Mexican border. Its facilities appeal to family recreational activities and its location provides a place where people don't have to travel far to enjoy OHV recreation.

Ocotillo Wells State Vehicular Recreation Area

Ocotillo Wells SVRA created a fun and educational interpretive exhibit especially for Halloween which included scorpions, tarantulas, and sidewinders. Over 100 children enjoyed this popular exhibit.

At Ocotillo Wells SVRA it is family tradition to share Thanksgiving in the desert. One special tradition is the deep frying of turkeys. However, the excess cooking oil was problematic as the oil would end up in the dumpsters. To answer this problem, State Parks retrofitted an RUV to biodiesel which allows the vehicle to operate with the recycled cooking oil. After Thanksgiving, this vehicle went to the campsites to collect the used oil.

Freeman Property Acquisition

DD Greene (referring to a map handout) pointed out that the Freeman property is located east of Anza Borrego Desert Park and north of Ocotillo Wells SVRA. Ocotillo Wells SVRA and Anza Borrego staff are co-managing the property. The Freeman Property is going through a general plan process, but due to complications involved with the state budget, securing the contract has been delayed. However, studies and monitoring are still being done to gather the information needed for the planning process.

In addition to the Freeman Property, the Division is working to secure the contracts with EDAW for general planning efforts at Ocotillo Wells and Heber Dunes, as well as Carnegie and Clay Pit SVRA.

Commissioner McMillin inquired about the status of the private properties identified in pink on the Freeman Property map, and if the sections identified on the map represent multiple owners.

DD Greene clarified the various lands identified on the map. She indicated that for long term management of the area, it would be best to have all the lands owned and managed by State Parks. In addition to working with staff from the State Lands Commission (SLC) to acquire SLC lands, the Division is also working with private property owners. Some private property owners do not want OHV use on their lands and have installed fences and signage to delineate their lands. This is helpful for the public so they know to stay out. The situation is complex because of the terrain and the fact that many private property owners have historically allowed OHV use. DD Greene said one section could be owned by 15 to 60 owners.

Commissioner McMillin asked how geothermal projects are playing into the Freeman Acquisition since this was a concern for many people.

DD Greene responded that throughout Imperial County there is geothermal development with more development planned. At Ocotillo Wells SVRA, there is one geothermal test facility. A company from Iceland has a test drill for geothermal energy and is studying potential projects. In addition, OHMVR manages 25,000 acres of BLM lands which are contiguous to the Park. BLM has prepared a final EIR for geothermal development on these lands. There is a concern as to how this will impact the OHV recreating communities.

Chief Jenkins added that when Ocotillo Wells SVRA was acquired by the State, unlike other acquired lands, there was a provision which said that if mineral extraction did not unduly interfere with the provision of recreation opportunities, it could be developed on the property. The Freeman Acquisition has no such provision, and projects of this type are not allowed by statute. Therefore, there is no possibility of this type of development on the Freeman Acquisition properties.

DD Greene provided an update on the CA Vehicle Code, §38165 enacted with passage of SB 742, which states that the Department of Motor Vehicles (DMV) in conjunction with the OHMVR Division will provide the Assembly Committee on Water, Parks and Wildlife and the Senate Natural Resources and Water, recommendations to improve the identification of off-highway vehicles, on or before July 1, 2009. DMV is the lead on this effort and has formed a committee to address this legislation. Recently it sent out a questionnaire to other states inquiring about various identifying devices such as license plates and stickers. DD Greene said that in the interim, the DMV and the Division have designed new green and red stickers on which the font size of the numbers on the stickers has been increased. DD Greene referred to the binder handout which included examples of the original off-highway registration stickers, the Division's suggested revisions, and the final version adopted by DMV. These new stickers will be issued in January 2010.

Commissioner: Asked if there were any updates on proposed legislation that needed the Commission's attention such as SB1228.

DD Greene explained that SB1228's original language was to make it mandatory for a child under age 14, to have ATV safety training. The bill was later gutted and amended to address trucks on freeways. She went on to say that the Division takes seriously the importance of safety training and has expanded their efforts to make ATV safety training available at the SVRAs and at locations throughout the State.

B. US FOREST SERVICE (USFS) REPORT

Due to scheduling conflicts, a representative from the USFS was not in attendance thus no report was provided to the Commission

C. BUREAU OF LAND MANAGEMENT (BLM) REPORT

Jim Keeler, State OHV Coordinator: Welcomed the new Commissioners and said how pleased he was to have the Commission meet again. He introduced Tom Pogacnik, BLM Deputy State Director for Lands and Resources; and Jim Weigand, BLM state ecologist.

BLM Overview:

Referring to his handouts, Keeler explained that the BLM and USFS have most of the opportunity, in terms of land, in California available for OHV recreation. His handout included a list of the offices and primary recreation contacts in the state.

Open areas are available for cross country OHV travel. *Limited* use lands are available for motorized travel under specific limitations such as seasonal use and type of vehicles. OHV use is limited to existing routes and to designated routes. *Undesignated* areas have not been identified through the land use process. *Closed* areas are not available for motorized recreation use at all.

The State is divided into three BLM districts: Northern, Central, Desert District. There's not a lot of public land in the Central District but there are active programs in Bishop, Bakersfield, and Hollister. Based on the results of the Environmental Protection Agency's Asbestos Exposure and Human Health Risk Assessment, the BLM has issued a Temporary Closure, of Clear Creek Management Area effective May 1, 2008, to all forms of entry and public use for approximately 31,000 acres of public lands to protect public health and safety. BLM is moving forward to develop a new Resource Management Plan for the area.

DD Greene clarified that the BLM Hollister field office has no relation to the Hollister Hills SVRA. The Hollister Hills SVRA office is a state park and the BLM Hollister field office is a federal office.

Jim Keeler went on to describe the land rush BLM has been experiencing caused by the demand for open land for energy development. Factors such as rising fuel costs and the demand of alternative fuel sources (wind and solar power) have generated 171 applications for right-of-ways on open BLM land.

Applications are now being considered only for open areas. Congress would have to pass a law to allow power development in closed areas. BLM's realm of responsibility is limited to granting right-of-ways on their land.

The applications trigger the NEPA and CEQA process. Government agencies such as the California Energy Commission and the local counties are involved in the licensing process. Most applications are in close proximity to existing power corridors to minimize environmental impacts and to reduce the number of needed power lines. BLM gave assurance that they will continue to work and communicate with the Division and the SVRAs regarding potential energy development sites.

Johnson Valley

Jim Keeler told the Commission of developments at Johnson Valley. Johnson Valley is the largest OHV area in the California desert at approximately 188,000 acres and is located east of the Twentynine Palms Marine Corp Base. The US Marine Corp is moving forward with an Environmental Impact Statement (EIS) to have Johnson Valley become part of the Twentynine Palms Marine Corp Base. The final decision will be made by Congress. Officially BLM does not have a position.

Commissioner Silverberg asked whether or not the applications for wind and solar projects are allowed to apply in the closed areas.

Jim Keeler responded it wouldn't be acceptable for wilderness areas because of its designation. Congress would have to act to have wilderness areas opened up for energy projects and he didn't think that was a possibility. He was unsure of limited use areas. In the original template for land use planning for the California deserts, open areas were designated for OHV activity and energy development.

Jim Keeler added that if the Commission was interested in more discussion about energy projects, he could arrange for someone to do a presentation at the future meeting.

Commissioners confirmed they would like more information.

Commissioner Willard asked Jim Keeler to describe the application process and how the OHV community can have the opportunity to provide their input to potential closures.

Tom Pogacnik, BLM, Deputy State Director: The process involves the applicant applying for a right-of-way to locate on public lands. The 171 applications that have been filed are for a total of about 1.5 million acres in the State. The next phase is the Plan of Development which is submitted to BLM. The applicant identifies their interest in a specific land parcel. The Plan of Development provides opportunity for public environmental consultation and review of the National Environmental Policy Act (NEPA). BLM approves the right-of-way on public lands only; power plants are then licensed by the CA Energy Commission and other state agencies which

then triggers the California Environmental Quality Act (CEQA). BLM is now in the process of issuing the first draft NEPA for solar development in the Ivanpah area (about 2,000 acres).

Most of the applications received have been sited close to existing energy corridors. BLM is working with the CA Energy Commission to identify concentration zones where there are multiple uses that won't be impacted, minimize the number of transmission lines and minimize environmental impact. Many of the applications will never go to development because of the cost and their environmental impact.

Commission Willard: Requested the Division and Commission be given notice during the NEPA and CEQA process of those projects with potential impact to OHV areas.

Mr. Pogacnik: Confirmed that notice would be given.

Commissioner Paul Slavik: Asked if the Division is on top of the Johnson Valley project.

DD Greene responded that yes, the Division is aware of the Johnson Valley project and has been working with the BLM, the US Marine Corp and the Governor's Office on this issue. Through the Grants program, the Division has made a sizable investment at Johnson Valley to provide OHV recreation and motorized access to nonmotorized recreation. Initially, the development of wind energy was a concern and plans for the military base expansion are now a greater concern. The NEPA process is now occurring and the OHV community has been very involved. Johnson Valley is the largest OHV area in the State and displacement of recreationists is a real concern.

Commissioner Eric Lueder: Asked about the projected timeline for the Johnson Valley EIS and what the general steps are after the EIS for the Military base.

Jim Keeler responded that it's a minimum of a year from their original notice to prepare an EIS. A preferred alternative will be in the EIS and then a recommendation is made to Congress

D. OTHER DIVISION REPORTS

1. **General overview of the status of the OHMVR Grant Program**

Dan Canfield: Referring to the Commission Report – Grants and Cooperative Agreements Program

Item 1 - Regulation Development

With the passage of SB 742 in October 2007, regulatory updates were required to address the new statutory changes.

The Grants Staff endeavored for several months to simplify the grant application process while complying with the requirements as established by SB 742. SB 742 required that regulations that govern the grant program be updated and revised. This process is administered by the CA Office of Administrative Law (OAL). Focus groups, as required by the new legislation, were convened in April 2008 in Fresno, Ontario, and Sacramento to collect public comments. The Division consulted with the Wildlife Conservation Board (WCB) and using feedback received from the focus groups, the grants staff revised and updated the grant rules and regulations and scoring criteria. This resulted in the submission of the Initial Statement of Reasons to the OAL on August 12, 2008. After this, a 45 day comment period was initiated. Public comments were received and two public workshops were conducted subsequent to the 45-day comment period. Revisions and corrections were made to the new regulations. On November 24, 2008, the Division submitted the Final Statement of Reasons with the proposed regulations and public comments to the OAL for review and adoption. It is anticipated the adoption will occur on or before January 18, 2009. A handout in the binder provided the schedule of submission and comment periods.

Item 2 – Database Procurement

The Division procured a new database program to replace the existing obsolete 20 year old program. The new program is an off-the-shelf proven product with an Internet based application platform. The goal is to make the grant application process more transparent, available online to the public, and since it is essentially paperless, will help to reduce the Division's carbon footprint. A training workshop for grantees on OLGA (On-line grant application) is being developed by the grants staff. Deployment of the new program is set to coincide with the approval of the new regulations and the start of the new grant cycle.

Item 3 – Site Visits

In addition, Division staff has been active in administering the current grants which included a concerted effort to do more site visits to ensure that OHV Trust funds are being spent appropriately. The site visits also fostered OHV outreach efforts. The staff is committed to continuing these efforts.

Item 4 – Audit Status

The Division staff has worked to address the backlog of OHV audits. They conducted an audit inventory and developed audit adjudication criteria to assist in the disposition of audited projects. Some grants merely needed a closure letter, for others so much time had elapsed since the end of the grant, it was unrealistic to ask grantees to provide needed expenditure documentation. In other instance, the amounts in question were not significant enough to justify researching the expenses in question. For others, the audit findings were pertinent and Division is working to recover funds. The new database will be a valuable tool in this endeavor.

COMMISSION COMMENTS:

Commissioner Willard: Good to see some effort in tracking how the money is being spent. Did the audit reveal many projects where there was inappropriate or unspent spending and how it is determined what grants are audited?

Dan Canfield: Audits were done for projects dating back to the 1970s so the workload has been significant. There is a large quantity of audits that involve nonmaterial audit findings—either insignificant money amounts or the findings were immaterial. Many of the audits recommended no further action. Previous to SB 742 all projects were audited. SB 742 changed the number and way the audits will be done such that 20 percent will have a financial audit by a government auditor. All projects will have a performance review done by a Division grant administrator.

Currently the grants staff of four has a significant workload as they are responsible for writing the grant regulations, administering the grant program, making site visits, and performing all of the audits. The new regulations and database will offer more clarity for the applicants and Division staff. In time, the new database should allow the public to view where the money is and where and what it is being spent on.

Commissioner Slavik: Asked if there was a summary available of focus group meetings? Were the focus groups helpful?

Dan Canfield: A court reporter was present at all the focus meetings and transcripts are available. The focus groups were valuable in that they provided Division staff with valuable input in the development of a simplified grant process—though attendance was less than desirable.

Chair Brissenden: Complimented and thanked their efforts for transparency.

PUBLIC COMMENTS ON AGENDA ITEMS:

Nell Langford, Safe Beach Now: Some BLM lands have been closed because of the danger of exposure to hazardous materials. Would like Oceano Dunes SVRA closed for the same reason. SB 742 should have allowed the OHV Program to sunset.

John Stewart, CA 4WD Association: Thanked the work by the Division staff in making the grant application process easier, more transparent and more easily audited.

Tom Tammone, CORVA: Central point of contact on the Internet is good. Public should be allowed to comment during the grants appeals process. He did not support the Freeman Acquisition. Did not hear of any public process or did not receive any invitation where he could express his views on the acquisition. Appreciate the opportunity to comment on the SP.

Karen Schambach, PEER: Solar energy development can be the opportunity for off-roaders and environmentalists to work together. A grant for \$400,000 was spent for the development of a management plan for the Rubicon Trail. Draft EIR was completed but El Dorado County shelved the plan without taking any action. Ms. Schambach posed the question if the money granted to the County should be returned to the State since the plan was not used. She also questioned a geological survey that was awarded to the County.

DD Greene explained that a grant was awarded by the Commission for funding for El Dorado County to develop a Management Plan. However, the project agreement provided funding for developing the Plan. No requirement for implementation of the plan was included in the agreement. However, El Dorado County had indicated they were using many of the recommendations in the Plan as they move forward. The State has had an interest, along with the USFS and El Dorado County, in how the trail has been and will be managed. More recently, the State asked CGS to help develop a trail assessment which could be beneficial to a variety of agencies with an interest in the proper and successful management of the trail. This assessment would highlight soil erosion, and trail and resource problems that need to be addressed. In 2003, the Commission approved the installation of toilets at the beginning of the trail and working with the USFS, the County, and the State, they were installed this past October.

In the past, the Commission approved funding for the planning and design of two bridges along the Rubicon Trail which would redirect vehicles away from the creeks. Highway funds will be used to construct the bridges.

2. Progress to implement sections of Division 16.5 of the Ca Vehicle Code (CVC) tracked by the Department of Motor Vehicles (DMV) for the purposes of increasing penalties for repeat offenders:

Chief Jenkins discussed CVC, §38301, related to fines for driving into a closed area on public lands. SB 742 established increasing fines for the first, second and third violations of this section when committed within seven years. However, violations of CVC, Division 16.5, are not tracked by DMV, except for unlawful vehicle entry into a wilderness area (§38301.3). The Division had contacted DMV and been assured that the step fine violations in §38301 were being tracked. However, further conversation with DMV revealed that in order for DMV to track these violations, another section of the CVC must be modified. OHMVR Division has drafted language to correct these omissions which would authorize DMV to rewrite their database program.

Chair Brissenden: Inquired if violations of Division 16.5 become part of a driver's moving violation record.

Chief Jenkins responded that they are not counted as "points" on one's driving violation record.

PUBLIC COMMENTS ON AGENDA ITEMS:

Nell Langford, Safe Beach Now: Supports tracking OHV violations. Violations are seen frequently at Oceano Dunes SVRA. Would like all violations (e.g., illegal dumping on the beach, speeding) reported and tracked and made available to the public.

Stan Van Velsor: The Wilderness Society: Supports tracking OHV violations and wants it to be a priority and is willing work with the appropriate legislator to pursue this issue.

Marsha Lilly, Safe Beach Now: Supports violations especially at Oceano Dunes SVRA since the Dunes are so close to the community unlike other OHV areas which are in the desert.

John Stewart, CA 4WD Association: It is important to create laws that are enforceable. Can these laws be enforced? Is it financially feasible to enforce it? It can be a privacy issue if identity of violators is made public. It's important to consider other issues created when tracking violators. A good public education program is important to inform the public know what the law is.

Tom Tammone, CORVA: Supports making the numbers on green and red stickers bigger. The license plate on a motorcycle helps law enforcement

distinguish at a glance whether or not it is a street-legal vehicle or an OHV. Agrees with John Stewart about privacy issues. Driving violations are not made available to the public; OHV violations should not be available to the public for the same reason.

Karen Schambach, Public Employees for Environmental Responsibility (PEER): Agrees with Van Velsor and PEER would be willing to also help support closing the loophole.

Nick Haris, American Motorcycle Association: Supports closing loophole but does not agree with an Internet database showing OHV violations. Asked if the number of State Park Rangers is adequate to provide enforcement.

Dave Pickett, District 36: American Motorcycle Association: Supports closing loophole. Violators represent a very small percentage of all OHV recreationists and OHVs do report OHV violators when obvious violations occur. OHMVR Division is a supplement to existing law enforcement and it's unfair to attack the OHMVR Division for total law enforcement efforts. That's why SB742 funding for law enforcement was increased.

Fred Wiley, Off-Road Business Association: Supports closing the loophole. In the appropriate circumstances ORBA supports tracking OHV violations and increased penalties to reduce incidents. Posed the question if may be some violators may not be in the DMV database if they are too young to have a driver's license.

In reference to having the OHMVR Program sunset,--the off-road community also supported its sunset as the program existed before. SB 742 was the result of the off-road community working with all interested stakeholders to get the OHMVR Program into the modern era which would have a positive effect on recreation and the environment.

Chief Jenkins responded to a comment by Fred Wiley about his concerns stating that DMV will assign unlicensed OHV violators an "X: number and their violations will be tracked even before they get their driver's license.

11:00am PUBLIC COMMENT PERIOD ON ITEMS NOT ON THE AGENDA

Fred Wiley, Off-Road Business Association:
He would like the Commission take a formal position on any lands facing closure – renewable energy, military expansion, and wilderness - for whatever reason. He is not sure if the statute allows the Commission to issue a formal statement, but he believes their position would command some interest and respect from the agencies involved.

Dave Picket, District 36, American Motorcycle Association: Thanked the Division for their work and applauded the efforts that went into providing the Commission and the public with a draft Strategic Plan

Terry Weiner, Desert Protective Council: Suggested the Division explore ways to publicize the Commission meetings other than on the Internet; would like two out of the four commission meetings to be Southern California; and wants more public outreach about the OHMVR Program and the Commission.

Karen Schambach, PEER: Welcomed the new and old Commissioners. Wanted to remind the Commissioners that they represent four different interests: the off-road community, federal and local agencies that receive grants, environmental and cultural interests, and rural residents. The rural residents may not even be aware of this OHV program but are the brunt of illegal off-road activity. Keep the rural residents in mind when developing policies, giving out grants, and making decisions because they are our loudest critics. Thanked Commissioner Brissenden for his years of service and hard work.

Marsha Lilly, Safe Beach Now: OHV recreation at Oceano Dunes SVRA impacts the whole community. A study completed in 1979 recommended that 320 campsites was the ideal number for the SVRA but this number was later reduced to 200 because of problems such as beach congestion, bad sanitation, and threatened safety. Now the campsites have increased to 1,000; there are often 75,000 people (which is more than the population of Oceano) on any given day which is impossible to control. She asked for help to solve this problem.

Nell Langford, Safe Beach Now: Noticed that none of the Commissioners represent property owners or stakeholders. OD was designated by the Department of Interior as a national natural landmark which is being trampled on and its bio-system polluted. Seven deaths have occurred this year. Questions how a SVRA is able to be located within a state park. The Division has no permit to use state lands.

Tom Tammone, CORVA: Oceano Dunes SVRA should be used as an OHV park. We have to be realistic and realize that it is impossible for OHV recreation not to have some impact to the environment.

John Stewart, CA 4WD Association: Re: BLM report - land is being squeezed for power, proposed wilderness areas – would like certain lands to be protected as recreation areas in a safe and sane responsible manner that does not impact the environment. Would like to see continued access to recreation land.

Amy Granat, CORVA: Thanked the Commissioners for their service. The OHV community wants to be stewards of the land and want to be cognizant of our responsibilities and off-road recreationists.

3. Compensation from the OHMVR Program for damage to private property

Chief Jenkins stated the OHMVR Division has received letters from the public requesting financial compensation and/or investigation of complaints of property damage caused by OHV. The letters received include reports of damage to private property adjoining BLM and USFS lands and requested OHV Trust Funds be used to compensate private landowners for property damage.

Early letters cited a section CA Public Resources Code (PRC), §5909.50 (e) which was dropped with the passage SB 742. This section gave specific authority to the Division, outside of the grants program, for law enforcement and for payment to repair damage on lands caused by OHV activity where OHV recreation is prohibited by federal, state, and local law.

PRC, §5090.24 (d), directs the OHV Commission, upon receipt of a request from a property owner/tenant whose land is in the vicinity of any land in the system, which has suffered adverse impact from OHV activity, to consider and recommend to the Division suitable measures for the prevention or restoration of damaged property.

CA Public Resources Code (PRC), §5090.61(a), authorizes the OHMVR Division funds for grants, and who are eligible to apply. Private property owners are not specified as eligible to apply for grants. PRC §5090.61(b) authorizes funds for the maintenance, operation, and administration of lands in the system. Lands in the system include SVRAs, the statewide motorized trail, lands in the state park system, and lands supported by the grants cooperative agreements program. PRC §5090.65 specifically allows expenditure for the repair of boundary fences between lands in the system and private property.

The language in 5090.24 (d) was originally intended to address lands adjacent to SVRAs. AB 2274, expanded the definition of land in the system. Public response and Commission comment on this issue is requested.

Under the authority of the Commission in PRC, §5090.24, it could suggest the owners work with grant applicants to develop projects that would address these issues. Boundary fences, or restoration of habitat could be explored. The State cannot write a check to a private property owner

Chair Brissenden: Does not think statewide compensation for property damage is wise. Perhaps discretionary funds can be given to SVRAs to handle adjacent property problems.

Commissioner Willard: Asked if there was a specific situation that caused this discussion. Is damage to private land a law enforcement issue? Has the property owner contacted their local law enforcement? Has law enforcement responded? He said that while the state cannot give money to private property owners, is there a means by which the owner can go through a city or county to go through the grant process to receive grant funds?

Commissioner Slavik: There are already laws and methods of restitution if someone trespasses on private property for any reason.

PUBLIC COMMENTS ON AGENDA ITEM:

A property owner, who lives adjacent to Carnegie SVRA expressed concerns specific to his ranch as a result of motorcyclists riding at the Carnegie SVRA. In particular, a collapsed boundary fence, and damage to a road on which he has an easement. He would like the State to take care of damage caused by OHVs.

DD Greene stated this was the first time she had heard of this problem and that she would be sure that Bob Williamson, the Twin Cities Superintendent, and Joe Ramos, the District Superintendent, would meet with Mr. Connolly.

Commissioner Willard: He will have the opportunity to visit Carnegie and will personally look into the issue.

John Stewart, CA 4WD Association: Urged the Division and Mr. Connolly to work together and that if other state agencies were involved, they should be accountable to damage separate from the OHV use.

Tom Tammone, CORVA: Stated the problem seemed to be a failure of communication between Division and the SVRA and Mr. Connolly.

Karen Schambach, PEER: Referring to PRC, §5090.61(a) – Her interpretation is that compensation to private property owners for damages is within the definition of “implementing” the OHV program. She has experienced deliberate damage to street signs and knows of others whose gardens were damaged by irresponsible OHVs. Legitimate complaints should be addressed and compensated.

Fred Wiley, Off-Road Business Association: Suggest the use of grant dollars, where appropriate, to address the issue. Everyone needs to work together to come up solutions that will make sense to everyone.

Terry Weiner, Desert Protection Council: Has provided copies of public testimonies from four people, who live adjacent to BLM routes and SVRAs, and have suffered property damage from OHVs. Wanted to share the concern for herself and others who have experienced adverse impact to their property. Also referred to San Bernardino County ordinance (limits the number of off-road vehicles that can be staged on private property) which is frequently violated. Sometimes acts of retaliation are committed. Not enough law enforcement provided to address these problems.

Nell Langford, Safe Beach Now: Expressed concerns for residents of Nipomo and Oceano. Air quality is compromised which affects property values. Oceano residents suffer from noise pollution from OHVs riding at all hours, property damage, and trash dumped on beach property. She has been harassed by OHVs.

Deputy John Parks, San Bernardino County Sheriff's Department (SBCSD), Victor Valley OHV Coordinator: Wanted to let the OHV community that the SBCSD is aware and sympathetic of OHV problems and complaints within their jurisdictional area. He stressed the importance of signage and clear delineation of property lines to help law enforcement enforce the law. Good communication between the involved parties is critical.

Chair Brissenden: It's obvious that the issue of compensation needs considerable more work since there's disagreement between the public and the Division in the interpretation of the law. The Commission will also have to discuss this issue to decide how to address these impacts.

Chief Jenkins said that the Division will continue to research the issue given the testimony provided. When appropriate, further deliberation on this topic might need to occur.

Chair Brissenden: Asked if the letters be submitted would be part of the meeting record? Chief Jenkins said they would.

IV. BUSINESS ITEMS

A. Election of Officers for 2009

Chair Brissenden opened nominations for Commission Chair.

Gary Willard was nominated and elected 2009 OHMVR Chair.

Chair Willard: Thanked everyone for their vote of confidence and also thanked John Brissenden for chairing the Commission during the last two years. He will do his best to help further the mission of the OHV program.

Commissioner Mark McMillin was nominated and elected as Vice-Chair

DD Greene thanked Commissioner Brissenden on behalf of the Division for his dedication and service to the program.

B. Strategic Plan

Chief Jenkins provided an overview of the Strategic Planning (SP) process. SPs are practical, action-oriented guides which require the examination of internal and external factors, goal-setting and resource allocations.

Four main questions should be asked when formulating a SP:

1. Where are we now? The OHMVR Division met with the Commission and community stakeholders. Public workshops were held to discuss the mission, vision and principles; and information for internal and external assessments was gathered.
2. Where do we want to be? The Division needs to establish a vision, goals, and objectives. We need to see where we want to be in the future. What's going to be the situation three to five years from now and how to plan for this future reality rather than being reactive.
3. How do we get there? Via action plans and specific activities in our programs to achieve our long term goals.
4. How do we measure progress? Performance measures need to be set in order measure our progress.

Where is our strategic plan today?

An audit of the OHV Division, completed in 2005, pointed out the need for a Strategic Pplan. SB 742 set the deadline of Jan 2009 for an updated Strategic Plan but because of the lack of a commission quorum, problems with the budget, and not being able to schedule a meeting, the Division received an extension to June 2009.

How did we get here?

The OHV Division held public meetings, requested Commission input, met with USFS and BLM, consulted with the academic community, referred to field surveys, conducted OHMVR staff workshops; and looked at recreational trends to formulate the SP. References, dates, and terminology will be attached to the final version of the SP. The final SP will include the overarching themes and approaches used to create the measurable goals, objectives and actions and by what date these are to be achieved. Today's

meeting was to present the SP to everyone and then allow time for everyone to review it in more depth.

The SP is taking a “back to basics” approach to the OHV program and has included considerations for the “greening” of OHV recreation, new gateways for OHV recreation (e.g., smaller urban parks with buffer zones more accessible to the public), and the maintenance of recreational areas.

Children today are interested in OHV recreation and providing access for them to recreate, learn, experience and gain respect for the outdoors is a key element of this SP. OHV has tremendous resources and entrepreneurial possibilities. We need to consider how new technology affects opportunities for OHV recreation. We need to use these technologies to make the program make more efficient and seize the opportunity to collaborate with divergent groups to approach OHV recreation in new ways.

Chief Jenkins reviewed and described the elements and Goals of the SP. He said the public can provide input via the meeting today, the Division’s website, the upcoming public meetings or at the next Commission meeting.

Commission: SP awfully ambitious – educating your own staff – big job – educating the OHV community – is this a realistic goal?

Chief Jenkins said the Division wanted to intentionally challenge themselves and the community with lofty goals. Realistically some goals will be achieved—some will not. If we achieve most of the goals, we’ll be a stronger program.

Chair Willard: What’s magical about the five years? Why not ten years?

Chief Jenkins said the Division used a five year plan to match state goals. For planning purposes, when working with DOF, a five year horizon is used. DOF mandates goals be re-evaluated every three years. He also mentioned that the Division accidentally omitted the Vision Statement from the binder. Copies were provided.

Commissioner Slavik: Asked if the Vision Statement is still open for discussion?

DD Greene said the Vision Statement is still open for discussion. She suggested that looking at the themes and goals may lend itself to a revised Vision Statement.

Commissioner Slavik: Usually the Vision Statement is limited to two or three sentences but in trying to address the diverse OHV community, it was difficult to pare down the statement. He suggested that the Division modify the statement to paragraph format.

Chair Willard: Provided written comments to the Commission and staff with his comments and suggestion for the Plan.

Commissioner Lueder: Agreed with the Chair, saying that supply and demand of OHV recreation is a huge issue for the future. Any closure moves the demand to another location and often this is left out of the closure discussion.

PUBLIC COMMENTS:

Marsha Lilly, Safe Beach Now: Today's meeting has brought an awareness of the overwhelming problems faced by OHMVR Division.

John Stewart, CA 4WD Association: The SP is a solid start and appreciated the work put into writing the plan. Will write concerns in a formal written document. Would like to see a definition of the scope of OHV program included as part of the introduction of the SP. There needs to be continuity of use of the OHV term in the document. The carbon footprint program needs to be clearly defined. Is it the OHVs used in the SVRA infrastructure or is it applied to vehicles used in the pursuit of OHV recreation? If the footprint is to include vehicles used in the pursuit of OHV recreation, will it be in addition to or in concert with any other state mandates on motor vehicles.

A clearer definition of what sustainability means is needed. Are the goals realistic? Some goals should be more long-term—15-20 years. Agrees with Commissioner Willard that the mission statement should be moved to the front of the SP.

Tom Tammone, CORVA: Agrees that sustainability issues and the process needs to be better defined. Route designation cause unrealistic maintenance schedules. More partnerships between the public and the agency is needed to improve cooperation and efficiency. Need to look at ways to reduce expenses.

Fred Wiley, Off-Road Business Association: CA OHMVR will be a program followed by other states. Make sure everyone has an opportunity to comments. Don't hesitate to ask for help.

Nell Langford, Safe Beach Now: The fuel tax study showed OHV funding was overstated by 50 percent. The OHV program should be dissolved for the greater good. The thrills from OHV recreation are too costly to the environment. The goal statement is an oxymoron: cannot protect the environment and go on with OHV recreation.

Terry Weiner, Desert Protective Council: This is an opportunity for the Commission and the Division to change the program. Expand the SP into

include visionary thinking. What do we want our State to be like? Consider the impact to global warming and the emissions in the environment.

Stan Van Velsor, Wilderness Society: The SP implies use of motorized vehicles will decrease obesity and improve physical fitness for children. His experience as a physical fitness educator indicates that this theme is not correct – and feels that in actuality motorized recreations disconnects children from nature. Richard Louv’s quote has been misinterpreted as used in the context of the SP.

Richard Brightman, CA NV Safety Snowmobile Association: Disagrees that motorized vehicles disconnects one from nature. Snowmobiles and other OHVs allow people to get away and into nature. Divergent views need to use some common sense.

Commissioner Slavik: talked about the studies available about the benefits of OHV recreation. OHVs provide access to miles of trails inaccessible by car and too far to walk to. Suggest adding a justification of OHV recreation in the SP.

DD Greene said she looked forward to the dialogue. The Division is mandated to administer a program approved by the Legislature. The Division is aware of the concerns involving OHV recreation and is trying to balance the issues. She expressed her hope that people would come together to work towards a Plan upon which everyone could agree.

Chair Willard: Reiterated the importance of the public providing their input to the Division on the Plan. He suggested people attend the workshops and submit comments via the OHV website.

Chair Willard opened the meeting up for public comment.

Fred Wiley, Off-Road Business Association: Said the OHV communities looked forward to reading the plan and providing comments at the public workshops rather than at today’s meeting.

Karen Schambach, Peer: Wasn’t aware the SP was available on the website until today.

Tom Tammone, CORVA: On AOL when an email is sent to more than 50 people, the message is automatically sent to their SPAM filter and doesn’t get delivered sometimes until months later.

Terry Weiner, Desert Protective Council: Quoted an article that noted attendance in national parks has been reported to have decreased 13 percent because of rising fees and noisy vehicles.

DD Greene took a moment to highlight the important dates for the Grants Program:

January 12 – start of the program

March – preliminary applications are due

May – final applications due

She suggested a two-day commission meetings which would combine a field trip of an OHV area with a Commission business meeting. She also suggested the Commission consider a few weekend dates since it would provide the opportunity to see the areas when the public use is high.

Tentative SP meeting dates:

1/29/09 – in Southern California (public workshop)

2/10/09 – in Northern California (workshop)

Early March Commission meeting near a snow area.

Chair Willard: Recommended having five meetings. He also offered Bear Valley as a possible meeting location.

Commission: Reminder to everyone - agenda items are welcome for the next meeting.

Meeting adjourned at 3:40 p.m.