

OHV mi ns 9-8-06
STATE OF CALI FORNIA

OFF-HI GHWAY MOTOR VEHI CLE RECREATI ON COMMI SSI ON
REGULAR MEETI NG

Fri day, September 8, 2006

9:00 a.m. to 4:38 p.m.

hel d at

DOUBLETREE INN
2001 Poi nt West Way
Sacramento, Cal i forni a

Reported by SANDRA L. HOPPER, CSR No. 7110

Ref. No. 26442

1 (Sacramento, Cal i forni a, Fri day, September 8, 2006.)

2 --o0o--

3 CHAIR BRI SSENDEN: So wi thout further ado, I'II bring

4 this meeting to order.
5 And, Mike, since you're already standing, could you
6 lead us -- if there is a flag -- I guess there's --
7 COMMISSIONER PRIZMICH: There's no flag.
8 CHAIR BRISSENDEN: -- no flag. So we'll dispense
9 with that this morning.
10 VICE-CHAIR ANDERSON: Oh, I think we can -- we can do
11 a (unintelligible). We can --
12 CHAIR BRISSENDEN: Well, being an elementary teacher,
13 you might remember where the flag is. So go ahead, Judith.
14 Let's all rise.
15 (Multiple speakers.)
16 (Pledged the flag.)
17 CHAIR BRISSENDEN: Thank you.
18 Mardi, you want to do roll call.
19 MS. STALLCOP: Roll call.
20 Judith Anderson?
21 VICE-CHAIR ANDERSON: Present.
22 MS. STALLCOP: John Brissenden?
23 CHAIR BRISSENDEN: Present.
24 MS. STALLCOP: Mark McMillin?
25 COMMISSIONER McMILLIN: Present.

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1 MS. STALLCOP: Michael Prizmi ch?
2 COMMISSIONER PRIZMICH: I'm present. But I do want
3 everyone to know that I'm perilously on the edge of this
Page 2

4 platform. And if I fall over, just disregard it.
5 MS. STALLCOP: I think you should move over.
6 (Multiple speakers.)
7 CHAIR BRISSENDEN: Mike, come to the right --
8 (Multiple speakers.)
9 COMMISSIONER PRIZMICH: (Unintelligible) on the edge.
10 And I like being to the left of you.
11 (Multiple speakers.)
12 CHAIR BRISSENDEN: Since we're on the subject, we are
13 to the -- I'm furthest to the right for a reason.
14 MS. STALLCOP: All righty, then.
15 COMMISSIONER PRIZMICH: Yeah. I hope you learn
16 something today.
17 MS. STALLCOP: Okay. Paul Spittler?
18 (Commissioner Spittler was not present.)
19 MS. STALLCOP: Harold Thomas?
20 COMMISSIONER THOMAS: I'm here.
21 MS. STALLCOP: And Gary Willard?
22 COMMISSIONER WILLARD: Here.
23 MS. STALLCOP: That's the roll call.
24 CHAIR BRISSENDEN: So thanks, Mardi.
25 MS. STALLCOP: You're welcome.

1 CHAIR BRISSENDEN: We'll move on to approval of the
2 agenda. Are there any additions, changes, remarks?

3 COMMISSIONER THOMAS: No. I'll move approval.

4 CHAIR BRISSENDEN: Oh, I had one minor change. I'm
5 going to flip the federal government report since Kathy Mick
6 had to talk so much yesterday, she gets to talk second, if
7 that's all right.

8 COMMISSIONER PRIZMICH: I'll second that.

9 CHAIR BRISSENDEN: Moved and seconded.

10 All in favor?

11 (Commissioners voted.)

12 CHAIR BRISSENDEN: Any opposed?

13 (No audible response.)

14 CHAIR BRISSENDEN: All right. And we move to the
15 approval of the certified transcripts for the meeting of
16 May 19th, 2006.

17 COMMISSIONER THOMAS: I'll move approval. But,
18 Mr. Chairman, I'm wondering, are we going to have certified
19 transcripts of every utterance of our -- for the rest of our
20 time here at the Commission, on these fairly extensive
21 matters?

22 CHAIR BRISSENDEN: That does bring up a rather good
23 question. What was the reason for this?

24 DEPUTY DIRECTOR GREENE: What was the reason for
25 having the -- the meeting minutes transcribed and then turned

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1 into a synopsis in the -- in the minutes? Is that what
2 you're asking?

3 (Multiple speakers.)

4 COMMISSIONER THOMAS: Yeah, why --

5 CHAIR BRISSENDEN: Yes.

6 COMMISSIONER THOMAS: -- do we have a transcript --

7 DEPUTY DIRECTOR GREENE: I think as we went through
8 the auditors and -- the auditors were inquiring on a number
9 of issues, and unfortunately our meeting minutes were not as
10 detailed as we would have preferred. And so it was -- it was
11 thought at that time that it was best that we keep those
12 minutes and have the stenographer here and then be able to
13 provide that so that we have it in the record and the
14 history. So at this point in time, that's -- that's why we
15 have them. I think they've been very helpful, actually, to
16 us. But we're also moving forward with just having a smaller
17 meeting minutes, a synopsis of the meeting itself for
18 everybody because I recognize that sometimes it's difficult
19 to go through all the many, many pages.

20 CHAIR BRISSENDEN: I will support that motion. I'd
21 like to have a very sort of generic overview. It's rather
22 voluminous and --

23 COMMISSIONER THOMAS: One way to save money is to
24 just tape it. And then if you need to get it transcribed
25 later, we can do that.

5

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1 COMMISSIONER PRIZMICH: I'll second the motion.

2 VICE-CHAIR ANDERSON: There are some corrections that
3 Mr. McMillin and I have noticed.

4 CHAIR BRISSENDEN: So are they in great detail?
5 Shall we have this --

6 COMMISSIONER McMILLIN: No. Do we have a motion to
7 approve?

8 CHAIR BRISSENDEN: Yeah. So if you have some
9 changes --

10 COMMISSIONER McMILLIN: There's eleven -- nine times
11 that I'm referred to as the Chairman. So I'm not there.

12 DEPUTY DIRECTOR GREENE: I believe those -- just for
13 clarification purposes, I believe those have been corrected.

14 COMMISSIONER McMILLIN: Okay.

15 DEPUTY DIRECTOR GREENE: We met with her. And so I'd
16 be happy to meet with you at the break and get some of those
17 specifics.

18 VICE-CHAIR ANDERSON: That was the only thing that I
19 was finding. I read past it many times before I noticed the
20 problem. And the same thing --

21 CHAIR BRISSENDEN: So with those corrections, do we
22 have --

23 (Multiple speakers.)

24 COMMISSIONER THOMAS: Second.

25 CHAIR BRISSENDEN: -- a second -- I think there's two

2 (Multiple speakers.)

3 CHAIR BRISSENDEN: So all those in favor?

4 (Commissioners voted.)

5 CHAIR BRISSENDEN: Those against?

6 (No audible response.)

7 CHAIR BRISSENDEN: So moving along, we have Deputy
8 Director's report.

9 Daphne?

10 DEPUTY DIRECTOR GREENE: Good morning, Commissioners,
11 members of the public, and partners in the agency. Welcome,
12 everybody, here today. We -- as you can see on the report,
13 we have a number of reports that have been requested by the
14 Chair. We also have a number of items to cover with you this
15 morning.

16 But I first would just like to thank all of you who
17 were able to attend the Commission Tour yesterday. We were
18 hosted by the Eldorado National Forest, the Amador Ranger
19 District. And I think everybody had a delightful day.

20 If I could impose on everybody, actually, to sort of
21 look over, Commissioners, your right shoulder to that screen.
22 We'll just take a moment here for those of you who were not
23 able to join us and just be able to get a quick glimpse of
24 the day.

25 CHAIR BRISSENDEN: I would like to add my thanks to

1 not only Division staff, but to all the people in the
2 Eldorado and Regional Office who participated, as well as all
3 the public that was there yesterday. Thank you.

4 COMMISSIONER THOMAS: No banjos.

5 (Slide presentation.)

6 DEPUTY DIRECTOR GREENE: So thank you again to
7 everybody who was able to join us.

8 Aaron, thank you for that.

9 CHAIR BRISSENDEN: Yeah, Aaron, it was fun.

10 (Multiple speakers.)

11 DEPUTY DIRECTOR GREENE: It was just nice after four
12 years to be back out on a -- on a tour and get back out on
13 the ground with everybody and be able to share the
14 information, particularly as we come up on this next -- on
15 this next grant cycle. I think for everybody just to have
16 familiarity again with trail maintenance and conservation and
17 restoration and route designation and all of the -- the good
18 issues and the WHPPs and the HMPs and everything to -- to
19 start putting it all together. So thank you again for
20 everybody who was out there yesterday.

21 (Commissioner Spittler joins the proceedings.)

22 COMMISSIONER WILLARD: For the Chair, I'd like to
23 thank staff for setting that up. It was an excellent idea.
24 From -- from my perspective as a -- as a new Commissioner,
25 you can read this stuff and attend meetings, but until you're

1 really on the ground seeing what we're talking about, you
2 know, it's just not the same. So I think that was well worth
3 the time, and thank you.

4 DEPUTY DIRECTOR GREENE: Thank you.

5 As long as we're continuing on some good news, I
6 wanted to give you an update on the Freeman property
7 acquisition, otherwise known as Truckhaven-Desert Cahui Ila,
8 whatever, but it is the Freeman property acquisition, that
9 the Commission voted 7:0 last time for us to move ahead with.
10 On August 18th, we were in front of the Public Works Board
11 where they approved that acquisition. We expect that --
12 escrow was supposed to close today; having a little
13 difficulty making sure that we get all of the members'
14 signatures on the deed. It looks like that extension has
15 been put to the 17th of September. So we expect that escrow
16 will close at that time and that we will move forward.

17 In conjunction with the Anza-Borrego Desert State
18 Park, we are moving forward with the plan of what -- once we
19 acquire the property, how we manage it in between the time
20 now and the interim before we develop the General Plan. And
21 so we're looking at that and obviously trying to move as
22 quickly as possible. Once we have acquisition of the
23 property, then obviously we're going to implement those
24 measures to protect some of the natural and cultural
25 resources that we know that are there and to -- obviously the

1 laws that take place and -- and enforcing those. So an
2 update on that.

3 On another issue, some of you, I think, know the
4 budget trailer bill language which now extends the sunset of
5 the program to 2008. It was nice that it was able to join
6 both the Commission and the Division, so now we jointly have
7 an extension until January of 2008.

8 On the Fuel Tax Study, we received a draft this week,
9 and we expect those final documents next week. It will then
10 move forward through the Department, the Resources Agency,
11 and to obviously the Administration for approval. We are
12 going to stress, as we have all along, that this move forward
13 in that process as quickly as possible for approval and moved
14 to the Legislature.

15 In terms of grants this year, we're looking at
16 approximately 204 projects that have moved through. And so
17 at this point in time staff is -- the Grant Scoring Team has
18 got their hands full. And so we anticipate having those
19 materials to the Commission, as indicated in the regs, 30
20 days out. And so I just wanted to let everybody know on that
21 item.

22 On Oceano Dunes, for those of you -- you could mark
23 your calendars for the weekend of October 20th, 21st, 22nd.
24 Oceano Dunes will be celebrating 100 years of motorized
25 recreation down on the beach. And so there is a large

1 celebration. We will keep the Commissioners informed and the
2 members of the public. There is an announcement on the web
3 site, but we'll keep you up to date. I believe there's a
4 dinner on that Friday night, which certainly an invitation is
5 extended, and an official invitation will be forthcoming.

6 Also, in the November -- I think it's November --
7 that second weekend in November, down at Ocotillo Wells we'll
8 be celebrating 30 years of that park. So we'll keep you up
9 to date on that as well.

10 Looking at Oceano Dunes, going back for a moment,
11 just recently AB 2755 was passed. That's the Blakeslee bill
12 which gives an additional tool for law enforcement across
13 this state to be able to enhance, safeguard -- you know, to
14 safeguard children while they're operating ATVs. What it
15 says now is that anybody under 18 either has to have a safety
16 certificate or be accompanied by a parent, an adult, or
17 guardian. Anybody under 14 must be accompanied by that
18 parent, adult, or guardian, again, with a safety certificate.
19 What it does now is that it enables the officer to cite the
20 responsible party, the adult in this particular case, rather
21 than having to cite the child. When it goes before the
22 judge, it will -- the option will be for the judge to either
23 have -- make sure that that individual goes back and gets a
24 safety certificate or a fine will be imposed. The fines
25 range anywhere from the first-time offense for \$125; second

1 offense at 250; and a third offense at \$500. For those of
2 you who are familiar with the additional add-ons of the
3 counties in which that citation is written, we would see
4 those fines ranging anywhere from 350 to \$1,400. So it's a
5 stiff penalty. And -- and for the Division it means that we
6 are going to increase the number of classes that we provide
7 to receive that safety certificate and obviously moving
8 forward to get all the educational materials out that we need
9 to when this law takes effect January 1.

10 The -- the Bakersfield Project, that is moving along.
11 The County will be having a meeting on September 14th to
12 discuss the EIR.

13 MR. WALDHEIM: Daphne, that's been changed to the
14 28th this morning.

15 DEPUTY DIRECTOR GREENE: Okay. Thank you, Ed. We'll
16 get more detail as to the time on that, then.

17 Let's see. And then finally, we've got a number
18 of -- of items that the Chair had requested in terms of
19 reports that we provide. So unless there are any specific
20 questions on some of the materials I provided, we'll go right
21 into those.

22 CHAIR BRISSENDEN: Commissioners, do you have
23 questions of the first part of this report?

24 COMMISSIONER THOMAS: Yes.

25 CHAIR BRISSENDEN: Go ahead, Hal.

1 COMMI SSIONER THOMAS: On the 204 project grants, how
2 many grants were rejected as incomplete or inadequate in any
3 capaci ty?

4 DEPUTY DIRECTOR GREENE: I believe, Commi ssi oner
5 Thomas, just -- at this point in time, I think there were
6 about four. So I think we've seen a dramatic change where
7 from last year we had -- I think it was 199, and actually
8 there were -- if we had been real sticklers last year, there
9 would have only been 20 that would have made it through the
10 process. So we were delighted this year to see that we have
11 a very small number that at this point in time seemed to have
12 some -- some fatal flaws. But otherwise most of them have
13 been able to be clari fied. And so --

14 COMMI SSIONER THOMAS: Okay. What four were they?

15 DEPUTY DIRECTOR GREENE: I don't have that material.
16 I'm waiting for our Grants manager to -- to arrive. But I
17 will let you know --

18 MS. STALLCOP: Janelle's here.

19 DEPUTY DIRECTOR GREENE: Oh. Okay.

20 COMMI SSIONER THOMAS: Maybe you can tell us which
21 four failed to cut it.

22 DEPUTY DIRECTOR GREENE: If I coul d, Commi ssi oner
23 Thomas, after the break, because I have not been able to
24 consult with the Grants manager at this time.

25 COMMI SSIONER THOMAS: Okay.

1 Second question is, the trailer bill language, will
2 you share that language with us by email or by -- or by mail
3 or written packet?

4 DEPUTY DIRECTOR GREENE: Of course we will.
5 Commissioner Brissenden and I actually have spoken a number
6 of times trying to figure out a way that we can abide --
7 with -- communicate with the Commissioners to give you
8 updates and at the same time not violate any of the laws that
9 are in effect in terms of the public process. And so --

10 COMMISSIONER THOMAS: Well, you can communicate with
11 us without having a public meeting, right?

12 DEPUTY DIRECTOR GREENE: Yes. But in terms of trying
13 to give you specific updates, what we were looking at at this
14 time is being able to have a dedicated space on the web and
15 then be able to give you notices on your emails so that you
16 could go right to the web and find that -- these particular
17 items and language.

18 COMMISSIONER THOMAS: Okay. But can you -- can
19 you -- you'll be able to provide us with the trailer bill
20 language?

21 DEPUTY DIRECTOR GREENE: Yes.

22 COMMISSIONER THOMAS: Okay.

23 On the Fuel Study, will you provide us the -- the
24 draft in the next couple days?

25 DEPUTY DIRECTOR GREENE: No. We will provide, as we

1 would per the Administration -- anything that goes through
2 the Legislature has to go to the Administration. And so at
3 this point in time, until we have approval -- we don't even
4 have a final document yet. But when we have that next week,
5 we will have to get -- we will have to go through the
6 Governor's Office, and then it will be released. So at this
7 point in time, it has to go through the Administration before
8 anything can be shared.

9 COMMISSIONER THOMAS: So you're saying that you're --
10 you're unable to share the draft document that you have in
11 your possession with the Commission which is the
12 policy-setting body for Division?

13 DEPUTY DIRECTOR GREENE: That is correct. It has got
14 to go through the Governor's Office before it can be
15 released.

16 COMMISSIONER THOMAS: Perhaps --

17 CHAIR BRISSENDEN: Is that typical protocol?

18 DEPUTY DIRECTOR GREENE: Yes. Anything that --
19 any -- any report --

20 (Multiple speakers.)

21 CHAIR BRISSENDEN: I mean is there a legal advisor on
22 this?

23 DEPUTY DIRECTOR GREENE: Any report that goes through
24 to the Legislature has to be -- for this Administration has
25 to be -- goes through the Governor's Office.

1 COMMISSIONER THOMAS: I'd actually never heard of
2 that, and I've been a government lawyer for 18 years.

3 CHAIR BRISSENDEN: Tim's pulling his microphone
4 closer to his --

5 COMMISSIONER THOMAS: Perhaps we can ask the counsel
6 to give us the authority for that.

7 CHAIR BRISSENDEN: Tim, do you mind?

8 COUNSEL LaFRANCHI: Until the -- until the document
9 has been approved as final -- as the final state report by
10 the Administration, it is not a final document. It's
11 unavailable for release. If we released it to the
12 Commissioners or any other third party, we would waive any
13 exemption we have under the Public Records Act. And so we've
14 just taken the position that we're not going to release it
15 until it's been approved by the Administration.

16 COMMISSIONER THOMAS: But drafts are public -- drafts
17 kept in the ordinary course are public documents releasable
18 under the Public Records.

19 COUNSEL LaFRANCHI: Preliminary drafts are an
20 exemption --

21 (Multiple speakers.)

22 COMMISSIONER THOMAS: Preliminary drafts.

23 COUNSEL LaFRANCHI: -- if the public interest in
24 withholding them outweighs the public interest in releasing
25 them. And that's the decision that's been made.

1 COMMISSIONER THOMAS: Well, the decision that the
2 public interest in having the Division withhold something
3 from its policy body sounds to me like a fairly high-handed
4 decision. But never the -- I'm not going to see it, so we'll
5 let it go. I mean that's ridiculous. That's absolutely
6 ridiculous that the policy body doesn't get a public document
7 because you're calling it a preliminary draft, but you can --
8 but you're going to circulate it to the Legislature in
9 advance of your own policy --

10 COUNSEL LaFRANCHI: As soon as it's released for
11 circulation for the Legislature --

12 COMMISSIONER THOMAS: That's ridiculous.

13 COUNSEL LaFRANCHI: -- it will be publicly, including
14 to the Commission.

15 COMMISSIONER THOMAS: Very good.

16 CHAIR BRISSENDEN: I'm grateful you're not suing us,
17 Tom.

18 COMMISSIONER THOMAS: No, I mean --

19 (Multiple speakers.)

20 CHAIR BRISSENDEN: Let's go on --

21 COMMISSIONER THOMAS: When the (unintelligible) --
22 when they say, "Oh, by the way, we're just going to call it a
23 preliminary draft," which is a discretionary call, and say,
24 "Oh, by the way, we're not sharing with you our policy" --
25 that's amazing.

1 CHAIR BRISSENDEN: I think that we can share with the
2 Administration that the Commission is impatient given the
3 years we've been waiting for this, and maybe they'll
4 (unintelligible) and get it out as quickly as possible.

5 DEPUTY DIRECTOR GREENE: I think they very -- they're
6 very well aware of that.

7 CHAIR BRISSENDEN: Other Commissioner comments on the
8 first part of the report?

9 And welcome, by the way, Paul Spittler. You're being
10 rather quiet.

11 COMMISSIONER SPITLER: I'm saving my fire.

12 CHAIR BRISSENDEN: Okay.

13 COMMISSIONER PRIZMICH: I -- I do have a question.

14 CHAIR BRISSENDEN: Yes.

15 COMMISSIONER PRIZMICH: Is there any explanation on
16 the part of the Division on -- on why the turnaround on -- on
17 the grant applications? Is there any reason that last year
18 there was 190 some odd that were turned down and --

19 DEPUTY DIRECTOR GREENE: Actually, there were not
20 190, Commissioner Priznich. What I think what -- last year
21 was the first year of a change of a program. I think that we
22 have tried to reach out to the grant applicants to hold the
23 workshops. To be very clear, we had a workshop up in
24 southern California and northern California this year. We're
25 really trying to be very clear in -- in the process.

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1 I think we've worked hard to try and improve the
2 regulations so that everybody is aware of -- of what is
3 required and I think just a better partnership with the
4 agencies to make sure that people are clear. We then this
5 year have done a follow-up as well with -- once the grant
6 applications were turned in to the Division, we actually held
7 meetings with the -- a meeting with the Forest Service, the
8 BLM, and law enforcement, as well as counties are going to be
9 in the next ten days, to try and get an understanding for
10 them of what worked, what didn't, and solutions for the
11 future. And we got a lot of very good response and really
12 constructive feedback on ways that we can continue to improve
13 that process. So I think everybody's just aware of it, has a
14 better understanding, and really trying to outreach and
15 education.

16 COMMISSIONER PRIZMICH: Were the workshops well
17 attended on (unintelligible)?

18 DEPUTY DIRECTOR GREENE: Yes, they were.

19 And, also, Commissioner Priznich, I think it was
20 also -- we -- we made sure of the regulations this year
21 because we -- you know, as we continue to improve on the
22 regulations, that it gave the Division the ability to waive
23 inconsequential defects, which was something that we didn't
24 have last year. So in order to make sure that we really
25 abided by the law in that first year, we made sure that we

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1 were able to -- to provide that avenue for us in the
2 regulations this year.

3 CHAIR BRISSENDEN: And, Daphne, one of the
4 encouraging things I heard yesterday was that we actually
5 have an abundance in each category, meaning we have more
6 requests for money than we have money in those various pots,
7 and that was an informal discussion. You may want to ask
8 that question of Janelle later for further elaboration.

9 DEPUTY DIRECTOR GREENE: Can we -- if I --

10 CHAIR BRISSENDEN: Yeah. No, I just wanted to point
11 that out.

12 DEPUTY DIRECTOR GREENE: Yeah. Thank you.

13 So --

14 CHAIR BRISSENDEN: Any other questions or comments on
15 the first portion, noting that Paul is holding fire? And I'm
16 awaiting that moment.

17 So on to winter recreation funds overview.

18 CHIEF JENKINS: On this one, in order to look into
19 that (unintelligible) information, I looked back to the
20 original. There was a BCP -- Budget Change Proposal -- that
21 was done back in 2002/2003 which is how that money became
22 moved from where in the past it had been -- gone through
23 the -- funneled through the Grants Program to working
24 directly with the Forest Service on some of these
25 (unintelligible) cost-share agreements.

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1 The program, as it's set up right now, basically
2 moves a million dollars over so that we can set up cost-share
3 agreements. And that million dollars is divided up to
4 provide both equipment -- we run about 18 snow groomers
5 around the state. That number varies from year to year as
6 they wear out and become, you know, replaced and whatnot.
7 And we groom about 2,000 miles of trail, from what I
8 understand.

9 The costs are a little bit fluctuating year to year,
10 so it's hard to nail down an exact number. For instance,
11 last year we spent about \$900,000 on it. If there's a
12 particularly heavy snow year or the snow spread out through
13 the year, it really can change drastically how much the
14 program costs each year. Some years it will go over that
15 budget; some years it will go under that budget. But in
16 essence, just to get your mind wrapped around how the system
17 works now, that money through the Budget Change Proposal
18 comes into our Operations Budget, and so we have kind of
19 enough latitude in that Operations Budget to cover the years
20 when there's unusually heavy snow or the snow lasts for
21 longer than the season had originally been planned, in which
22 case the number -- the number of times you have to go out and
23 groom trails, of course, increases and exponentially
24 increases the cost of the program.

25 And then another large factor, of course, this last

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1 year -- last couple of years has been the increasing costs of
2 fuel, which is -- has quite an impact when the whole program
3 is based around running large equipment.

4 We also, out of that money, then take care of trash
5 services at those trailheads. This is for a number of
6 trailheads up and down the state. We do the trash services.
7 We have contracts to do the cleaning of the rest rooms, and
8 then, of course, purchasing, operating, fueling and
9 maintaining all that equipment that's -- that's used up and
10 down all those areas.

11 There's a few pieces of equipment that are coming up
12 that are about to wear out. The snow tractors will last
13 about -- 20 years is the expected life cycle on those.
14 Several of them are -- are due for replacement. We replaced
15 a few in recent years. It's about \$200,000 to replace one of
16 those pieces of equipment. So we try to stagger that cost.
17 It would be terribly poor planning if you had all 1,800 that
18 had to be replaced in one year, I suppose. So we've been
19 pretty successful in staggering that cost and making sure
20 that we have the ability to keep fresh equipment out on
21 the -- on the ground.

22 Didn't know if there's anything more specific at this
23 point that you'd like to hear.

24 CHAIR BRISSENDEN: Any questions from other
25 Commisioners?

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1 COMMISSIONER THOMAS: Well -- yes.

2 Is there any documentation associated with the
3 program that you could share with us?

4 CHIEF JENKINS: I could send out, if you would
5 like -- I've got a breakdown of the budget. We did not put
6 that in the packet this year because, like I say, we were
7 trying to sort out how -- how best to present that. I think
8 it's one of those numbers that moves up and down year by
9 year. If you want us to give you a budget, perhaps rather
10 than just give you last year's budget, it would be better to
11 provide you with several years' budgets so you can see how
12 that fluctuates from year to year. And it tends to go up and
13 down, as I say. We'd be happy to provide that.

14 COMMISSIONER THOMAS: Well -- and -- and, for
15 instance, is there any allocation between the high-use areas
16 and the low-use areas? I mean do -- does the Plumas get more
17 money than -- as it should than some other -- than the Tahoe
18 Basin where we were worried about air quality? How do we
19 know where you're spending the money? It doesn't -- we're
20 not seeing --

21 CHIEF JENKINS: The sites would be helpful
22 (unintelligible) different areas that you're grooming.

23 CHAIR BRISSENDEN: And is this within the snow park
24 program or outside of the snow park program?

25 OHV mins 9-8-06
CHIEF JENKINS: It overlaps to some degree.

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1 There's -- there are some sites that are both snow parks and
2 trailheads, and then other sites that are just trailheads
3 that's -- that's another one of those confusions, is how you
4 separate out the costs of running a snow park program. Those
5 that may not be aware of it, we have a snow park program
6 where if you want to go to a winter play area, you can get a
7 snow park pass and hang that in your window, and you get to
8 go. And then -- and we have areas, once again, that we
9 cooperate with the Forest Service. And these are all, by the
10 way, on Forest Service lands, and we literally could not
11 run -- provide this service to the public without that
12 cooperation from the Forest Service.

13 So you can have a snow park area where it's just a --
14 I mean a play area where you just go in and park and then
15 there's surrounding territory that you can do sledding and
16 whatnot, and then other areas are combined with -- there's a
17 trailhead, so you might have vehicles pulling in to unload
18 snowmobiles and then go off onto a trail, as well as snow
19 play areas combined. So there's a little bit of overlap
20 between those two programs.

21 Perhaps, actually, if I were to send you something
22 out more specific -- I gave you both numbers -- because
23 otherwise it gets confusing literally to look at the numbers
24 and separate out is this a trailhead play area, and how do

25 those numbers work together. So I could provide that.

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1 And just to answer that other part of the question
2 about the distribution of those funds, there is quite a bit
3 of variability in those funds. In some areas, if you just
4 look at the raw numbers between, say, the Tahoe and the
5 Eldorado National Forest, you'll see a wide variability
6 that -- when you just look at the numbers -- raw numbers with
7 no explanation, it looks -- it's hard to understand. You'll
8 see in some areas where the cost of grooming a mile of trail
9 is double what it costs in another area. And in order to
10 really understand that, you have to go back and look at
11 what's the elevation of that unit; if it's higher up in the
12 mountains, you're going to get more snowfall, you're going to
13 have to make more passes; also, in some of those very heavy
14 areas, you really (unintelligible) the tractors
15 (unintelligible) with higher repair costs. So like I say,
16 it's a very complex, variable number. So when I provide
17 those numbers, you're going to see tremendous variability in
18 the costs for running the program from one location to
19 another.

20 The way we decide on what to allocate each year to
21 each of the programs is based largely on the history of what
22 it has cost to run that over the last several years. And so
23 you can get a feel year by year of what it costs to run an

24 area, and then we take that money, we work cooperatively with
25 the Forest Service to figure out how to divide that. And

25

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1 once again, this is -- we have two staff members that work on
2 our side of the house on that, but it's a large number of
3 Forest Service people that they get involved with this. And
4 so it's -- like I say, it's a great partnership, and I think
5 at the end of the day it's going to be a tremendous success.

6 CHAIR BRISSENDEN: Other questions?

7 COMMISSIONER THOMAS: Well, this -- this Commission
8 articulated some policies a number of years ago that defunded
9 or -- or we refused to fund, based on air quality concerns,
10 snowmobile grooming inside the Tahoe Basin air shed based
11 upon the problems associated with unburned fuel ending up in
12 Lake Tahoe and reducing the clarity. There were some
13 scientific reports prepared, and we actually funded a study.
14 Do you -- are you spending any of your money in the Winter
15 Recreation Program grooming trails within the Tahoe air shed?
16 And that's -- that's not the water -- that's the watershed of
17 the Tahoe Basin, not the Bear Valley, areas in the -- areas
18 north of the Tahoe watershed.

19 CHIEF JENKINS: Right. And perhaps I'm mistaken,
20 just picking the forest out of the air as I was referring to
21 "forest," but we're not funding those down in that basin
22 there.

23 (Multiple speakers.)
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24 COMMI SSIONER THOMAS: (Un i ntel l i gi bl e.)
25 DEPUTY DI RECTOR GREENE: Com mi ssi oner Thomas --

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1 (Mul ti ple speakers.)

2 COMMI SSIONER THOMAS: As long as it's not in the
3 basi n, that's my questi on.

4 DEPUTY DI RECTOR GREENE: That's correct.

5 COMMI SSIONER THOMAS: Great. Thank you.

6 COMMI SSIONER PRI ZMI CH: If I could j ust make a
7 cl ari fi ca ti on, Mr. Thomas. Not the entire Com mi ssi on voted
8 not to fund the -- the snow groom ing in the Tahoe Basin. And
9 the report that -- that you refer to was not necessari ly a
10 part of the moti on that -- that defeated that snow fund ing --
11 or that snow -- snow groom ing. So I woul dn't want that
12 i ncl uded in -- in -- in the commen tary at this point. We
13 di dn't fund the snow groom ing, and it wasn't as a resul t
14 di rectly of a study. That was your commen tary.

15 COMMI SSIONER THOMAS: No, I was i ndi ca ti ng that
16 evi den ce provi ded at that hear ing --

17 COMMI SSIONER PRI ZMI CH: No, that was j ust --

18 (Mul ti ple speakers.)

19 COMMI SSIONER PRI ZMI CH: -- the commen tary on your
20 part, not evi den ce.

21 COMMI SSIONER THOMAS: Wel l --

22 COMMI SSIONER PRI ZMI CH: J ust a commen tary. Becau se I

23 would n't want a commentary to become a part of the record
24 here.

25 COMMISSIONER THOMAS: Information in the record

27

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1 provided to us at that time.

2 COMMISSIONER PRIZMICH: Well, that's more accurate.

3 COMMISSIONER THOMAS: That's it. Thank you.

4 CHAIR BRISSENDEN: Obviously there's still a little
5 rawness over that --

6 COMMISSIONER PRIZMICH: Absolutely.

7 CHAIR BRISSENDEN: -- over four years ago.

8 I'm concerned, Phil, about the 900,000 -- is there
9 snow park money that is administered through that? And
10 you're saying you're having some confusion in explaining it,
11 so obviously we will have some understanding --

12 CHIEF JENKINS: No, the snow -- the snow park money
13 is -- is kept completely separate. We have a separate
14 account for that -- a separate account for it. So when
15 somebody buys a snow park pass, that goes into its own
16 account with a tracking number, and we are able to track
17 those funds completely separately. The only confusion
18 becomes in trying to explain it when some of the areas
19 overlap, and so you have two things going on in one location.
20 And so that's why I say if I provide some numbers, it
21 probably would be best understood if we were able to show you
22 the numbers together so that you can see how the two things

23 complement each other in some instances.

24 CHAIR BRISSENDEN: Okay. That being said, I hope
25 you'll supply us, maybe in the interim before the next

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1 meeting, that -- the 22 sites that you do employ OHV Division
2 staff or just equipment.

3 CHIEF JENKINS: The equipment is largely operated by
4 volunteers from the Forest Service and ranger volunteers who
5 operate that equipment.

6 CHAIR BRISSENDEN: I mean there's two reasons for
7 this question: One is, it isn't apparent or clear to me as a
8 Commissioner that we have people along the ground other than
9 now performing services to the public of California for
10 winter recreation in this regard. So it would be helpful to
11 let the people know that you're actually doing this in some
12 fashion. So -- separate from the snow park permit.

13 And the other part of it is, I still have some
14 concerns over subsidizing private business in this regard.
15 So...

16 CHIEF JENKINS: Yeah, I don't know of any instances
17 where we're subsidizing private businesses. I know there
18 have been some concerns raised in the past that have been
19 brought to my attention. I did vigorously look into that,
20 and I didn't find any instances where that was the case.

21 CHAIR BRISSENDEN: Well, it was prior to, but --

22 anyway. . .

23 So I look forward to that interim report. Thank you.

24 CHIEF JENKINS: Thank you.

25 DEPUTY DIRECTOR GREENE: Chair Brissenden, if I may,

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1 just for clarification purposes, so what you're looking for
2 specifically would be to understand the difference between
3 the snow park, the trailheads, separating that out, and --
4 and what else?

5 CHAIR BRISSENDEN: Well, and also where the funds are
6 being applied.

7 DEPUTY DIRECTOR GREENE: Okay.

8 CHAIR BRISSENDEN: Just be helpful.

9 DEPUTY DIRECTOR GREENE: Absolutely.

10 CHAIR BRISSENDEN: Thank you.

11 Any further questions?

12 Commissioner Thomas.

13 COMMISSIONER THOMAS: Just to clarify, how much money
14 is being spent and at what locations it's being spent, and
15 what program is occurring at those locations. Is that --

16 CHAIR BRISSENDEN: That would be helpful.

17 COMMISSIONER THOMAS: How much, what people, and what
18 program. A narrative explaining (unintelligible) occurring
19 at those locations.

20 CHAIR BRISSENDEN: Absolutely. Thanks.

21 Going on.

22 VICE-CHAIR ANDERSON: I --
23 (Multiple speakers.)
24 DEPUTY DIRECTOR GREENE: The site reviews.
25 CHAIR BRISSENDEN: Excuse me.

30

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1 Judith, do you have a question?

2 VICE-CHAIR ANDERSON: I do. I just had one. You
3 kind of threw that statement off about spending \$200,000 to
4 replace the piece of machinery, and I was wondering, do you
5 have a planned schedule for replacement?

6 CHIEF JENKINS: Yes. So Terry Harper is our
7 equipment manager. And what he does is he keeps track of the
8 total number of hours we have on all the equipment. Some of
9 the equipment will last -- this equipment is being diesel
10 driven. These motors and a lot of these can run tremendous
11 long periods of time with overhauls and whatnot. What tends
12 to happen, though, is the -- the actual frames and the -- the
13 gear that holds the blades and all the different tracks and
14 whatnot begins to stress fracture. So -- so --

15 VICE-CHAIR ANDERSON: I'm not interested in -- in
16 that kind of detail. I'm just wondering financially how
17 you're planning to --

18 DEPUTY DIRECTOR GREENE: We have that scheduled,
19 Commissioner Anderson. I think it goes back to Barry Jones.
20 And I will give Barry all the credit when he realized that we

21 were -- be a much more efficient use of funds if we could
22 pool those tractors together and provide the training and
23 provide this -- the equipment operators. And if the state
24 oversaw all of that equipment, we could set up that schedule.
25 We would know that they would last us anywhere from, you

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1 know, nine to ten, eleven years. So we actually -- we do
2 have that. And I think that we have something to be proud of
3 now with the -- with the way that we have our fiduciary
4 responsibility actually to this program, and that we've come
5 through --

6 VICE-CHAIR ANDERSON: Okay. See, if you're operating
7 on a ten- or eleven-year cycle or slightly longer, you're not
8 anticipating replacing any, then, equipment within the next
9 three years or four years or --

10 DEPUTY DIRECTOR GREENE: No, you have to look at --
11 I -- I don't have that -- that actual plan in front of us
12 right now. Because what you're looking at is how old some of
13 the equipment is.

14 VICE-CHAIR ANDERSON: Right.

15 DEPUTY DIRECTOR GREENE: As I said, some of the
16 equipment has actually been replaced. Some of it's just been
17 overhauled. So it's a difference of when you're looking at a
18 brand-new purchase versus when you can band-aid something
19 that's wrong and --

20 (Multiple speakers.)
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21 VICE-CHAIR ANDERSON: Okay. Is this \$900,000 which,
22 okay, given all the variables about how much snow there is
23 and the cost of fuel and all those variables, are you
24 anticipating throwing in any \$200,000 purchases on new
25 equipment in the near future?

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1 DEPUTY DIRECTOR GREENE: We just met with the
2 Department of General Services the other day, and we are
3 looking to do that within the next 18 months. However, the
4 Department of General Services has their own plan. And that
5 is one of the state bureaucracies that we actually are
6 meeting again with to provide them some additional
7 information so that they can make a determination of whether
8 or not that will put that on the schedule within the budget
9 for next year.

10 VICE-CHAIR ANDERSON: Okay. \$200,000 is a whole lot
11 more than most of the grants we give out. So I think it's
12 worth talking about.

13 DEPUTY DIRECTOR GREENE: That is correct. And
14 particularly, though, when we do look at that piece of
15 equipment with the life that it does have, if you amortize
16 those costs out over the time period, as I said before, we've
17 realized a -- a true cost savings to the State of California
18 as a result of -- of bringing those together.

19 CHAIR BRISSENDEN: Hopefully this is the last

20 question. Do you send this budget and your recommendations
21 to the Winter Recreation Committee?

22 DEPUTY DIRECTOR GREENE: On this one, no, John, we
23 don't.

24 CHAIR BRISSENDEN: It might be a good idea.

25 DEPUTY DIRECTOR GREENE: Sure.

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1 CHAIR BRISSENDEN: And keep us posted along the way.

2 DEPUTY DIRECTOR GREENE: Sure.

3 CHAIR BRISSENDEN: Thank you.

4 And next would be status of site reviews for the
5 Grants Program.

6 MS. BUCKINGHAM: Good morning, Commissioners. I'm
7 Jennifer Buckingham. I'm with the State Parks Off-Road Motor
8 Vehicle Recreation Division. And I work in the Environmental
9 Planning and Coordination with the entire Division as well as
10 assisting with the Grants Program. I will be updating you on
11 the status of site reviews.

12 If you would turn to the tab listed as "Site Reviews"
13 in your binder, you can follow along with me. We have
14 recently created a new access database within our Grants
15 Program that is allowing for all of our grant administrators
16 to input information regarding their Grants Program including
17 site visits into the system, and then we're able to generate
18 reports that all of the grant administrators can review.

19 And the site visits have been occurring throughout

20 the years. But we're trying to standardize our process a
21 little better and track that process a little bit better as
22 some projects warrant numerous site visits at different times
23 of the year.

24 So in order to do that, on that first page I've
25 created and provided a very brief overview of how we were

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1 attempting to sort of standardize and prioritize our site
2 visits in the future. And obviously we want to eliminate
3 those projects that are already completed, that have gone
4 through audits, get them out of the database, and move them
5 forward. And we're trying to really focus on projects within
6 their performance period. And it's very important to do a
7 site visit or a field review within that performance period,
8 but typically it's best the second or third years that the
9 project is being funded. Oftentimes the first year of a
10 project, applicants were really pulling together and
11 organizing their projects. And so by the second or third
12 year, they're usually underway, and we're able to get on the
13 ground and really see what they've been able to accomplish,
14 see what glitches they may have run into, and be able to
15 document that and then follow the project, as well as put
16 that into the database so that other grant administrators
17 will be able to access that information.

18 Also, consider one-time project funding versus the

19 multiyear. Basically, if they're receiving one-time funding
20 and the project warrants a site visit, it becomes quite a
21 high priority to get out in the field; also, consider the
22 amount of funding that's being provided for that project,
23 and, of course, the project type.

24 Equipment, you can typically call somebody and make
25 sure they've purchased their equipment. You don't

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1 necessarily need to go into the field and see it.

2 Also, to be able to determine whether previous site
3 visits have occurred, we really are attempting to coordinate
4 our efforts whenever possible and get onto the field or into
5 the field together if, again, possible. And sometimes it
6 depends on the project types and the locations. But if the
7 site has received a site visit within the last month, we're
8 going to attempt to not go to that site again within the next
9 couple of months and -- and make them do, you know, the
10 entire site visit all over again. We'd like to try and
11 schedule that out a little bit better. And now that we have
12 all of our grant administrators in place, which has been a
13 bit spasmodic over the past couple of years, I think we'll be
14 able to really accomplish that and be able to organize a bit
15 better.

16 And then obviously most important is to schedule our
17 site visits during the appropriate time of year. It's not
18 always conducive to show up at a site when it's 112 degrees

19 in the middle of the desert, and vice-versa, show up when
20 it's snowing and you can't access the site; as well, a number
21 of site visits have been scheduled and unfortunately delayed
22 due to inclement conditions, i.e., we tried to get out to
23 certain sites, and they have a massive fire, typically not a
24 good time for a site visit. So we are able to at least track
25 that and then come back to that project at a later date and

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1 ensure that the site visit is completed.

2 If you're looking at the second page -- actually,
3 it's the -- the next few pages with some pretty colors, this
4 is a draft and an example of just looking at the biological
5 site visit schedules. And we were able to get this database
6 up and running. It still has a few glitches that we're
7 working through. A lot of the site visits that were
8 completed in the past were done in a written format, and
9 that's just placed in the project binder, which is fine;
10 however, it doesn't allow easy access: Jumping on the
11 computer, seeing when that site -- site visit was completed,
12 and then being able to prioritize where to put it. So this
13 is our first attempt, and we are going to continue to work on
14 this database. It will take some time. We are having to
15 actually go back and look through files, pull dates, put them
16 into the computer confirming visits, and things like that.

17 But as you can see, site visits again have been

18 ongoing. And we have looked at these different projects,
19 their performance period, and attempted to acknowledge when
20 we're going to need to get to the field, whether it be, you
21 know, a certain season, a certain time to ensure that that
22 site visit occurs for that project within, not necessarily
23 the performance period, but very close to it. Oftentimes
24 projects require extensions and whatnot as well, so the
25 performance period may change. But this is pretty much just

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1 an example for you to look at and see how we're going through
2 this prioritization and where we're attempting to schedule
3 these visits.

4 And then provided -- I'm hopeful that the table was
5 more yellow spreadsheets instead of all the other colors.
6 That is more the actual main matrix that we're working with.
7 And so this is the document in progress. And it lists --
8 this is just the 2003/2004 project; it's not the complete
9 list. That would have been probably another five or six
10 pages. But you're able to see at the top the different
11 columns, including the grant, the number, the year, the
12 project title, type, and then the site visit dates, because
13 projects can require different types of site visits. So we
14 won't be able to acknowledge all of those different site
15 visits, whether they be for biological, law enforcement,
16 soil, by the grant administrator. And this is separate than
17 doing just a performance review, kind of the in-house

18 checkup, per se. This is the actual field review.

19 So, again, this is just kind of an example of what
20 we're working on and how we're attempting to better track
21 ourselves, and then ensure that our projects are receiving
22 adequate site visits and field reviews and correspondence
23 with our applicants that's -- that's needed.

24 Do you have any questions?

25 CHAIR BRISSENDEN: Thank you, Jennifer.

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1 Any questions from Commissioners?

2 Mark?

3 COMMISSIONER McMILLIN: Hello.

4 MS. BUCKINGHAM: Yes.

5 COMMISSIONER McMILLIN: What does -- what's the
6 different color designate?

7 MS. BUCKINGHAM: For -- for you who have the colors,
8 for those of you who don't have the colors, they just
9 designate the fiscal year.

10 COMMISSIONER McMILLIN: Oh.

11 MS. BUCKINGHAM: Yeah. That was our way of -- of --
12 of ensuring that we were -- because oftentimes the projects
13 shift, and so we wanted to make sure we knew what fiscal year
14 they were coming out of, and the colors would be a good way
15 to do that.

16 COMMISSIONER McMILLIN: So prior to this, there was

17 no summary of visits that the --

18 (Multiple speakers.)

19 MS. BUCKINGHAM: Not in a computer-generated format.

20 There is in the project file itself as a written document.

21 But, of course, that means going to the individual --

22 (Multiple speakers.)

23 COMMISSIONER McMILLIN: The director, for example,

24 can't be briefed monthly, quarterly, anything, without having

25 somebody do a lot of leg work, go to the documents --

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1 MS. BUCKINGHAM: Correct. Correct. And a number of
2 grant administrators --

3 COMMISSIONER McMILLIN: This is a good way to handle
4 it.

5 MS. BUCKINGHAM: -- had their own written format.
6 Yes, this way allows us to -- she can actually just run a
7 report just like that out of our database to check on a
8 project, see where it's at, see notes, status, site visit
9 dates, things like that. So it will be very convenient in
10 the future for all of us to have easy access to that.

11 COMMISSIONER McMILLIN: So it's all going to be
12 converted to this format?

13 MS. BUCKINGHAM: It will. It will, yeah. And it is
14 a new database through our access system, so we're in the
15 process of transferring old data to new data. So, you know,
16 as I said, there are a few glitches that we're working

17 through, but it's -- it's -- so far it's coming along pretty
18 well, yeah.

19 CHAIR BRISSENDEN: Other questions from
20 Commissioners?

21 COMMISSIONER THOMAS: Just one.

22 I want to thank you. This -- this is good work.

23 MS. BUCKINGHAM: You're welcome. Thank you.

24 COMMISSIONER THOMAS: And it's nice to see this
25 material in an organized fashion.

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1 The -- I note -- I note -- there is -- there appears
2 to be no analytical material or summary, in other words --

3 MS. BUCKINGHAM: Notes.

4 COMMISSIONER THOMAS: Is that where the notes are
5 intended -- could -- when we get this next, will there be
6 some conclusion about whether the applicant is doing their
7 job or not doing their job or in progress? Is there some way
8 you can communicate analytical information to us?

9 MS. BUCKINGHAM: To the Commissioners, per se?

10 COMMISSIONER THOMAS: Or to anybody that reads the
11 report.

12 MS. BUCKINGHAM: Sure. Actually, we chose not to
13 provide any of the notes again because this is fairly new;
14 we're just putting in, you know, all of this data. But when
15 we do a site visit, the applicant receives a summary of the

16 actual visit; that goes in their own files as well. But the
17 notes are included -- not for the document you have in front
18 of you, but there is columns specific for those notes. And I
19 think once we go through the process and we really kind of
20 get it looking good, that is something that will
21 automatically print.

22 COMMISSIONER THOMAS: Well, did you then have
23 analytical information; you just did not provide it to us?

24 MS. BUCKINGHAM: No. This -- when we chose to --
25 well, actually, yes and no. There are some notes that were

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1 placed in the -- in the system.

2 COMMISSIONER THOMAS: Right.

3 MS. BUCKINGHAM: But we requested the specific
4 columns for this document to print, if that makes sense,
5 because the notes stretch it out to a very long document for
6 some of these. So some have notes; some don't. Some are
7 notes that are still written, so then we do need to go back
8 and actually physically type those into the database so that
9 they will print because right now they're not in an
10 electronic format.

11 COMMISSIONER THOMAS: Thank you.

12 (Multiple speakers.)

13 CHAIR BRISSENDEN: Mark, (unintelligible) a question?

14 COMMISSIONER McMILLIN: I do.

15 I think that's a very good point, because just to get
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16 a report that says, yes, we visited it; yes or no, we didn't,
17 I think to find out how they're doing is extremely important
18 as we look forward with limited money, 204 requests this
19 year, which will probably be 300 percent of our allocable
20 money.

21 DEPUTY DIRECTOR GREENE: Right.

22 COMMISSIONER McMILLIN: I'd like to be weighing
23 heavily giving money to people who are doing a good job.

24 DEPUTY DIRECTOR GREENE: And, Commissioner McMillin,
25 I completely agree. And, actually, I'd just like to take a

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1 moment to thank the Forest Service because we did visit the
2 Mendocino National Forest just a couple of weeks ago, similar
3 to what we did with the regulations where we were able to
4 move forward with the grant process this year and then do
5 essentially a debrief with those applicants and ask them what
6 worked, what didn't. That is something that we're also
7 trying to fine tune in this site-visit process. So the
8 ability, then, as with the visit with the Mendocino, to be
9 able to debrief and then say, "Okay. What worked here? Did
10 you have the right staff? Did we have the right staff? How
11 did that work? What are those deliverables" -- so to be able
12 to look back at that grant application, and then absolutely
13 to be able to provide you a format. I think for a number of
14 years, looking back, that information wasn't provided to the

15 Commission. There is no reason that it can't be as once that
16 report is finalized. But as we have been trying to fine tune
17 this process, I don't want to put anybody on the hot seat
18 quite yet and -- and provide you that documentation until
19 we've had the ability to work with the agencies and make sure
20 that -- how are we -- is that site visit accommodating their
21 needs to be able to share with us the information they need
22 to share about what they're doing on the ground, and also for
23 our team to make sure that we have the appropriate staff out
24 on the ground to identify those deliverables.

25 You'll certainly see in the law enforcement arena

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1 we've got that information that we haven't been short on
2 staff on; the other areas we've had to. And so whether or
3 not we've been looking to contract that out -- that's also
4 difficult at times. So there's just a lot of variables. But
5 ultimately, absolutely, the Commission should be able to go
6 back as they receive the grant, and they should be able to
7 have a site visit as well, because I think it all combines
8 into when you look at, you know, the -- again, the fiduciary
9 responsibility (unintelligible) the applicant.

10 COMMISSIONER THOMAS: So will we have that
11 information at our next -- in this grant cycle?

12 DEPUTY DIRECTOR GREENE: You won't have it in this
13 upcoming grant cycle, no. Commissioner Thomas, you will
14 have -- as we discussed last year, what you will have is the

15 information that we can provide in terms of the -- the grant
16 history, the request for extensions, the -- the information
17 about, you know, in lieu and whether or not they've been
18 receiving that, particularly counties have been receiving in
19 lieu, some of that information, the past performance
20 information. In this process, it's still a little bit new to
21 be able to provide you that.

22 COMMISSIONER THOMAS: Why not just break the notes
23 out and give it to us? I mean we're not -- we're not like
24 unable to read.

25 CHIEF JENKINS: Well, for those --

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1 (Multiple speakers.)

2 CHIEF JENKINS: Since the -- since some of them have
3 the notes printed in there and others don't --

4 (Multiple speakers.)

5 COMMISSIONER THOMAS: I didn't see any notes --

6 (Multiple speakers.)

7 CHIEF JENKINS: -- it would be inappropriate to be
8 able to look at and prejudicial in some sense to be able to
9 have either very positive or potentially negative information
10 on some applicants and absolutely nothing on the rest. And
11 so rather than provide an incomplete document, we just left
12 that out.

13 CHAIR BRISSENDEN: But with the limited number that

14 we have reviewed, referencing Jennifer's notion about
15 spasmodic reviews over the last two years, two and a half
16 years, I think you could include the notes from those and
17 just put asterisks on those that said we have not had site
18 reviews, understanding that you've had some staffing issues
19 over the last two years. I think it's incumbent upon the
20 Division and the Commission to oversee that you have those
21 documents before the Commission so we can make at least
22 limited observations on the grants.

23 CHIEF JENKINS: We could provide you just with those
24 hard copies. They wouldn't be in this electronic format yet,
25 but we could just give you the reports that we have.

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1 CHAIR BRISSENDEN: There aren't many, from what I can
2 tell.

3 CHIEF JENKINS: All right. We'll just -- we could
4 copy them off.

5 COMMISSIONER THOMAS: Well, why not just have the
6 notes that you have in the system already? I mean if there's
7 notes and they're in the system and even though they're
8 partial, we'll -- we'll -- we can deal with that.

9 CHIEF JENKINS: We'll give you the notes in a
10 format -- we'll look at what we have electronically, what we
11 have written, and we'll put something together that makes
12 sense for you.

13 CHAIR BRISSENDEN: Thank you.

14 COMMISSIONER THOMAS: Thank you.

15 COUNSEL LaFRANCHI: If I may.

16 CHAIR BRISSENDEN: Tim.

17 COUNSEL LaFRANCHI: I think the difficulty, we -- we
18 have (unintelligible) this option very closely this year in
19 putting the regulations together as to how you use site
20 visits for -- as a part of the evaluation process for the
21 grants. And the problem is, from the standpoint of a
22 competitive process, if you have some information for some
23 and no information for others and you're giving points based
24 on that information, that disadvantages those who haven't had
25 a site visit because they haven't had the same opportunity

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1 to -- to demonstrate either their goodness or badness for
2 their participation. So even though we will provide you with
3 that information, it will be my caution and (unintelligible)
4 will not be able to use it as a part of this year's process.

5 What we hope to do is in a year or two when -- when
6 the site visit -- when we have staffing and the site visits
7 can be complete so that every -- every applicant and every
8 grantee has the same opportunity to have that information
9 provided for them, then it would be a meaningful process, and
10 it won't be biasing some versus others in the process.

11 So I just wanted to caution you all on that.

12 CHAIR BRISSENDEN: That's an understandable caution,

13 I think.

14 DEPUTY DIRECTOR GREENE: Chair Brissenden, and then
15 we do have -- just checking with staff, we do have the law --
16 the results of the law enforcement site visits in which we
17 have been able to review each one of the sites. And I
18 believe that information had been shared at one point in time
19 with the Chair. But I will -- we can make sure that we have
20 those hard copies -- we have those hard copies available to
21 you.

22 CHAIR BRISSENDEN: I think it would be important. I
23 didn't get it with -- but it would important to share with
24 the entire Commission not just the Chair.

25 DEPUTY DIRECTOR GREENE: The (unintelligible).

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1 CHAIR BRISSENDEN: Yeah. And I do have a question
2 for Tim. He might be able to (unintelligible) the question,
3 but with regard to the legislative mandate for annual reviews
4 on all grants -- is that correct?

5 COUNSEL LaFRANCHI: The -- the --

6 CHAIR BRISSENDEN: That we're required to review them
7 annually?

8 COUNSEL LaFRANCHI: The annual review requirement in
9 the statute refers to financial audits -- audits as opposed
10 to performance site visits. So the language of the statute
11 distinguishes between those two. These were referred to as
12 performance site visits, which are not mandated. The audits,

13 however, are, and that's a separate program through the Audit
14 Office.

15 CHAIR BRISSENDEN: It is not mandated legislatively
16 for site reviews?

17 DEPUTY DIRECTOR GREENE: We --

18 COUNSEL LaFRANCHI: No, not -- not --

19 CHAIR BRISSENDEN: For performance?

20 COUNSEL LaFRANCHI: Not as these are -- are
21 configured. That's right.

22 DEPUTY DIRECTOR GREENE: We do have the audits, which
23 we had mentioned last year in trying to get the staff over to
24 the Audit Department. I think as the -- as the grant
25 applicants or recipients of the grants can attest to, they

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1 have been working very hard. And so, again, it's trying
2 to -- to balance the grant applicants who are applying for
3 the -- the grants this year with lots and lots of questions
4 about past audits. So, again, we're trying to get the system
5 cleaned up and trying to make sure that both the applicants
6 and the Division are very clear about what is requested when
7 it comes to a financial audit so that we have all of those
8 documents available to us upon the close of the grants.
9 Because up until now, there has been a great deal of
10 confusion.

11 So I actually would just like to say thank you to

12 those, particularly the federal agencies for their enduring
13 of -- of the Audits Department, who has been asking a lot of
14 questions and trying to come up with a clear plan.

15 CHAIR BRISSENDEN: I would hope it would be the
16 policy of this Commission that within reason annual site
17 reviews for performance for our own application would be
18 conducted so that we know whether or not, as Mark suggested
19 earlier, these grantees are performing according to the
20 grants.

21 DEPUTY DIRECTOR GREENE: And I would agree. And
22 that's, as I said, we -- we were able to staff that from the
23 law enforcement perspective. We have been obviously short on
24 some of the other areas where you have to just be careful,
25 Chairman -- it's a three-year grant, so you're not getting --

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1 CHAIR BRISSENDEN: I understand.

2 DEPUTY DIRECTOR GREENE: Yeah. -- you're looking at
3 the appropriate time there.

4 CHAIR BRISSENDEN: Judith, I stepped on your time, so
5 go ahead.

6 VICE-CHAIR ANDERSON: Okay. The first -- I'm now
7 looking at this yellow spreadsheet.

8 MS. BUCKINGHAM: Yes.

9 VICE-CHAIR ANDERSON: In the middle you have site
10 visit dates for four categories. Are those the only ones
11 that are usually examined in detail in a site visit?

12 MS. BUCKINGHAM: Typically, yes. Those are not the
13 project types, though.

14 VICE-CHAIR ANDERSON: No, I understand.

15 MS. BUCKINGHAM: Okay.

16 VICE-CHAIR ANDERSON: I understand that. My question
17 about -- would be, is there any other element that you would
18 look at beyond biology, law enforcement, soils, and grant
19 administration (unintelligible)?

20 MS. BUCKINGHAM: I might actually defer to
21 (unintelligible) on that since I'm fairly new to this process
22 and coming into the grants that -- typically the grant
23 administrator can request and review all types of different
24 information within the project. But on the ground typically,
25 those would be the four that are reviewed.

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1 VICE-CHAIR ANDERSON: Okay.

2 MS. BUCKINGHAM: Yeah.

3 VICE-CHAIR ANDERSON: So in terms of identifying
4 deliverables, obviously it depends a lot on the nature of the
5 grant --

6 MS. BUCKINGHAM: Correct.

7 VICE-CHAIR ANDERSON: -- whether or not something is
8 actually happening on the ground or whether you're producing
9 a map.

10 MS. BUCKINGHAM: Correct. Yes.

11 VICE-CHAIR ANDERSON: You don't need a site visit to
12 check on the -- you know, on the performance on the
13 deliverable for that kind of a grant.

14 So these are not the same as performance review --

15 MS. BUCKINGHAM: No.

16 VICE-CHAIR ANDERSON: -- as I understand it.

17 MS. BUCKINGHAM: These -- performance reviews will
18 typically occur in the office at the desk, possibly through
19 correspondence, email, phone call, things like that, and
20 they're separate from an annual audit, looking at the fiscal
21 accountability. A field, on the ground, in the dirt review.

22 VICE-CHAIR ANDERSON: Okay. So --

23 MS. BUCKINGHAM: Yeah.

24 VICE-CHAIR ANDERSON: -- do you -- do you document --
25 perhaps it's not -- it's not categorized as a site visit,

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1 but -- but the other contacts that you have with grant
2 applicants --

3 MS. BUCKINGHAM: Yeah. Yeah.

4 VICE-CHAIR ANDERSON: -- I mean the file that reads
5 like a medical journal, and the documents go in and you
6 document what happened in the beginning?

7 MS. BUCKINGHAM: You explained it perfectly. It
8 actually -- the front page typically out of a work project
9 file is, you open it, will have a correspondence sheet with
10 the date, the person for whom we spoke with, what the

11 conversation entailed, things of that nature. Now, that --
12 those are the things that take quite a bit of leg work in
13 terms of being able to put them in a spreadsheet because
14 they're not in an electronic format; they are actually
15 written into the project binder.

16 VICE-CHAIR ANDERSON: All right. So if there were
17 something like a map -- produce a map project that you
18 could -- you would replace site visits with conversations
19 with the applicant --

20 MS. BUCKINGHAM: Precisely. Precisely. All of which
21 typically occur throughout the cycle.

22 VICE-CHAIR ANDERSON: All right.

23 MS. BUCKINGHAM: Yeah.

24 VICE-CHAIR ANDERSON: And that would -- that would
25 show up somewhere on this sort of spreadsheet or not?

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1 MS. BUCKINGHAM: I think -- I don't know, honestly,
2 if we'll be able to implement that. But I would assume at
3 some point more significant conversations or specific
4 performance reviews will end up somewhere within the kind of
5 notes of categories versus just a quick email to say, you
6 know, "How are you?"

7 VICE-CHAIR ANDERSON: What -- what I'm trying to do
8 is get a handle on -- on how many actual on-site -- we have
9 204 applications --

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MS. BUCKINGHAM: Right.
VICE-CHAIR ANDERSON: -- so far for this coming year.
MS. BUCKINGHAM: Right.
VICE-CHAIR ANDERSON: Ninety percent of those would require some kind of site visits?
MS. BUCKINGHAM? Well, in theory, all projects require some type of either performance review or site visit or combination of both. So an operations and maintenance grant project would likely receive ongoing performance reviews, contacts, and correspondence, but at some point, typically second, third year, they will receive an on-the-ground visit. And then that is -- very -- the site visits at this point, which is typically my task, that's definitely put onto the spreadsheet.
VICE-CHAIR ANDERSON: Okay. It's fairly easy to, I would think, document the equipment grants.

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MS. BUCKINGHAM: Sure.
VICE-CHAIR ANDERSON: You look at a log --
MS. BUCKINGHAM: Sure.
VICE-CHAIR ANDERSON: And you can look at our -- our site that's supposed to be restoration. If it's a restoration grant, you can go look at what's happened on the ground.
MS. BUCKINGHAM: Correct.
VICE-CHAIR ANDERSON: What do you do for law

10 enforcement grants?

11 MS. BUCKINGHAM: Actually --

12 (Multiple speakers.)

13 VICE-CHAIR ANDERSON: What is a site visit for a law
14 enforcement grant?

15 MS. BUCKINGHAM: What does that entail? Great
16 question.

17 MR. PELONIO: John Pelonio. I'm a supervising ranger
18 assigned to the OHV Division.

19 A typical law enforcement site visit, we will arrange
20 a meeting with multiple agencies. Usually there's -- there
21 will be a federal agency and the local Sheriff's Department
22 or Police Department. We'll meet together and discuss law
23 enforcement issues in a meeting room, and then we'll go out
24 on the field and we'll look at the problem areas. Sometimes
25 the law enforcement site visit we'll actually be in uniform

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1 as the cover officer riding with them on a busy weekend and
2 assisting them. It's a really good feel for what's going on
3 out in the field.

4 We also will look at what sort of activity they're
5 having whether they're working with the other interested
6 groups, other stakeholders, and things like that. We'll
7 discuss techniques and ideas and share information on how
8 they can help solve their problems.

9 VICE-CHAIR ANDERSON: Thank you. That's it for me.

10 CHAIR BRISSENDEN: Any other questions?

11 COMMISSIONER PRIZMICH: Yeah, I do have one -- one
12 question.

13 On the last column, Audit Status, can you explain
14 what that means and what would --

15 (Multiple speakers.)

16 MS. BUCKINGHAM: I'm sorry, which of the two forms?

17 COMMISSIONER PRIZMICH: The last column --

18 MS. BUCKINGHAM: The multi --

19 COMMISSIONER PRIZMICH: On the multi-color --

20 (Multiple speakers.)

21 MS. BUCKINGHAM: Multi-colored -- thank you.

22 COMMISSIONER PRIZMICH: -- sheet.

23 MS. BUCKINGHAM: Okay.

24 COMMISSIONER PRIZMICH: The -- the heading is "Audit
25 Status" --

1 MS. BUCKINGHAM: Yeah, all we've done --

2 COMMISSIONER PRIZMICH: Is that just opened or closed
3 or --

4 MS. BUCKINGHAM: Correct.

5 COMMISSIONER PRIZMICH: That's all it means?

6 MS. BUCKINGHAM: Yeah. I know, we're just -- we want
7 to keep them in the system by all means so we don't lose
8 track of the projects that we have, whether they be opened or

9 closed. So it will pretty much just have a closure date once
10 they close down on to audits.

11 COMMISSIONER PRIZMICH: Then that goes off the list.

12 MS. BUCKINGHAM: It will likely go to a different
13 list, yes. Yeah. But as the system gets updated, we want to
14 make sure that we don't lose track of those projects.

15 MR. PELONIO: There's one concept that I just want to
16 make sure everybody's clear on when we talk about site visits
17 and it's as they're distinguished from the audits which are
18 performed at the conclusion of a project. The whole purpose
19 of the site visit is to go meet with an applicant and help
20 them move through the process and make sure that they're
21 successfully completing the grant. To take the site visits
22 and try to use those as something to judge the performance of
23 the grantee at the end of the cycle -- the grant cycle just
24 really doesn't work, and -- and it would really slant what
25 the purpose of the site visits are.

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1 If we go out, for instance, we have a large number of
2 site visits to perform every year, so you do it throughout
3 the year. You're going to catch some people at the very
4 beginning of their grant and some people towards the end, or
5 once they've concluded the grant. The purpose and the spirit
6 of what we're doing is we're trying to meet with the grantee
7 and we're trying to say, "Okay. We see that you're not quite

8 doing what you said you were going to do, and we would like
9 to see you do it a little differently," or we might go in and
10 say, "You're right on the button." Sometimes we learn things
11 from them, actually. But the point is for us to be able to
12 go in and give them constructive criticism early in the
13 process. If there's the concern that then that would turn
14 into kind of a lash-back effect, a negative effect and next
15 year we're going to (unintelligible), it would really kind of
16 quiet the conversation. And when we came for a site visit,
17 they would do everything they could to hide things from us
18 and -- and not show -- where what we really want to do is we
19 want to go in and like show us everything, show us your
20 problems, and we'll help you try to figure out how to get
21 those resolved so you can move forward and be successful at
22 the conclusion of the grant when the audit is done and we
23 have that final performance, you know, at the end to see if
24 everything was performed successfully. So that's the
25 document that you would really want to look at, and that's

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1 what's part of the criteria, is that you look at how --
2 what's their past fiscal performance on these different
3 grants and audits.

4 So to mix those two concepts really changes the
5 character of what the intent of a site visit is. So I would
6 just caution you to look at those -- that information when
7 you see it as a work in progress. And it's kind of like

8 having a student that's going a full day in class and you
9 constantly correct them so that when the test is given,
10 they -- they -- they're successful at the end. And that's
11 what we're doing, is we're trying to get to that successful
12 outcome at the end of the grant.

13 DEPUTY DIRECTOR GREENE: Along those lines -- and
14 maybe we could have a broader discussion at some point -- is
15 that when I first came on, that exact thing was going on,
16 that the reports actually were written and then, just to be
17 quite honest, they were getting changed or -- or they were --
18 they were becoming a little bit more sort of milk toast
19 because, quite honestly, there was a fear that the Commission
20 would come down with such a heavy hammer. And so the
21 Division was caught in a bind of saying -- well, at the time,
22 apparently, "Well, we don't really want to have the heavy
23 hammer because then it will result in just this spirit of
24 chaos." And so I think we're -- we've tried to do it and --
25 Commissioner Thomas, I'm just telling you what I

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1 experienced when I came on.

2 COMMISSIONER THOMAS: Regulation is the spirit of
3 chaos.

4 DEPUTY DIRECTOR GREENE: No. Again, looking at what
5 the site visit is intended to do. And so as -- as John just
6 indicated, if you get somebody in the middle and we're still

7 trying to -- let's say we have new staff coming on, we're
8 still trying to learn -- our staff's trying to learn from the
9 particular agency about what it is that they do. And so,
10 again, I would just say that we have -- we certainly are not
11 going to hide anything from you, but I would also just
12 recognize that there is sometimes a feeling out there that
13 you are a scary bunch and that -- so they want to make
14 sure -- and it was already said to me, is, "Well, is the site
15 visit" -- "is the site visit going to go to the Commission?
16 Is this going to be brought up before the Commission?" And
17 so that if we can keep that spirit of cooperation and
18 recognize that we are trying to within the site visit really
19 make sure that the deliverables are being achieved, and where
20 they're not, then we certainly will highlight that. But --
21 but just keep that in mind, if you would.

22 CHAIR BRISSENDEN: If I can, I'll go back to mention
23 what you mentioned in terms of a broader, longer
24 conversation. I think maybe a little workshop on this would
25 behoove us in the near future.

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1 Any other questions or comments on this particular
2 report?

3 If not, Jennifer, I do want you to know that your
4 wonderful enthusiasm should not be dampened by these
5 questions.

6 MS. BUCKINGHAM: Not at all.
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7 CHAIR BRISSENDEN: It should just be expanded upon.
8 Okay?

9 MS. BUCKINGHAM: Absolutely.

10 CHAIR BRISSENDEN: All right. Thank you.

11 MS. BUCKINGHAM: Absolutely. Thank you.

12 MR. LeFLORE: I'm Rick LeFlore, State Park
13 Superintendent, Off-Highway Motor Vehicle Headquarters in
14 Sacramento.

15 Commission Chair, Commissioners, I'm here today to
16 give you an update on the status of the General -- General
17 Plans in the State Vehicle Recreation system. But to do
18 that, I wanted to give you a broader context of where we
19 stand in relation to the Department. So in your notebooks,
20 if you would pull the tab on General Plans, you'll see we
21 have two tables -- two pages with tables on them. And I just
22 want to walk you through it just to kind of give you a
23 context and a better understanding of where we stand in all
24 of this.

25 So if we take a look on the first page, it's titled

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1 "California State Parks General Plan Status." Essentially
2 what we have in the Department on that first -- on the top
3 panel, we have a total of 255 basic classified units, so
4 basically State Park Units. That's not talking about the
5 relatively small cultural preserves that might exist within

6 existing State Park units or State Vehicle Recreation Areas
7 and the like. So out of those 255, there are eight State
8 Vehicle Recreation Areas.

9 Now, out of all of that, the number of basic units
10 that actually have standing General Plans are 172, six of
11 those being SVRAs. So out of the total of eight SVRAs, six
12 of those have active General Plans. So the math works over
13 to the number of basic units without General Plans; that's
14 83, and two of those being SVRAs: One being Heber Dunes; one
15 being Clay Pit.

16 One thing you have to keep in mind when you talk
17 about you have a General Plan, do you not have a General
18 Plan, the Department doesn't require to immediately go into a
19 General Plan when they've acquired property. You're required
20 to go into a General Plan if you're actually proposing to
21 make a permanent change to the landscape or the historic
22 fabric for which that unit was acquired.

23 So dropping down to the bottom vertical table, then,
24 you actually look out over time, this is a much longer
25 process. So the year range for General Plan's completed on

1 the left. We actually had General Plans that were done
2 pre-1965; some of them were actually done in the late '50s,
3 and they compose basically a map with maybe five lines of --
4 of work on them noting that this is a State Park Unit. So
5 there are actually five of those, and those plans basically

6 still stand today. From 1965 to 1969, we did eight of those.
7 And, again, those are still active today. They're still
8 governing those -- those State Park Areas.

9 In the '70s, '70 to '79, that picked up. Much of
10 that represents Bond Act monies that were funding an active
11 General Plan Program in the Department, and 63 were done, two
12 of those being SVRAs.

13 In the '80s, very active again for the Department.
14 '80 through '89, 62, three of those being SVRAs.

15 And then in the '90s, '90 through '99, 26, one SVRA.

16 And then basically from 2000 to 2004, eight General
17 Plans were finished, and right now I'm told they have about
18 six actually actively being worked on right now.

19 If you would turn the page, then, getting specific to
20 where we are in the SVRAs, scrolling down, then, we have
21 Ocotillo Wells; theirs was done in '81; Hungry Valley, 81;
22 Oceano Dunes, that was combined with Pismo State Beach and
23 Pismo Dunes SVRA, and that was April of '75; and then
24 Hollister Hills, the original was 78, and the Commission
25 approved the General Plan amendment under (unintelligible)

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1 2001, work of which is occurring right now in the field
2 implementing that General Plan -- that General Plan
3 amendment; Carnegie, that's a -- we have a General Plan
4 dating to 1982; then at Prairie City, it's called a Master

5 Plan, same thing as a General Plan, that was done in 1991,
6 and that was a part of a transition from county operation and
7 ownership to State operation and ownership.

8 So that's essentially the status of where we are with
9 General Plans. As you know, in our presentation on
10 Bakersfield, we will expect a General Plan level effort to be
11 coming in front of this body down the way. Clay Pit, there's
12 a possibility down the way that we may be looking at a
13 General Plan; it depends on the nature of the improvements
14 that may be proposed. And Truckhaven, that's going to be a
15 collaborative venture between this Division and the
16 Department. That's going to be an outfall of this joint
17 planning process that we are doing on those properties.

18 So that's basically it in a broad nutshell. And I'm
19 happy to entertain any questions you may have.

20 CHAIR BRISSENDEN: Commissioners have questions of
21 Rick?

22 Judi th?

23 VICE-CHAIR ANDERSON: I do.

24 I think at the -- at the last Commission meeting when
25 I -- I asked for this, I noted that in the case of Ocotillo

1 Wells that the General Plan was prepared when the acreage on
2 the ground was about 15,000, and that now there are more like
3 80,000 acres up there and that there hadn't been any
4 updating. The implication of your first -- for the first

5 page that you provided us is that you're looking for specific
6 money in order to do these kinds of General Plans from a
7 Departmentwide --

8 MR. LeFLORE: The ones that are prepared by the
9 Division are funded wholly by OHV Trust Fund sources. The
10 ones that are done in the Department have -- may have a whole
11 variety of funding sources.

12 VICE-CHAIR ANDERSON: Okay. So the two that were
13 done in the '70 to '79 block came out of Trust Fund
14 allocations?

15 MR. LeFLORE: Yes.

16 VICE-CHAIR ANDERSON: They were -- so they were --
17 while the Department got Bond Act monies to do their General
18 Plans, they -- the SVRAs were -- plans were funded by the
19 Trust Fund.

20 MR. LeFLORE: Yeah, we would wholly budget within our
21 Division funding.

22 VICE-CHAIR ANDERSON: Okay.

23 CHIEF JENKINS: If I may, just to address the comment
24 you had made about the Ocotillo Wells and the expansion of
25 the acreage, the concept of General Plans is not necessarily

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1 to give specific directions acre by acre on how you treat a
2 piece of property; it's more to give a general guiding
3 principle for how that needs to be arranged. So it's not

4 uncommon in the system to have, for instance, Henry Coe State
5 Park, second largest park in the system behind Anza-Borrego
6 Desert State Park. From the time this General Plan was
7 accomplished until now, it has more than doubled in acreage,
8 and yet the General Plan that exists for it is still very
9 relevant because it discusses overarching issues about how
10 we're going to run that unit. We do try to get back to those
11 units and (unintelligible) desire to re-examine the Ocotillo
12 General Plan, the General Plan at Henry Coe as well. And it
13 becomes one of those prioritization things just like all the
14 other work that's involved. If it gets to the point that a
15 General Plan no longer is relevant, that's when you would
16 really put that on a front burner. So if there are issues
17 that aren't addressed -- so if you add acreage to the unit
18 and it's significantly different than the acreage that you
19 already had so that it would require some new operating
20 principles, some new general guidelines about how you would
21 address that property, that would then put that on a front
22 burner if you really need to look at that differently than
23 the General Plan we already have for the unit. Otherwise, on
24 a broad sense, because the General Plans are meant to be very
25 broad in nature, the principles outlined, the General Plan

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1 would still apply. But then when you do specific projects on
2 any part of the park, whether it's in the park, the lands
3 that existed when the General Plan was completed, or a new

4 acquisition, you're still going to do projects with specific
5 planning at that point. Then we'll draw on the principles
6 that are in the General Plan, but we'll address specifically
7 whatever project you're going to do, if it's a new visitor
8 center or whatever facility you would be looking at.

9 VICE-CHAIR ANDERSON: Okay. Well, for -- for my
10 part, since there's really only six of them there, is there
11 any way I could get or borrow copies of -- of these General
12 Plans?

13 MR. LeFLORE: Yeah, we can get copies to you.

14 VICE-CHAIR ANDERSON: And don't give me all of them
15 at once.

16 MR. LeFLORE: We actually have a number on --

17 VICE-CHAIR ANDERSON: I'm happy to do a living
18 library because I don't want to keep them forever, and this
19 would remind me. But if I could start with Ocotillo Wells, I
20 would be happy there. I would like to read that one for --

21 MR. LeFLORE: We actually have them available on PDF
22 files. I could give you a disk.

23 VICE-CHAIR ANDERSON: That would be wonderful. Thank
24 you.

25 CHAIR BRISSENDEN: Any other questions on this

1 subject?

2 I believe counties and cities are mandated to have

3 General Plan updates every ten years. Is there anything
4 within the -- no? You're saying --

5 CHIEF JENKINS: Like I say, some -- you know,
6 (unintelligible) State Park violated it out on the coast of
7 California there in Big Sur. It's been in the system for
8 30-some-odd years, still doesn't have a General Plan because
9 we haven't done any significant change to the landscape, as
10 Rick was mentioning. Anza-Borrego State Park just recently
11 got a General Plan after being in the system for some 70
12 years. So the requirements are quite different, actually.

13 MR. LeFLORE: Typically it takes the form of a
14 General Plan Update. So a project, say, out at Lake Natoma,
15 that was a project of mine where the Department actually
16 proposed a bridge over the lake. It was a significant change
17 that wasn't called for in the existing General Plan. We
18 actually went in and amended that existing General Plan and
19 put that project in.

20 CHAIR BRISSENDEN: Okay. Thank you.

21 Question?

22 VICE-CHAIR ANDERSON: Yeah. Just -- are there -- at
23 one time there were units within the State Park System that
24 were called "reserves" --

25 MR. LeFLORE: Uh-huh.

1 VICE-CHAIR ANDERSON: -- just sitting there, not --
2 you know, future -- you read the map and it would say "Future

3 park development." Those obviously are not going to have any
4 kind of a General Plan at that point.

5 MR. LeFLORE: Well, we actually have the --
6 (Multiple speakers.)

7 MR. LeFLORE: -- (unintelligible) reserved
8 classification like Point Lobos State Reserve that Phil's
9 very familiar with. That's a stand-alone classification that
10 would have a General Plan.

11 VICE-CHAIR ANDERSON: It would.

12 CHIEF JENKINS: What you might be referencing,
13 actually, would be what we would call a project. So there's
14 a series of State Park classifications depending on the level
15 of protection that we give the unit, all the way from
16 reserves and preserves, which are --

17 VICE-CHAIR ANDERSON: No, I wasn't talking about a
18 reserve. This was a -- the site that I recall 30 years ago
19 on a map that said "Future State Park. Not open to the
20 public," that kind of thing.

21 (Multiple speakers.)

22 VICE-CHAIR ANDERSON: I don't know that it was
23 necessarily -- it wasn't marked as a preserve.

24 MR. LeFLORE: We -- we actually have a number of
25 unclassified units in the State Park System which properties

1 were actually added but have yet to be classified as a

2 Reserve State Recreation Area. Delta Meadows just south of
3 here is one of those.

4 VICE-CHAIR ANDERSON: Okay. I'll -- this is not
5 germane to (unintelligible). Thank you.

6 MR. LeFLORE: Okay. Thank you.

7 CHAIR BRISSENDEN: Thank you.

8 We're intermediating -- agenda massaging here, if I
9 may. If we can postpone the fourth In-Lieu Funds, unless
10 somebody has a particular issue with that, and skip over
11 Commission committee reports.

12 Marlene, you wanted to comment at some point, and one
13 of the Commissioners said you had some timing concerns. Is
14 that true? Are you going to be here until midnight tonight?

15 MS. FINLEY: Oh, no.

16 CHAIR BRISSENDEN: Oh.

17 MS. FINLEY: (Unintelligible.)

18 CHAIR BRISSENDEN: 2:00 you have to be out. So we'll
19 get to you right after lunch, then.

20 MS. FINLEY: Okay.

21 CHAIR BRISSENDEN: So my massaging may not need to
22 happen.

23 Okay. So we have about 20 minutes before we need to
24 take a break before the public forum.

25 Mr. Keeler, would you be prepared to make your report

2 afternoon -- unless you have another discussion.

3 DEPUTY DIRECTOR GREENE: No. I was going to say, if
4 you were going to put In-Lieu for the next meeting, that's
5 fine, as well as the -- you wanted an update on the green
6 sticker, red sticker. We can do that as well. I just did
7 want to give one quick update on --

8 (Multiple speakers.)

9 CHAIR BRISSENDEN: Did I -- I don't think I'm
10 postponing this.

11 DEPUTY DIRECTOR GREENE: Okay.

12 CHAIR BRISSENDEN: Not to the next meeting; I mean to
13 the afternoon.

14 DEPUTY DIRECTOR GREENE: Okay.

15 CHAIR BRISSENDEN: So without any objections, we'll
16 go to the BLM report. Thank you.

17 MR. KEELER: For the record, I'm Jim Keeler, from
18 BLM, State Off-Highway Vehicle (unintelligible). And I did
19 want to introduce -- Mr. Chairman, Commission, Ms. Greene,
20 and Division staff, it's an honor to have an opportunity to
21 speak again. We don't get these government reports as often
22 as I'd like, and I always wish I were -- had a report worthy
23 of the occasion.

24 With that being said, Rick LeFlore and I came down
25 this morning and noticed as we came in that we're sharing the

1 hotel today with the Star Trek Convention. So if things get
2 too bad, I'll just (unintelligible) --

3 CHAIR BRISSENDEN: You're out of here, huh, Jim?
4 (Multiple speakers.)

5 MR. KEELER: What my custom is when I do get these
6 opportunities is to poll the field and try to get as many
7 different things going on throughout the state as possible
8 and then just to hit a few of the highlights verbally out of
9 this presentation.

10 My copier broke down this morning, so there's a few
11 of them that are in color with a couple of pictures, and most
12 of them weren't. And I apologize. There was a random
13 selection which one you got because they got mixed up in the
14 copier disaster.

15 Going through the list, though, El Centro Field
16 Office is getting ready to hire nine park rangers for the
17 coming field season: Three of those will be returnees; two
18 of them will be hired as permanent full-timers. I can't
19 announce the selections today. I'd hoped I could, but they
20 haven't quite completed all the paperwork on those. But by
21 the next meeting, there'll be a full staff in the dunes.

22 Ridgecrest Field Office, I did want to mention sort
23 of with sadness that if -- those of you that had met Bill
24 Ingram, who was the newly hired park ranger down there, he
25 passed away in the middle of August suddenly of a heart

1 attack. Before coming to BLM, he actually had 28 years with
2 the Air Force, so -- but Bill -- I think everybody that knows
3 him, and Ed had said, he was a real up-and-coming employee.
4 We're were really --

5 MR. WALDHEIM: He had a fantastic military funeral at
6 Edwards.

7 MR. KEELER: Very good. I didn't -- hadn't heard
8 that. Thanks, Ed.

9 MR. WALDHEIM: Yes.

10 MR. KEELER: So going on, on August 30, the BLM
11 Desert staff and SCA got together and looked through the past
12 field season and the coming field season, planning some of
13 the restoration stuff going on in the California desert. And
14 I think we felt that was a pretty good opportunity. There is
15 in the -- one of the handouts the -- at the back of the
16 presentation is their statistics that -- for what they
17 accomplished last year in the desert. And then there's also
18 a little Barstow report on the program that they started and
19 worked on in Juniper Flats this year.

20 Going on, the State Office of BLM and the OHMVR
21 Division received an award from Point Reyes Bird Observatory
22 for some of the monitoring work that we've been doing jointly
23 with them in OHV relationship with birds and the habitat of
24 the activities. So we are getting some recognition both for
25 us and for the -- the Commission, the Division for some of

1 the work we're doing.

2 Jim Weigand, our ecologist, attended a three-week
3 training through the USDA Natural Resource Conservation
4 Service. I understand he was the only non-soil scientist to
5 go through this three-week course. And fortunately he's got
6 enough academic background that he came out as a -- almost a
7 full-fledged soil scientist.

8 And that's really I think -- oh, no. Going on to
9 Redding, I guess -- I didn't have time to follow up and get
10 more information, but they have just completed another 100
11 acres of acquisitions of OHV opportunity in the Chappy-Shasta
12 Area.

13 Arcata did -- using -- using BLM funds pave the
14 access approach to the Cypress Picnic Area on the Samoa
15 Peninsula and did a little bit of grooming work out in the
16 Samoa Dunes area as well. And they've been noticing an
17 increased -- 10, 15 percent increase in their usage now in --
18 in Samoa that they're attributing mostly to people from
19 the -- either the Redding area or the Bay area realizing that
20 there's some opportunity up there. So...

21 A little report here on the -- some of the stuff that
22 Joshua Tree is doing with the desert tortoise education
23 process.

24 And so that completes the formal part of my report.

25 CHAIR BRISSSENDEN: That's a pretty informal formal

1 report, Jim. I just had one request, and then I'll open it
2 up to questions. Can these be submitted so that they're part
3 of our agenda packet?

4 MR. KEELER: Normally they could.

5 CHAIR BRISSENDEN: In both cases -- in both federal
6 agencies?

7 MR. KEELER: Yeah, that -- it would --

8 CHAIR BRISSENDEN: Don't blink your eyes there,
9 Kathy.

10 MR. KEELER: Yes. Quite frankly --

11 CHAIR BRISSENDEN: It would be easier, I think, for
12 all Commissioners to be able to pose their questions, think
13 of some questions. Because this is just too much too fast --

14 MR. KEELER: I apologize for --

15 CHAIR BRISSENDEN: -- too last minute.

16 MR. KEELER: Yeah. I apologize.

17 CHAIR BRISSENDEN: So in the future, a two-week, you
18 know, calendar before and get it in to the Commission.

19 And I'll just open it up to questions.

20 MR. KEELER: Okay.

21 VICE-CHAIR ANDERSON: Me again.

22 CHAIR BRISSENDEN: Judi th?

23 VICE-CHAIR ANDERSON: It's me again. With respect to
24 the California Desert District Restoration Program, on
25 page 2 --

1 MR. KEELER: Yes.

2 VICE-CHAIR ANDERSON: -- just -- this is for public
3 information and anybody else who wants to know. I -- last
4 year I was invited to the training of the SCA.

5 MR. KEELER: Uh-huh.

6 VICE-CHAIR ANDERSON: I was -- I'm sorry, I have no
7 beard, but I'm an old gray-haired -- historical perspective
8 on what's going on out in the desert and also because they
9 know that the money came from us, so I think I've probably
10 got two hats, and I've been invited to their training again
11 this year that you mentioned is in October. So you'll -- I'm
12 particularly interested in this item that says at the end of
13 last year's field season, they all -- there was a
14 post-program meeting with the project leads on the problems.
15 And so if there's some kind of a report that came out of that
16 or a summary of the -- of what the -- the District did in
17 that -- in that meeting, I'd be interested in getting a copy
18 of that.

19 MR. KEELER: I would send that out to all the
20 Commissioners, then. That would fine. I'll get a one-page
21 report --

22 VICE-CHAIR ANDERSON: (Unintelligible.)

23 MR. KEELER: Yeah.

24 VICE-CHAIR ANDERSON: I'm -- I presume it's somewhat
25 public information.

1 MR. KEELER: No, it's definitely public information.

2 VICE-CHAIR ANDERSON: Okay. That's it.

3 CHAIR BRISSENDEN: Any other questions of Mr. Keeler?
4 Commissioner Priznich.

5 COMMISSIONER PRIZNICH: Yes. I don't know if it's
6 for Jim Keeler or for -- for the Commission itself, but it --
7 it might be helpful for all of us, one, to get -- I agree
8 that we should get these ahead of time perhaps in our packet.
9 That would be -- that would be helpful. But between both
10 federal agencies, that we find some uniformity in -- in what
11 it is they're reporting. And -- and that may be a -- a -- a
12 mutual effort on -- on the part of a committee of the
13 Commission or the Commission itself with the -- with the
14 federal agencies to define what -- you know, what we would
15 like to see as a report from them so that we have a little
16 bit more uniformity. I mean they can -- and, understandably
17 so, they can -- they can kind of go off in -- in tangents,
18 but there are some things I think as a Commission we would
19 like to see on each report. And I just make that as a
20 suggestion and, you know, perhaps something we can work on.

21 CHAIR BRISSENDEN: You're not raising your hand to
22 start another committee, are you?

23 COMMISSIONER PRIZNICH: I didn't see my hand being
24 raised.

25 CHAIR BRISSENDEN: Okay.

1 COMMISSIONER PRIZMICH: But I'll -- I'll be happy to
2 work on that, if you'd like.

3 CHAIR BRISSENDEN: Maybe the two of us can chat about
4 that afterwards. Thanks.

5 COMMISSIONER PRIZMICH: Does that -- does that
6 present a problem for the -- for the federal --

7 (Multiple speakers.)

8 COMMISSIONER PRIZMICH: I don't know. I don't know
9 the scope of --

10 DEPUTY DIRECTOR GREENE: It would actually be -- if
11 we're going to do it so far in advance because they have to
12 get their agenda out in ten days, it would be helpful to us
13 to know exactly what you want so that we can prepare that.

14 COMMISSIONER PRIZMICH: Right. And I wouldn't
15 want -- I wouldn't want to see -- this is my own personal
16 point of view: I wouldn't want to see it limited to what it
17 is we define because there -- there certainly is --

18 (Multiple speakers.)

19 CHAIR BRISSENDEN: Tangents are good.

20 COMMISSIONER PRIZMICH: Pardon?

21 CHAIR BRISSENDEN: Tangents are good sometimes.

22 COMMISSIONER PRIZMICH: They are?

23 CHAIR BRISSENDEN: Yeah.

24 MS. MICK: But if you have an unmet expectation,
25 that's not good either.

1 COMMISSIONER PRIZMICH: I have a lot of
2 unmet expectations.

3 MS. MICK: Well, I can't help you with all those,
4 just (unintelligible) --

5 (Multiple speakers.)

6 CHAIR BRISSENDEN: Commissioner McMillin, you had
7 some comments?

8 COMMISSIONER McMILLIN: Yes. I -- I agree with what
9 Mike said because I think it's important that -- for the new
10 people here that we know which part of this we're working in
11 conjunction with OHV funds. Because this is just a general
12 report on all of your BLM activity, right, which is --

13 MR. KEELER: No. I tried to confine it to things
14 that interest the OHV Commission. But most of these are --

15 COMMISSIONER McMILLIN: That interests us or things
16 that we've help fund?

17 MR. KEELER: In general, most of these are things
18 you've helped fund.

19 COMMISSIONER McMILLIN: Okay. Good. That's a lot of
20 money.

21 MR. KEELER: But if it does -- something that
22 involves the OHV community or the users, like the -- for
23 example, the parking lot in Somoa --

24 COMMISSIONER McMILLIN: Correct.

25 MR. KEELER: -- I thought it was important enough to

1 put in to show that with our own funding we've -- we've
2 accomplished something that -- that also feeds into the --

3 COMMISSIONER McMILLIN: Okay. So like are we -- did
4 we have a --

5 MR. KEELER: -- field trip.

6 COMMISSIONER McMILLIN: -- grant in -- in arrears
7 that helped put the signs out at the Imperial Valley Sand
8 Dunes?

9 MR. KEELER: Yeah.

10 COMMISSIONER McMILLIN: Oh, really?

11 MR. KEELER: Yeah.

12 COMMISSIONER McMILLIN: And then I learned yesterday
13 out at Pipi that if you pave that entrance, then they gotta
14 push their bikes out. So be careful.

15 MR. KEELER: I do also have brand-new Glamus maps
16 that I brought in and didn't have a chance to hand out.

17 COMMISSIONER McMILLIN: Okay.

18 MR. KEELER: So anybody that wants a new map of the
19 Imperial Sand Dunes, I have them. They just came out.

20 And also, by the way, I did want to -- I did neglect
21 to say that I thought the tour yesterday -- I really thank
22 the Forest Service for doing that. And that was back in my
23 roots. We used to do that every meeting. And while that may
24 not be a possibility, I think that those meetings are very
25 valuable. And I certainly would be delighted to have an

1 opportunity to showcase the BLM area in the same kind of
2 venue.

3 DEPUTY DIRECTOR GREENE: We will be calling you.

4 MR. KEELER: And also informally, if anything like
5 Judith did, if you have specific interests, I can arrange to
6 meet you or take you on tours or hook you up or get you
7 involved as individuals with any of these programs that you
8 want more information on. So don't hesitate to -- to call me
9 to help for information.

10 COMMISSIONER THOMAS: I had a question.

11 CHAIR BRISSENDEN: Go ahead, Commissioner Thomas.

12 COMMISSIONER THOMAS: Will the SCA group be back for
13 a grant in this cycle?

14 MR. KEELER: Yes. They're -- I don't know how many
15 crews we have, but we have a whole project just getting ready
16 to start up Ridgecrest -- several other offices have SCA
17 projects, even Barstow does.

18 COMMISSIONER THOMAS: In this new round of
19 proposals --

20 (Multiple speakers.)

21 MR. KEELER: In this new round. This -- this --
22 this -- this field season.

23 COMMISSIONER THOMAS: They -- they seem to do a great
24 job.

25 The -- the other question is, do -- do you have any

1 feedback -- I mean there's all kinds of desert tortoise stuff
2 in here. Is there any feedback on how successful you -- you
3 are vis-a-vis the species? In other words, are you knocking
4 the species down in population, are they going up, are
5 they -- I mean how do we work with this to know if we've done
6 anything useful? I mean to say, "Well, this is what we did"
7 is great, but there's no analytical data that allows us to
8 eval - -- or maybe evaluate some data that lets us know that
9 we're making progress or not. Miles of trail might be
10 somebody's measure of progress, you know, populations of
11 animals impacted by miles of trail might be my -- one of my
12 criteria.

13 MR. KEELER: I certainly haven't figured a good
14 format to do that in.

15 COMMISSIONER THOMAS: Okay.

16 MR. KEELER: I'm open to it. If there's something
17 that you would like me to -- to pull together -- the
18 problem -- the way I see it is that -- that you're talking
19 about such a huge area with so many different impacts, it's
20 hard to measure --

21 COMMISSIONER THOMAS: Okay.

22 MR. KEELER: -- the success or failure of the whole
23 program by looking at one of the components and measuring the
24 accomplishments there. I -- I --

25 COMMISSIONER THOMAS: Well, any -- any analytical

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1 values of data that you can provide us will be more important
2 than not, meaning we can feel better about the money we're
3 voting for you if we see that some progress -- and you can
4 pick the criteria -- is being made. But by merely saying "We
5 did all this" -- although you did hand out 20,000
6 brochures -- or ordered 20,000 brochures, I suppose that's a
7 measure.

8 MR. KEELER: Yeah.

9 COMMISSIONER THOMAS: But any way of -- maybe perhaps
10 between the two federal agencies you can do some thinking
11 about how you evaluate your success so that we can enter this
12 brave new world of competitive -- this competitive system
13 that we -- seems to be foisted upon us. We need those
14 criteria if we are to independently evaluate your
15 applications, though.

16 MR. KEELER: Yeah, I -- I appreciate that. And if --
17 if you want to talk to me off line or --

18 COMMISSIONER THOMAS: Yeah.

19 MR. KEELER: -- you know, any other way, if -- if
20 there's a way to bring that together --

21 COMMISSIONER THOMAS: I would encourage you to work
22 with your federal counterparts and come up with some simple
23 evaluative criteria that you think would best display your
24 work and enable us to support the good things that you're
25 trying to do.

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1 MR. KEELER: Mr. Stewart, I believe, will probably
2 have a comment for you at the public --

3 CHAIR BRISSENDEN: At the public forum maybe, John,
4 or do you --

5 (Multiple speakers.)

6 MR. STEWART: Right. I could add some direct comment
7 to that right now with the tortoise.

8 COMMISSIONER THOMAS: We'll wait.

9 MR. STEWART: Okay.

10 COMMISSIONER THOMAS: I was just picking it up --
11 (Multiple speakers.)

12 CHAIR BRISSENDEN: And I'll underscore the attorney's
13 comment that it should be simple.

14 MR. KEELER: Yes.

15 CHAIR BRISSENDEN: But at the same time, somewhat
16 thorough.

17 MR. KEELER: But I don't want to look unresponsive or
18 not uncooperative. I'm delighted to -- to provide that. I'm
19 just trying to figure out a way to show a small measure
20 against a huge issue, and I don't know how to -- to portray
21 that.

22 COMMISSIONER THOMAS: Okay. My last question is,
23 have you made any progress figuring out what a desert
24 riparian area is?

25 MR. KEELER: I think we're going to have a discussion

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1 on that this afternoon or later today.

2 COMMISSIONER THOMAS: But my question is for you,
3 though, have you had any -- any opportunity to -- to settle
4 your mind about what you think a good definition should be,
5 seeing as the BLM --

6 CHAIR BRISSENDEN: I -- I think I'll suspend that to
7 this afternoon.

8 MR. KEELER: I'd appreciate that.

9 (Multiple speakers.)

10 COMMISSIONER THOMAS: All right.

11 CHAIR BRISSENDEN: You can do that discussion off
12 line.

13 COMMISSIONER THOMAS: Yeah, we'll do that this
14 afternoon.

15 And no more.

16 MR. KEELER: Yeah.

17 COMMISSIONER THOMAS: Thank you.

18 MR. KEELER: Thank you.

19 CHAIR BRISSENDEN: Thank you.

20 Is there --

21 COMMISSIONER PRIZMICH: Just as a final commentary,
22 I -- I was in no way by my suggestions to indicate -- or
23 meaning that either federal agency was inappropriate or -- or
24 lax in their reporting. I just think it would be easier for
25 everyone if we define what it is we might --

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1 CHAIR BRISSENDEN: No, I think it was a good
2 suggesti on, Mi ke.

3 COMMI SSIONER THOMAS: Nor was I. I was agreei ng wi th
4 you, Commi ssi oner.

5 CHAIR BRISSENDEN: You're back.
6 Jim, is that it?

7 MR. KEELER: I'm done.

8 CHAIR BRISSENDEN: You're done.

9 COMMI SSIONER SPITLER: I have -- I have one questi on.
10 Thank you for that great report. I'm wonderi ng i f
11 you could j ust tell us how the results of the wi ldl i fe
12 studies that we've funded over the last five years have
13 i nfl uenced your management i n the desert.

14 MR. KEELER: I don't have a si mple answer for you,
15 Paul. I would have to say that what generally happens i s
16 that we -- we try every ti me we're making a deci si on to bui ld
17 from the -- the resources that we have at our command. And
18 i n thi s case, we've provided a lot of new data for deci si on
19 making. Now, I don't know that I could say that I can tie a
20 speci fi c deci si on to a speci fi c study, but I'd be happy to --
21 to work on that one, too. I j ust don't know how to format
22 that i nto a bullet-statement report.

23 CHAIR BRISSENDEN: That sounds l i ke a some -- fairl y
24 l engthy response, but j ust your gut, I thi nk, i s what Paul's
25 aski ng for. Do you sense that i t has diverted you from past

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1 either bad or good or ambivalent management decisions? And
2 maybe your assistant there, who's quite capable of
3 responding, could help you.

4 MR. KEELER: You want to try (unintelligible)?

5 MR. WEIGAND: I think that the studies that have been
6 funded by the OHV Commission have been extremely helpful in
7 clarifying BLM's management direction in several ways. First
8 of all, there have been basic research -- resource
9 information that we never had before that we all -- that we
10 have acquired. And as an example of that -- and I won't take
11 a lot of time now, but I would talk about the Sonoran Desert
12 Woodland inventories that we've been doing over the last five
13 years. I think it would be --

14 MS. STALLCOP: Can you -- can you say your name --

15 MR. WEIGAND: I'm sorry, I'm Jim Weigand. I'm the
16 BLM California State Ecologist. I'm sorry, I forgot to name
17 myself.

18 And I think one of the opportunities that I think
19 should take place is to have an in-depth discussion before
20 the Commission of the results and their implications and
21 applications to BLM management because it is not a simple --
22 I mean if you're looking for simple, I -- I think that's
23 unrealistic. But I think we need to be straightforward and
24 delineate exactly what we've learned and how it applies to

25 management. And I would like to have that discussion before

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1 the Commission, and I would ask you to please set a time
2 where we could actually take an hour of your time to do that.

3 CHAIR BRISSENDEN: Well, I would suggest we do a
4 tour, perhaps in a comfortable desert setting --

5 MR. WEIGAND: Okay.

6 CHAIR BRISSENDEN: -- to show us some of those things
7 as we did with the forest yesterday. Perhaps we could do
8 that at one of our --

9 MR. WEIGAND: Right.

10 CHAIR BRISSENDEN: -- upcoming meetings.

11 MR. WEIGAND: Okay. I --

12 CHAIR BRISSENDEN: With that discussion to follow.

13 MR. WEIGAND: I -- I would very be glad to help
14 arrange that. And the other thing is, is that I would
15 suggest that may be the first of several. Okay? Because I
16 think that we're talking about multiple ecosystems where you
17 have been actively supporting our monitoring, and we need to
18 show those different ones. And I can think of three right
19 off the bat that we need to have a -- a day-long -- at least
20 a day-long tour and have you folks with us out on the ground.
21 I -- I would be delighted to -- to have that opportunity.

22 CHAIR BRISSENDEN: Paul, do you have a following
23 question?

24 COMMISSIONER THOMAS: Could you name those three just
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25 so we understand?

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1 MR. WEIGAND: Yes. I -- I would want to take a look
2 at the Sonoran Woodlands areas of -- for example, in the
3 Imperial Sand Dunes, Milpitas Wash. Those two are fairly
4 close together. Then I would like to have us go to the job
5 on Butter Bread ACEC. And the third would be the Clear Creek
6 Management Area in San Benito County.

7 COMMISSIONER THOMAS: Thank you.

8 CHAIR BRISSENDEN: Could that be done in a long day?

9 COMMISSIONER SPITLER: With an airplane?

10 MR. WEIGAND: No. I'm talking about three different
11 occasions. Okay?

12 CHAIR BRISSENDEN: Paul, do you have follow on?

13 COMMISSIONER SPITLER: I think that discussion at the
14 Commission level would be helpful, and obviously the site
15 visits are also very helpful. I guess my question was really
16 a much simpler one, and it's one that doesn't necessarily
17 require Commission discussion, although obviously it's
18 helpful for us to be involved and informed as best we can.
19 My question was really, since I've been on this Commission in
20 the last six and a half years, we've spent untold millions of
21 dollars funding wildlife studies, and I just want to know
22 specifically how and where those studies have influenced
23 management, if at all.

24 MR. WEIGAND: Well, I -- I would think -- again,
25 using the example of the Sonoran Desert Woodlands, we have

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1 established two Desert Wildlife Management Areas that now
2 include three of the largest woodland ecosystems within those
3 Desert Wildlife Management Areas in the Sonoran Desert: That
4 is the Chuckwalla Desert Wildlife Management Area, and the
5 Chuckwalla Desert Wildlife Management Area. These are huge
6 areas that are dedicated to multi-species conservation, and
7 that's where we focused a lot of our monitoring. We now
8 understand, as we are preparing those -- the -- the
9 management plans for those DWMAs, as they're called, that
10 came from the NEMO manage -- that were created through the
11 NEMO Regional Plan Amendments to the Cali -- the BLM
12 California Desert Plan, that, you know, these are meant to
13 provide the kinds of long-term conservation. And in order to
14 know whether our conservation measures are succeeding, we
15 have established through funding from the OHV Division Desert
16 Tortoise Surveys, for example, as well as the long-term
17 bird -- you know, the Baseline Bird Surveys over the last
18 five years. And so we have been producing annual reports and
19 also peer-reviewed articles for submission to journals. And
20 those are all available for you, and they're off -- they have
21 been, until this year, included with our annual grants. And
22 so they weren't required this year, so we didn't include
23 them. But they've always been a part of our annual grant

24 submissions.

25 CHAIR BRISSENDEN: Any further questions of BLM

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1 representatives?

2 COMMISSIONER THOMAS: I have one.

3 CHAIR BRISSENDEN: Commissioner Thomas.

4 COMMISSIONER THOMAS: If at some point AB 32 and --
5 and the whole carbon-neutral programmatic requirement comes
6 into being -- and this doesn't need an answer right now, but
7 I think BLM should be considering how you would run a
8 carbon-neutral OHV Program.

9 MR. WEIGAND: One -- one of the most important
10 ecosystems --

11 COMMISSIONER THOMAS: And ecosystems might --
12 preservation and set-asides may end up as part of your --

13 MR. WEIGAND: Right.

14 COMMISSIONER THOMAS: -- carbon-neutral conservation
15 contribution.

16 MR. WEIGAND: Yeah.

17 COMMISSIONER THOMAS: And that's --

18 MR. WEIGAND: And -- and that's why in terms of the
19 ecosystems that we have been focusing on for our monitoring
20 and studies have been desert woodland ecosystems in
21 particular, because these are the ecosystems that have the
22 highest aboveground carbon -- or biomass. And so we're

23 particularly concerned that they be stabilized or that we can
24 even start doing enrichment of habitats, that is, increasing
25 the aboveground bio mass. And this is particularly of

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1 concern in the Joshua Tree Woodlands and the Sonoran Desert
2 Woodlands, and we are looking at that.

3 COMMISSIONER THOMAS: Thank you.

4 CHAIR BRISSENDEN: Any other questions or comments?

5 Thank you both. We'll take an eight-minute break and
6 be back for public forum. And I meant probably ten minutes.

7 Thank you.

8 (Brief recess.)

9 CHAIR BRISSENDEN: Thank you. We're back in session.

10 And we go to the public comment, otherwise known as
11 the blues. So in order of speaking, I have Marcus Libkind
12 first, Ed Waldheim, Don Amador, John Stewart, Bruce Brazil
13 and Karen Schambach. So if you could be sort of ready. And
14 Dave Pickett is going to be last because he doesn't have a
15 card yet.

16 MR. PICKETT: It's there.

17 CHAIR BRISSENDEN: So, Marcus, please. And what are
18 we under, what rules are we -- 14 seconds?

19 MS. STALLCOP: Two minutes.

20 CHAIR BRISSENDEN: Two minutes.

21 Okay. Ready? Begin.

22 MR. LIBKIND: Marcus Libkind. I'm the Chairman of
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23 the Snowlands Network. And we're advocates for a number of
24 our winter recreation (unintelligible): Skiing, snowshoeing,
25 (unintelligible). And over the past two years, what I've

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1 seen is several attempts for non-motorized and the motorized
2 snowmobilers to work together to try to come to some
3 agreement on how everybody could benefit from an agreement.
4 And I have to say, most of this has to do with Fred Wiley of
5 CMSA. He probably started it all when he came to me.

6 And what I'm really noticing in the meetings I go to
7 with the snowmobilers and some of -- you know, just impromptu
8 meetings and this and that, in the end, to make things really
9 work, it takes money. Often the money is to create a new
10 staging area somewhere or a parking lot for non-motorized --
11 and somewhere down the road I think you need to be thinking
12 in terms of how can we fund things that actually improve
13 things for everybody. There should be a priority for these.
14 And so that's all I wanted to say. Because the people are
15 out there now trying to work together, but I personally see a
16 big problem. Yes, there's some trails, recreation, TRP funds
17 and various things, but it's -- to put in a parking lot is a
18 big expense, to put in a trailhead is a big expense. So,
19 again, it's food for thought how you can best help us out.

20 COMMISSIONER THOMAS: Question for you. Are you
21 saying that you need a non-motorized trailhead, potentially,

22 to -- as part of a common plan to encourage motorized use at
23 another location? Is that what I hear you saying?

24 MR. LIBKIND: Can I give you a specific example?

25 COMMISSIONER THOMAS: Sure.

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1 MR. LIBKIND: Okay. The -- the Silver Bear
2 Snowmobile Trail is about 60 miles. They get money to groom.
3 Our organization has some marked ski/snowshoe trails in the
4 same area but not right where the groomed trail is.

5 COMMISSIONER THOMAS: I've skied on them --

6 MR. LIBKIND: Yeah. And we're actually the next two
7 weekends -- not this one -- we're putting in I don't know how
8 many miles of new markers in conjunction with the Forest
9 Service. The ideal -- but to get to them from Iron Mountain
10 Snow Park is a long ways. So they don't make -- it didn't
11 make logistically a good plan. So having a -- a
12 non-motorized parking area, Foster Meadow Road, would
13 separate the two areas very well. And I've -- we've been
14 talking to the Forest Service, you know. It might happen.
15 But in the end, it's going to take, you know, money to create
16 that. I'm personally going to look into TRP funds for that.

17 COMMISSIONER THOMAS: So -- so if you and Fred
18 representing your constituencies agreed to this plan of
19 separating the two uses and adding a motorized and a
20 non-motorized, and you would come back and ask the Forest
21 Service to apply for a grant to fund this separation between

22 the motorized and the non-motorized -- as an aside, this is
23 exactly what I noticed in Utah in the National Forest, that's
24 what they do. The question really is not for this Commission
25 but is for the staff: Would the staff fund the separation of

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1 those two uses under the Winter Program. And you -- I mean
2 I'd fund it in a New York second, but I haven't had any
3 opportunity to get support from staff for this.

4 MR. LIBKIND: I actually gave you an example of one
5 that I'm not sure you could fund because it would really
6 be --

7 (Multiple speakers.)

8 COMMISSIONER THOMAS: This is not -- we're just
9 looking for hypotheticals.

10 MR. LIBKIND: Being a trailhead for non-motorized,
11 and that isn't what the funds go for.

12 COMMISSIONER THOMAS: Well --

13 MR. LIBKIND: But it's a general philosophy.

14 COMMISSIONER THOMAS: Well, let's ask --

15 MR. LIBKIND: Here -- here's another side to that
16 problem: What -- what are the snowmobilers going to get in
17 return for promoting non-motorized here, and that is we want
18 to let them groom some more trails out where it doesn't
19 affect us. They need a groomer to cut down the costs of
20 grooming. So there's another way that the Division can help.

21 COMMISSIONER WILLARD: Through the Chair?

22 CHAIR BRISSENDEN: Yes, Gary.

23 COMMISSIONER WILLARD: I've got a comment on this.

24 It's close -- close to my heart. And, Marcus, thank you for

25 your comments. And I agree that -- I've been part of that

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1 process where motorized snowmobilers and the -- the
2 non-motorized have tried to come together to work through
3 various issues. And I think in my area we -- we've been
4 successful. There's a real good case in point that -- that
5 I've got, and that's at the Highway 4 snow park which is --
6 gets heavily impacted with both uses trying to use the same
7 limited amount of parking. There's -- it's also adjacent to
8 an area called Round Valley that's under a U.S. Forest
9 Service permittee, and a former snowmobile area that was
10 closed about ten years ago to snowmobilers. And it's now a
11 very, very nice cross-country experience.

12 And what we were thinking is that we would create a
13 non-motorized parking lot at the trailhead to Round Valley --
14 and this is off of 207 going up to the Bear Valley Ski
15 Resort -- and that would allow visitors to park on that
16 trailhead and access their area, therefore taking pressure
17 off of the Highway 4 snow park. And so that's how the
18 benefit could be to the -- to the OHV users is because now
19 there's more parking available. Because sometimes it's -- it
20 just gets too congested. And then what they do is they drive

21 down into Bear Valley and they park in Bear Valley and then
22 that causes other issues with the community of Bear Valley.
23 So I think that's another example of a -- of a win/win
24 situation.

25 And I don't know how we can, you know, fund -- create

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1 a parking area that's, you know, specifically not for
2 motorized but there are benefits in doing that to the
3 motorized community.

4 COMMISSIONER THOMAS: We need to ask the staff that
5 question.

6 What -- staff, would you fund a non-motorized parking
7 lot to take pressure off and encourage winter OHV use?

8 CHIEF JENKINS: Yeah, we would have to look very
9 closely at how that -- that would benefit the OHV community.
10 But there are other ways we could approach it first before we
11 had to even look at that that we could certainly look at:
12 RTP grants, because there's non-motorized RTP that are now
13 available to the federal government because of some recent
14 legislation; so that would be one way to go. The other way
15 might be through our non-motorized snow play area. There's a
16 fund that we have from -- from those parking passes that --
17 we would certainly want to try to exhaust those avenues first
18 before we try to look into the OHV Trust Fund money.

19 COMMISSIONER THOMAS: Well, notwithstanding your --

20 this is a -- notwithstanding your discussion of alternatives,
21 I'm -- I'm asking is, would this be an allowed use --
22 hypothetically, would this be an allowed use under the --
23 under the program that we administer, and could this
24 Commission vote a grant to the Forest Service for such a use?
25 DEPUTY DIRECTOR GREENE: Commissioner Thomas, I think

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1 we'd have to look at that closely. At first glance, I -- I'd
2 tend to say no, because the reality is we just came off of
3 the BSA audit, as you well know, where we -- we did get hit
4 for the idea that we were using OHV Trust Fund monies for
5 non-OHV usage. And so I think that we'd have to be very
6 careful about that and how we could approach that. So I
7 think that I'd be very hesitant to do it. Not that the
8 commitment isn't there, not that we know -- that we don't
9 need to do it, but I think that we would also be able to look
10 at the alternatives, recognizing the long run, you want to
11 try and have that win/win for both sides. It's just we have
12 to be very careful.

13 COMMISSIONER THOMAS: Well, we can get an Attorney
14 General's opinion on the expenditure, but -- because the
15 audit lawyer -- or not even a lawyer -- the individual who
16 worked in the Audit Department that didn't like that
17 expenditure had no more understanding of the law than you and
18 I. And we could certainly get authority and formal, informal
19 opinions of our own counsel, and then move on to the Attorney

20 General and get a formal Attorney General's opinion, if
21 necessary.

22 UNIDENTIFIED SPEAKER: Well -- well, perhaps --
23 (Multiple speakers.)

24 COMMISSIONER SPITLER: Point of -- excuse me. Point
25 of order, Mr. Chair. We're in the middle of public comment

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1 here.

2 CHAIR BRISSENDEN: Yeah. No, I -- I realize that.
3 (Multiple speakers.)

4 CHAIR BRISSENDEN: I should have laid the ground
5 rules out better than saying "This is the blues." So the
6 ground rules are that --

7 COMMISSIONER SPITLER: Thank you.

8 CHAIR BRISSENDEN: -- typically you don't inter- --
9 interact with the -- the speaker. But I would like Gary
10 and -- and Hal to create a little subcommittee to talk with
11 Division about this issue.

12 So thank you, Marcus.

13 And so that the ground rules are understood, unless
14 there's a very tight specific question of the speaker, we
15 will let those comments just lie as comments on subjects that
16 are not on the agenda.

17 So going forward, Ed Waldheim.

18 COMMISSIONER SPITLER: Just one final comment on the

19 last speaker.

20 I think it's wonderful that there's collaboration
21 between the snowmobile and -- and recreationers and other
22 recreation is occurring. And I think the example for Mono
23 County where the environmentalists and the snowmobilers got
24 together to support wilderness designation and -- and a
25 permanent OHV area in Mono County is just an excellent

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1 example of cooperation and -- and -- and bipartisan
2 agreement.

3 CHAIR BRISSENDEN: Thank you.

4 Ed.

5 MR. WALDHEIM: Ed Waldheim. California City.

6 Commissioners, Ms. Greene, glad to be here today. I
7 wasn't planning on coming, but my son came back to work so I
8 could leave the office. So that's how I ended up over here.

9 Harold Soens passed away. Commissioner Anderson said
10 we probably should be doing something for that. And I will
11 work with Ms. Anderson on that issue. Also, Bill Ingram
12 passed away, cutting his long -- the reason that's kind of
13 personal, he was going to work on the tractors last Monday.
14 And I went ahead and rented the tractor and did the work
15 myself with volunteers. So we worked for two days in his
16 honor grooming trails. That's what it's getting down to
17 where we have to go out there and help the agencies do the
18 work so we can have good smooth trails so they don't go over

19 the riparian areas, don't go over to the bushes and stay on
20 the trail. Trust me, the people will stay on the trail
21 that's groomed rather than the one that's totally ruined.
22 Funny thing, but they like kind of smooth trails. They'll
23 say they don't, but you watch them, they will ride on it. So
24 we've been working really hard.

25 So Bill Ingram will be missed. That's the first time

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1 I went to a military ceremony at Edwards Air Force Base. And
2 it was very moving, and it was really, really, really cool.
3 The actual BLM Office closed that entire day at Ridgecrest
4 so -- in his honor.

5 Trail maintenance is the hot topic that I hope all
6 the Commissioners when the grants come up will start thinking
7 again. The hot shot crew -- the hot shot trail maintenance
8 crew, I think we need to look at that again. I talked this
9 morning with Mr. Thomas and -- and Mr. Willard that we need
10 to really get serious about the hot shot crew. Just like you
11 were told about taking over the snowmobile groomers, now it's
12 a good, moving machinery. They have a place. They know
13 what's going on. It's the same thing we should be doing on
14 the summer programs. Those agencies have problems, send in a
15 team, fix the trails. I don't want any excuses. I don't
16 want pictures showing the trail is destroyed; we have to
17 close or not put it in the system because it's all destroyed.

18 Well, it's not my fault it's destroyed; it's destroyed
19 because nobody fixed it, nobody maintained it. If you buy a
20 car and you never put gas in it, you never repair it, never
21 put oil in it, what do you expect. It's going to break down.
22 It's going to leave you in the middle of the 580 Freeway.
23 That's exactly what we're doing. We're not taking it
24 seriously. And everything else, the ripple effect goes all
25 the way down the hill. It starts with maintenance. Don't do

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1 maintenance, you have all the other problems coming right
2 behind it. And that's something we have to really work on.
3 Grants, I provided you the grants sheet again.
4 This -- and I shared it with Jennifer this morning -- or
5 early on. We have to get serious in looking at what is the
6 program for each of these agencies. In this one sheet, you
7 can go to whatever agency you know, and you'll know what
8 their program is: What are their expenses? Where are they
9 spending it? You'll have a total cost on the agency. Then
10 you look at how are you paying for it: Appropriated dollars,
11 from fees, and Green Sticker? Are you in the hole, or are
12 you in the red, or are you not in the red?

13 CHAIR BRISSENDEN: You're in the red, Fred -- Ed.

14 MR. WALDHEIM: That is correct -- we're -- we're --
15 Fred, yeah.

16 CHAIR BRISSENDEN: Ed.

17 MR. WALDHEIM: We're in the red. So, please, when
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18 the grant time comes along, we will -- we will look at that.

19 Well, he got some time over there.

20 CHAIR BRISSENDEN: That was because questions were
21 asked there.

22 MR. WALDHEIM: The General Plan -- some of the
23 General Plans we need to look at again. Hungry Valley is a
24 perfect example. When we came up with that General Plan,
25 there was -- a lot of changes have taken place in the General

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1 Plan that -- that we're managing differently than when we
2 originally -- that was part of it, but when we set it up. So
3 we really need to go and look at that.

4 And I'm also very happy that Jennifer is working on
5 the -- on the history and the site inspections. And I'll
6 work with her and work with staff to try to bring up the
7 history of each area. You as a Commissioner need to know how
8 much money have you invested in a particular field office or
9 a particular forest. What's the trend? Are they doing the
10 job? Are they not doing the job? You've got to be able to
11 buy in to what they're doing in order to give them money. If
12 you don't have an idea what the heck they're doing, why in
13 the world are you giving them money in the first place? So
14 you're looking at half -- a quarter of the program is what
15 you guys are looking at, and you need to look at the full
16 picture when we get prepared for the next grant cycle.

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Thank you.

CHAIR BRISSENDEN: Thanks, Ed.
Don Amador.

MR. AMADOR: Good morning, Commissioners.

I wore my endangered species tie today to celebrate this new era with Chairman Brissenden taking over. And so I -- in the spirit of cooperation, I'm not going to say anything negative during my comments today. But --

CHAIR BRISSENDEN: Living up to your name once again.

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MR. AMADOR: Don Amador, Blue Ribbon Coalition.

I just wanted to give the Commission, as we talked about a little bit yesterday on the tour, an update on the OHV, the Owl Study that we're doing. It went real well this year. Went out and did two test sessions: One in May, another in July. It's just a real pleasure to work with the researchers there. We had people all the way from back East to a grad student from Columbia working on this project. So it's been a real joy to work with these professionals, and really wanted to comment the -- compliment the researchers who often go out at 2:00 or 3:00 in the morning and set up camp often on an ant hill or something like that and suffer through the day watching the owls. They're -- they're doing a great job.

One of the things I think this program has done well over the last few years was address the noise issue. And I

17 just wanted to give you an update that things are getting --
18 continually get better on that respect. A lot of the enduros
19 I go and help sound test at. I keep getting feedback from
20 law enforcement officers, particularly the Forest Service
21 throughout our districts who don't have OHV use but come
22 sometimes down to help. And they comment how much quieter
23 the events have gotten over the years. And so I think it's
24 just a -- a great compliment to the program that we did
25 address that. And things are getting better in that regard.

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1 And then on the route inventory process, we continue
2 to work with our clubs and encourage them to get out in the
3 field and ground proof the maps and -- and submit the
4 information. I spent a number of days out on a number of
5 forests with our members looking at some of these proposals.
6 And so we're encouraging our members to stay involved with
7 that process.

8 Thank you.

9 CHAIR BRISSENDEN: Thank you.

10 John Stewart.

11 MR. STEWART: Good morning, Commissioners. John
12 Stewart, California Association of Four-Wheel Drive Clubs and
13 United Four-Wheel Drive Associations.

14 First off, I'd like to thank the Division and the
15 El Dorado Forest for the -- yesterday's tour. It was very

16 i n f o r m a t i v e . A n d I ' d e n c o u r a g e t h i s t o b e a -- b e c o m e a
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19 o t h e r a r e a s o f t h e S t a t e t o e n a b l e t h e p u b l i c t o a t t e n d
20 w i t h o u t u n d u e b u r d e n . L e t ' s g e t t h e m d o w n S o u t h m o r e w h e r e
21 m o r e p e o p l e c a n -- y o u k n o w , m o r e m e m b e r s o f t h e p u b l i c c a n
22 m e e t w i t h t h e s e .

23 T h e r e ' s b e e n i s s u e s a r i s i n g t h a t h a v e a p o t e n t i a l
24 i m p a c t o n a r e a s f o r r e c r e a t i o n o p p o r t u n i t y . N o w , f o r
25 e x a m p l e , d e v e l o p m e n t i s d i s p l a c i n g h i s t o r i c r e c r e a t i o n

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1 o p p o r t u n i t y i n t h e C e n t r a l V a l l e y . A n d l o o k i n g a t n e w O H V
2 a r e a s i s i m p o r t a n t . A n d t h e S t a t e h a s a l s o m a n d a t e d t o c o m e
3 u p w i t h 20 p e r c e n t o f i t s e n e r g y d e v e l o p e d f r o m n o n - r e n e w a b l e
4 r e s o u r c e s . N o w , u n d e r t h i s , e n e r g y p r o j e c t s a r e b e i n g
5 c o n s i d e r e d f o r t h e I m p e r i a l C o u n t y i n S t a t e - a p p r o v e d
6 r e c r e a t i o n a r e a s . I c a l l u p o n t h e C o m m i s s i o n t o p r o v i d e f o r
7 a m i t i g a t i o n o f l o s t r e c r e a t i o n o p p o r t u n i t i e s w h e n t h e s e
8 e n e r g y d e v e l o p m e n t s d i s p l a c e t h e r e c r e a t i o n i s t s , e s p e c i a l l y
9 i n t h e l i g h t t h a t t h e s e a r e S t a t e - s u p p o r t e d p r o j e c t s . L e t ' s
10 r e p l a c e t h a t r e c r e a t i o n a r e a t h a t ' s l o s t f o r -- f o r t h i s .

11 A n d f i n a l l y , I ' d l i k e t o a d d r e s s s o m e t h i n g u n d e r
12 M r . K e e l e r ' s r e p o r t a b o u t t h e d e s e r t t o r t o i s e o f w h i c h
13 C o m m i s s i o n e r T h o m a s r a i s e d a q u e s t i o n . I ' m w o r k i n g w i t h t h e
14 B L M , t h e D e p a r t m e n t -- o r n a t u r a l -- N a t i o n a l P a r k s S e r v i c e ,
15 t h e U . S . F i s h & W i l d l i f e S e r v i c e , a n d t h e D e f e n d e r s o f

16 Wildlife on the Tortoise Education Program of which is part
17 of a Commission-funded grant. Under that, the 20,000
18 brochures that was mentioned in Mr. Keeler's report --
19 between Cynthia Wilkerson and I, we came up with some
20 language, and we now have a consistent brochure --
21 informational brochure that's being used to -- for the public
22 and is something that all the recreation groups can provide
23 to their members in accordance with the mandates of the
24 Desert Tortoise Recovery Program. Now, if you want
25 statistics as to the number of tortoises recovered, I'd defer

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1 that to Steve Thompson with the U.S. Fish & Wildlife Service
2 out of Las Vegas and the Management Oversight Group for the
3 Desert Tortoise Recovery Plan of which they expect to be
4 implementing within the next six to nine months. But now,
5 again, as part of the information -- or part of the grant,
6 there is an attitudes or understandings -- or a survey
7 being -- that will be conducted within the next six months to
8 establish a baseline of understanding of the public on the
9 attitudes about the desert tortoise. After this education
10 progress goes --

11 People with the committee -- or with organizations
12 get four minutes.

13 CHAIR BRISSENDEN: Well, we've been -- I think
14 they're on a four-minute --

15 MR. STEWART: That was two minutes.

16 CHAIR BRISSENDEN: Was it?

17 UNIDENTIFIED SPEAKER: I'll move -- I'll move an
18 additional (unintelligible).

19 CHAIR BRISSENDEN: Okay.

20 MR. STEWART: And at -- anyway, the -- the survey
21 will be conducted by the Colorado State University, and that
22 is expected to begin and be completed probably by next
23 summer of next year at this time. That will be the baseline
24 of which now they will be going through some educational
25 aspects within the various school districts in the desert

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1 areas. And at the completion of that, they expect to go back
2 and do another survey just to see what kind of increase in
3 knowledge that has come up on that. So those plans are in
4 place. They're not something that's going to be done short
5 term, but these are a roughly two- to three-year effort to
6 accomplish.

7 Thank you.

8 COMMISSIONER THOMAS: Thank you. Very interesting.

9 CHAIR BRISSENDEN: Didn't mean to cut you off, John.
10 I think we had a timing question over here.

11 So, Vicki, I do have three more organizations, and
12 one individual. So if you can do that appropriately, that
13 would be great.

14 Bruce Brazil.

15 MR. BRAZIL: Bruce Brazil, California Enduro Riders
16 Association. Good morning, all.

17 My first -- I've got about three items here. The
18 first one has to do with the public comment time, both on
19 agenda items and off agenda. And that's occasionally members
20 of the public ask a question, and we get no answer. I'm just
21 wondering if the Commission could change the procedures
22 around a little bit to where the public could at least ask
23 one question and get an answer to it. These questions
24 usually have to do with the subject at hand or a procedure
25 that's going on and just to help our understandings. That's

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1 why we're asking questions. So I -- that's -- I wish the
2 Commission would consider, please.

3 Second, earlier this morning the topic of the
4 transcripts came up. I've got to tell you, I find them
5 extremely helpful to be able to go back and reference them,
6 be able to reference them to other people that have -- do not
7 make the meetings. I mean, you know, you got your southern
8 California contingent that's not going to make it up here for
9 a lot of meetings. It gives them something to reference. So
10 I'm all in favor of keeping those transcripts and getting
11 them up on the web page, you know, as fast as you can do it.

12 Third item, Commissioner McMillin, you made a -- sort
13 of comment in regards to the Pippi Valley trip yesterday, and

14 that was at the section of the entrance was paved that the
15 bikes would have to be walked out. There is a provision that
16 up to three miles of paved road can be made open to OHV
17 usage. So that's -- I don't know if you were aware of that
18 or not.

19 COMMISSIONER McMILLIN: No, I -- no, I was not. I
20 just -- somebody commented -- was riding with commented that
21 people have to push their motorcycles out of the park because
22 that was the rule, and CHP would cite them if they saw them
23 doing otherwise.

24 MR. BRAZIL: Well, like I say, the road has to be
25 designated as such not just indiscriminate. Just something

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1 to consider.

2 Thank you.

3 CHAIR BRISSENDEN: Thanks, Bruce.

4 Karen Schambach?

5 Karen passes.

6 Dave Pickett, please.

7 MR. PICKETT: Hi. It's Dave Pickett, District 36,
8 motorcycle Sports Committee.

9 I just wanted to publicly thank the Commission for
10 being on that tour yesterday in the Eldorado. For the two
11 Commissioners that didn't make it, you missed an awesome
12 interface on the ground. It was a great dialogue between
13 State Parks, the Forest Service, there was a BLM there,

14 members of the public. It was -- it was excellent. And I --
15 and I applaud that you -- you're not newbies anymore because
16 this is your second meeting -- for taking -- for taking the
17 time. I learned a tremendous amount. And I thought it was
18 excellent. And I wanted to -- to make those comments for
19 those that didn't participate.

20 And the last thing is, Judith, you had mentioned
21 earlier today about when Park Bond Acts were passed by a vote
22 where OHV funding came in the earlier days, there -- there
23 is -- there is an audit that's now going back to the
24 mid-seventies that there was \$2 million that was transferred
25 that never made it into the OHV Division.

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1 Thank you.

2 CHAIR BRISSENDEN: Thanks, Dave.

3 Next, Tom Tammone. You can help me if I slaughtered
4 that.

5 MR. TAMMONE: You didn't do too bad. It's Tom
6 Tammone.

7 CHAIR BRISSENDEN: Okay.

8 MR. TAMMONE: Anyway, I'd like -- I'd like to --
9 Enduro Riders Association.

10 We need more communications, as they mentioned. I
11 would like to see at least an e-mail address for each
12 Commissioner on the State's web site where we could actually

13 submit a question and actually get a response from a
14 Commissioner rather than having to go through the Division
15 secretary and basically never hearing a word.

16 And with the transcripts, I've submitted corrections
17 and have had no answer, and the corrections weren't made
18 and -- corrections, yeah. And voting approval of the
19 transcripts are being done without any input whatsoever from
20 the public.

21 Furthermore, I think Division could be a little more
22 open with its teleconference policy. I don't think there's
23 that many people out there that are going to jam it up
24 usually. It can hold 20 people. And the ones I participated
25 in, they'll sit there all day and maybe three or four people

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1 call in. I really don't think there's any real need to be
2 secretive about that.

3 And about the grant and the scoring system, it worked
4 rather well last year. The Deputy Director did a bang-up job
5 of holding the Commission to it, throwing out 46 grants that
6 were not compliant. However, as far as the scoring system,
7 the Commissioners are being accountable for what they do; I
8 think it's time for the Deputy Director and Division to kind
9 of turn the mirror on itself and look through its on glass.

10 I would like to know as far as the scoring panel the
11 names of the people that are on the panel. I'd particularly
12 like what the archeological grants -- the scorings are very

13 wild. Some -- some panelists awarded 0, and some awarded
14 full points. I'd like to see a reason for that. I'd like to
15 know the names of the people that are on the panel. The
16 system needs to work better. There are problems -- there are
17 instances where somebody said the question wasn't even
18 addressed, and another panelist gives it a high score. Very
19 inconsistent, and that needs to be changed.

20 Thank you.

21 CHAIR BRISSENDEN: Thank you.

22 Any others that didn't get their blue cards in?

23 Having seen none, I would like to move to the Forest
24 Service report and get as much of that done as we can prior
25 to lunch break.

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1 MS. MICK: Good morning -- it's still morning, yep.
2 Good morning, Commissioners -- well, the Deputy Director's
3 gone, but Division staff, and members of the public. My
4 name, for the record, is Kathleen Mick. I work for the U.S.
5 Forest Service, and I am the OHV Coordinator, OHV Program
6 Manager. I manage the Motorized and Non-Motorized Trails
7 Program, Over the Snow, and Route Designation.

8 I'd like to do a little bit of introduction today.
9 With me I have our Director of Recreation, Wilderness, and
10 Heritage Resources, Marlene Finley, who was on the field trip
11 yesterday. And after my presentation, Marlene has a -- a

12 part of the presentation that she's going to share with you.
13 Also, Diana Craig, who is our Regional Ecologist and when she
14 comes back in the room, a new member of our team that has
15 just come to help out with route designation since Rich
16 Farrington retired, and that's Colleen O'Brien, who you all
17 may remember worked on the Inyo National Forest. For the new
18 Commissioners, I think I introduced you this morning. And
19 she goes by "Chaz," and she'll be helping with route
20 designation as well as some of the other motorized and
21 non-motorized issues that we face within the region.

22 So what I'd like to do today is -- I didn't really
23 have a bulleted list to give you. I'm more of a Missourian;
24 I'm a -- kind of a "show me" kind of person, and give you
25 some hands-on eye candy. So what I want do is start out by

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1 mentioning some of the few things that I -- I've
2 accomplished, and that is that we've worked with the Division
3 on the OHV regulations, both the emergency and the
4 permanent -- the soil standards that have -- are still being
5 worked on and yet to come out, and then also the winter
6 program, which you heard a little bit of discussion on
7 earlier. Worked with Dave Quijada from the Division. We sat
8 down one day and went through all of the areas that received
9 winter funds from the Division and looked at what had been
10 spent and what had been allocated and tried to look at a
11 two-year average. We had a good year of snow and a bad year

12 of snow. So we tried to average, look at their -- their use,
13 their accountability and the needs. And I think we did a
14 really good job of coming up with some numbers. And I think
15 we actually saved a little bit of money from what was
16 allocated last year. So there's a little tiny nest egg, I
17 think, that was sitting there, if I remember correctly.

18 And most of the forests that have traditionally
19 received grooming funds will receive funds again with the
20 exception of the Tahoe Basin and the Humboldt-Toiyabe. They
21 are not part of the program. However, the Eldorado will, as
22 far as I know, receive funds.

23 Another thing is I worked with the forests as well as
24 internally in the regional office to submit our Cooperative
25 Agreement applications, which you all will be able to see

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1 very soon.

2 And then to really start off, you were handed several
3 packets, and I'd like to gear you to the -- the first of --
4 of these, and that is this one that says "The Pacific
5 Southwest Region Travel Management and Route Designation
6 Project." I kind of gave you a brief overview yesterday of
7 route designation for the region, kind of what happened with
8 our Memorandum of Intent, what happened on the National
9 Landscape. And this is just to back it up and give you a
10 little more information. For some of the Commissioners, it

11 will be a repeat, but for the new Commissioners, hopefully
12 you'll find some more detail in there to build your picture
13 in your mind of what's actually occurring.

14 I'm not going to go through each one of these.
15 That's just for your information. But if you do have
16 questions, either at break, after my presentation, or at
17 another time, please feel free to contact me, and I'll be
18 happy to answer those.

19 Just wanted to point out a couple of things in regard
20 to accomplishments in Route Designation, and that is, we
21 talked a little bit yesterday about forest orders. The
22 Sequoia does have a signed forest order. And so what we
23 tried to do in a manner of efficiency is produce these Forest
24 Order Maps. We searched around to look at various ways to
25 save costs, and we came up with a really sick -- slick deal

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1 with a printer that we could get these printed on newsprint,
2 much like our wood-cutting maps. We've printed them on both
3 sides. And so for the Sequoia, it's a little bit cumbersome
4 because the user does have to have two maps. But when you're
5 looking at such a large body of acreage, it's kind of hard to
6 jam it on one map and be on a dirt bike and really know
7 specifically where you're going to be. So I have -- I don't
8 have these for everybody, but if you're interested in seeing
9 what a sample looks like, I'll be happy to fold them out, and
10 either tape them up or let you look at them or get you your

11 own copies if you're interested. But this is what we're
12 producing. They'll be produced for each forest that has a
13 forest order. It's got the trails that are existing out
14 there, so that's system and non-system; a legend that's
15 actually got the forest order on here. And this is a -- a
16 legal instrument that we use to be able to enforce that
17 forest order.

18 I want to point you to a map that's on the wall. I
19 don't expect you to get up and look at it or see it from
20 where you are, but just perhaps at a break to take a look at
21 it. Yesterday we spoke about a letter, which I think you all
22 have in front of you now, had a little bit of -- I
23 miscommunicated with the Division, so I didn't get to do that
24 as soon as it got to the public, but I'll do better with that
25 next time.

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1 That map basically represents the Plumas National
2 Forest. And in speaking to forest orders, that is an area
3 that they're going to put together a forestwide forest order.
4 And so what that map is designed to do is to basically show
5 the body of evidence that when you look within each of those
6 yellow polygons, you'll see the user-created routes. And
7 then associated with that, along the edge they've given you
8 some representations of the type of resource issues or damage
9 that they're receiving that they feel puts together the body

10 of evidence in order to back up the emergency closure and the
11 forest order.

12 Now, going back to the letter that you have in front
13 of you, for clarification, for those units that cannot do a
14 whole entire forest, imagine just one yellow blob on that
15 map, that would be their hot spot. They would put a forest
16 order in that area because that's their area of problem, and
17 they would move on with the rest of their designation. So
18 when we talked yesterday about doing a whole forest or doing
19 a hot spot or a district, that map helps to spatially
20 represent what we were talking about.

21 The next thing I'd like to bring your attention to is
22 when I was before you last, you kind of got a yellow folder
23 that looked like this. It might jog your memory. I think I
24 was the last person of the day, and I tried to talk really
25 fast. And you gave me some ability to have flexibility with

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1 some funds that I had. And so as a result of that, we have
2 been working very hard to meet the accomplishments that we
3 wanted to with those funds, and one of which is this report
4 that you have in front of you. And it is just a sample; it's
5 not all-inclusive of our Law Enforcement Investigation
6 Management Attainment Reporting System, better known as -- as
7 LEIMARS. This is the system that for every violation notice,
8 warning notice, et cetera, that a -- a forest protection
9 officer or a law enforcement officer writes, it gets put into

10 a database. And then we have not only the ability to look at
11 things in a tabular format -- in a table, in other words, or
12 a spreadsheet, but we can start to look at things spatially.

13 So I'd like to have you just turn to the -- the --
14 basically the third page or the first map past the
15 Introduction. And -- and I'm just going to run you through a
16 couple of these really quickly. But this is just a depiction
17 for the fiscal year of 2005, and it gives you the dates. And
18 this is for OHV and OSV, and it gives you an idea of the
19 intensity of operation violations that occurred within a -- a
20 10 -- 10-square-mile area. It's a little bit hard to see on
21 a small map, so we have a little bit bigger one there. But
22 these are some of the things that we're starting to do with
23 our law enforcement statistics with the help of our LE0 staff
24 so that we can begin to then later look at trends.

25 When Rich Farrington was still with the Forest

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1 Service, we had a vision of having a law enforcement officer
2 in the regional office that would deal with the OHV. That's
3 really not going to come to fruition. But what we have been
4 able to work out with the LE0 staff is perhaps a group of
5 enforcement officers that would come together and do
6 enforcement in hot-spot areas to try and knock down some of
7 the trouble -- trouble areas or areas where there's a lot of
8 wilderness incursions, and then hopefully expand that out to

9 our partnerships with the counties and then also the Division
10 who has a host of law enforcement officers that would be able
11 to help us to start to control some of the law enforcement
12 illegal operation that's occurring on the forest.

13 So if you flip through to the next -- to the -- not
14 the next map, but the one after that, you'll see a map that
15 shows the forest, and then you'll see the county boundaries.
16 And that's just a depiction of -- of now with the forest and
17 the counties, so you can see, well, some of the counties --
18 or some of the forests are bisected by many counties. So it
19 shows you in which counties some of those citations within a
20 national forest are being issued.

21 Then if you turn to the middle of the book, you'll
22 see a map that says "Madera, Fresno, Mariposa," and it shows
23 the Sierra National Forest. This is a -- a representation --
24 there's a green bar -- I mean a blue bar and a red bar and a
25 bunch of dots. And what that does is show summer and winter

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1 violations -- not -- not the difference between OSV and OHV,
2 but just what's occurring in the summer months, what's
3 occurring in the winter months. And you have -- for each of
4 these, you have two years. You have 2005 and 2006. And as
5 you flip through further, you can look at -- we've broken
6 them down by the actual type of violation. You'll see
7 multi-colored dots. And there's a key in the front that
8 tells you, well, IRC585, well, what the heck does that mean?

9 Well, that means that it's OHV and wilderness. And it will
10 show you the dot where citations were issued. So these are
11 the types of things that we're starting to do with some of
12 the funding that you've given us to help us try and work
13 within the forest and our law enforcement community to get
14 better compliance with folks that are out there recreating.

15 COMMISSIONER THOMAS: This -- this is very
16 impressive.

17 MS. MICK: Thank you.

18 COMMISSIONER THOMAS: Thank you.

19 MS. MICK: And we have the ability do this for all of
20 the forests. We're working -- we're going to put on a
21 training with the -- the gentleman in LEO that actually
22 manages this database. We're going to put on an internal
23 training. Because if a field officer just has a \$200 GPS
24 unit and knows to put the right numbers in the right blocks,
25 we can give you all kinds of pictures on trends, hot spots,

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1 pretty much anything and everything you want either tabularly
2 or spatially as long as our officers fill out the right boxes
3 with the right codes. And that's something we're working on.
4 They've gotten much better, but they could -- there's still
5 room to grow there.

6 The other thing that we could do is, if the counties
7 chose to partner with us because they issue citations on --

8 on Forest Service land, if they were to fill out just a
9 one-line form of the type of violation and the number and
10 give it to us, we could also input that data so you could see
11 the difference between the citations issued by an FPO, an
12 LEO, a county officer, what kind, where are they, all of
13 that, and that could be pretty useful information as you
14 start to make determinations on where you want to focus --
15 focus dollars. So that's just an example of some of the
16 things that we're starting to do that's actually pretty
17 exciting.

18 Next I'm going to move to the wildlife studies. And
19 basically we have the four studies that we have had going for
20 quite a while. We have the Effects of OHV Use on American
21 Martin, and that study will conclude this fall. The
22 researcher will be issuing --

23 COMMISSIONER THOMAS: Just a second. Where -- where
24 is that?

25 MS. MICK: Diana -- Diana came a little bit late, and

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1 I only have one copy. I'll be sure to get you a copy of
2 this.

3 COMMISSIONER THOMAS: Okay.

4 MS. MICK: I don't have that for you. And --

5 COMMISSIONER THOMAS: Okay.

6 MS. MICK: -- when we have to have these in the
7 binder, then we'll be a lot better. So I apologize for that,
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8 but we're -- you know, with the field trip and route
9 designation and fires and whatnot, we're running a little bit
10 scattered right now.

11 At any rate, we -- the -- the American Martin Study
12 has been going on for -- for a while now. Dr. Bill Zalenski
13 will be concluding that this fall. The study that's going on
14 on the -- the Plumas by Jeff Dunk from Humboldt State and
15 Dr. John King will -- you'll see that as it comes through
16 this year, a request for funding. And I think that they're
17 going to -- that's for the Goshawk, by the way. I think that
18 concludes in 2008. Another study that you'll see come before
19 you is the Composition and Structure of Vertebrate
20 Assemblages. And then the third is, as Don Amador mentioned,
21 the Northern Spotted Owl Study, which is occurring on the
22 Mendocino and the Shasta-Trinity.

23 One of the things that you need to know about these
24 studies is that they are beginning to inform our management.
25 And the way that they're beginning to do that is that we're

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1 going to take some funding and, although the -- the research
2 studies are not complete, they have enough of a sample size,
3 and they're beginning to get enough of a picture that they
4 can give us some gross generalizations that will help us put
5 together some criteria to inform route designation in terms
6 of a wildlife analysis. So that's one of the things that

7 we've started to work on. And both the -- the Spotted Owl
8 Study and the Vertebrate Assemblage, which is basically a
9 study looking at prey-based species, we'll be able to do
10 that. And we won't be able to inform all of the 18 forests
11 on -- for route designation, but we'll be able to have that
12 criteria ready to inform the bulk of the pack. The Eldorado
13 is way out in front, and so a lot of what we're doing,
14 they're -- they're not going to benefit from, but most of the
15 forests will. So that's one of the ways that the studies are
16 going to benefit.

17 Then the last thing is that we're going to be doing
18 some -- some training this fall, and that has to do with some
19 fiscal accountability and also with some -- the law
20 enforcement, as I mentioned.

21 And with that, I think that's pretty much what I've
22 been doing.

23 CHAIR BRISSENDEN: Any questions from Commissioners?

24 MS. MICK: Any questions?

25 COMMISSIONER THOMAS: Yes, absolutely.

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1 First of all, thank you, this is good quality work.
2 And it's nice to see.

3 MS. MICK: Thank you.

4 COMMISSIONER THOMAS: Let's talk about law
5 enforcement because that's been my cause celeb for six years
6 now on the Commission.

7 MS. MICK: Uh-huh.

8 COMMISSIONER THOMAS: And -- and not particularly
9 successful in my efforts to increase the number of LEOs.

10 In the six years I've been a -- a lessee of the
11 national forest as a cabinet member of this Commission, I've
12 never seen an LEO in my -- in our track, period, for any
13 purpose. In the years that I've gone to the high country,
14 I've actually never seen a Forest Service employee except in
15 Miece Meadows five years ago. So -- and I've spent a lot of
16 time in that high country. It's been clear to us who use the
17 forest that the lack of LEOs and law enforcement personnel is
18 the critical weak link in a number of management systems, not
19 the least of which is the OHV area.

20 I've been encouraging for quite a while that the --
21 that the Forest come with a multiyear request similar to what
22 you did with route designation from the regions, and I asked
23 for a bulk of LEOs to be assigned in different forests as the
24 needs arise. Have you made any progress in that effort? And
25 if not, tell me why.

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1 MS. MICK: No, we have not made any progress in
2 hiring LEOs under that type of task force type of situation
3 particularly to deal with -- with OHV. The reason for that
4 is that the uncertainty of the funding. LEO is a stovepipe
5 organization, and they're unwilling to -- to hire an LEO is a

6 very costly and time-consuming process. Just the paperwork
7 alone is -- is -- is one issue. Then the other issue is that
8 you send an officer to -- I -- I think it's up to 12 or 16
9 weeks of academy time, even -- sometimes even if they come
10 from another organization, they still have to go through our
11 Forest Service Academy. So you invest all of that time, let
12 alone the vehicle, the equipment, all of that, you bring them
13 on, and then two years later the funding disappears and we
14 don't have the appropriated funding to cover the whole entire
15 position, we're -- we're stuck.

16 COMMISSIONER THOMAS: Well, we've signed a five-year
17 MOU with the National Forest -- with the region that provided
18 the basis of the Route Designation Program. We can sign
19 contracts for three years of funding within a single grant
20 year. So a -- a grant can be expended over a three-year
21 cycle. So three times five is fifteen years of funding.
22 What -- what is the minimum that your stovepipe organization
23 needs to -- to justify employing law enforcement officers?

24 MS. MICK: I don't know. But I can certainly get you
25 that answer. And I think that Marlene would have the ability

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1 to work with the Regional Forester and the LEO staff at a
2 regional and national level to get an answer that would
3 suffice for you. I think that --

4 COMMISSIONER THOMAS: Perhaps Marlene would want to
5 comment now.

6 MS. MICK: And maybe she -- and -- and she can, if
7 she'd -- if she'd like. But I think the main thing is, is
8 that if you remember for the MOI for route designation, there
9 is no guarantee of funding there. Yes, we all signed an
10 MOI -- that is, a Memorandum of Intent. So in the spirit of
11 things, if the money's there, everything -- all the other
12 stars line up, the -- the money would come. And we've been
13 very, very lucky to get the \$2 million per year, but it is
14 not a guarantee because we're -- we're competing in a
15 competitive process.

16 So I -- I think that the LEO staff would be more than
17 happy to have a discussion with you and any member
18 of the Commission that's in a -- a subcommittee fashion or
19 any other type of meeting you'd like -- you'd like to have
20 to -- to explore this.

21 COMMISSIONER THOMAS: Well, I -- one more, and then
22 I'm -- I'm done.

23 CHAIR BRISSENDEN: Okay. Because I think we need to
24 expand upon this at another time.

25 COMMISSIONER THOMAS: Well, but this -- thank you.

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1 And I -- and I -- and I'll end my comments in a moment.

2 But the -- the point perhaps is that our ability and
3 desire to fund the federal government to run an OHV Program
4 may cease if, in fact, you can't deliver en-route -- the

5 enforcement that accompanies route designation. In other
6 words, if we've spent \$8 million in route designations, we
7 have designated routes, but we've never seen a cop in -- in
8 the -- in the National Forest, and there's -- and everybody's
9 going crazy with -- with bikes, which they are currently
10 in -- in our area, then why should we fund the federal
11 government? Why not just fund the State?

12 MS. MICK: Well, I'd like to --

13 COMMISSIONER THOMAS: So that's my point.

14 MS. MICK: I -- I appreciate your concerns. And I'd
15 like to think that you're the exception, not the rule. And
16 it's a shame if you've been in, you know, the areas that you
17 have been in and you've not seen a Forest Service person --
18 person or officer. I mean I think that is -- that is a
19 shame. And we can certainly do better. But as I said, I --
20 I believe that we are willing to -- to work with you. I
21 think we have the same concerns and the same goals and
22 desires, it's just a matter of how do we get there. And --
23 and I think that, you -- you know that, and we're certainly
24 willing to talk about it.

25 MS. FINLEY: Yeah, I think Kathy's recommendation or

1 offer that funding --

2 CHAIR BRISSENDEN: Can you state your name, Marlene.

3 MS. FINLEY: Oh. My name's Marlene Finley, Director
4 of Recreation, Wilderness, and Heritage for the USDA Forest

5 Service.

6 I think Kathy's offer to get together with our head
7 of law enforcement for this region is a good way to go to
8 start -- I -- I -- I had some meetings and I also talked to
9 the national office about it, and I think there is some
10 interest at that level. So let's -- let's re-open that.
11 Because the timing's really good, as you say, on the heels of
12 looking forward.

13 COMMISSIONER THOMAS: Whatever you can do, we
14 welcome.

15 CHAIR BRISSENDEN: Commissioner Prizmich, you had
16 some questions?

17 (Multiple speakers.)

18 COMMISSIONER PRIZMICH: Without elaborating the point,
19 I mean that's the same issue with regard to law enforcement
20 that's been ongoing in the Plumas so badly to ensure that we
21 have the appropriate kind of law enforcement personnel out
22 there doing the job, and it's very difficult for them when
23 you don't know from one year to the next what your funding is
24 going to be. So it's not only for the federal guys, it's the
25 State guys. The local guys are -- have been screaming about

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1 this for some time. And the whole issue with regard to a
2 strike team for -- or a SWAT team for problem areas was --
3 and it's talked about here from the Law Enforcement Committee

4 for a number of years, and I think that that in a limited way
5 without making it negative, you know, can be real helpful,
6 especially from the federal people because they have the
7 individuals to move around more so than the locals do. And
8 it would be -- it would be -- if you've got a problem area --
9 and I'm bringing up Knoxville as a good example -- I mean
10 that's BLM --

11 MS. FINLEY: Yeah, that's BLM.

12 COMMISSIONER PRIZMICH: BLM.

13 MS. FINLEY: We have our --

14 COMMISSIONER PRIZMICH: Same issue. That -- that if
15 there are some -- some pressures to be brought to bear, it
16 can be more easily done with federal folks. But it all
17 depends on the proper ongoing funding that everybody depends
18 on.

19 MS. FINLEY: Well, I think there's a couple of
20 issues, just to be really brief, and that is that -- we
21 talked about it yesterday, and, you know, a larger
22 (unintelligible) going around the woods does not get
23 (unintelligible). I mean there's vegetation and other things
24 that would go along with it.

25 COMMISSIONER PRIZMICH: I -- I find that very

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1 comforting.

2 MS. FINLEY: I'm sure that you will. But I did
3 notice that you weren't wearing your sidearm today.

4 COMMISSIONER PRIZMICH: It's always with me.
5 (Multiple speakers.)

6 MS. MICK: I think that's -- there is a -- there is a
7 place for that. And so, Hal, just particularly for your --
8 your question, I would like to say that there was a time
9 where LEO was not -- that staff in general, not particularly
10 on any forest, but just in general, they were not as open to
11 these types of suggestions for their organization. And now
12 they are more open. And so we've made some huge in-roads
13 with this stuff working with them. They're starting to --
14 you know, there's nothing better than a picture to open their
15 eyes and show them, whoa, we've got a problem. And so this
16 is the beginning, just the very beginning. And so if we can
17 start with baby steps, do this kind of stuff, get a SWAT team
18 together, they'll hit some problems, they can see the
19 efficiency, the effectiveness, how it benefits them, how it
20 benefits all of us, I think then the -- the bigger issues
21 of -- of bringing more people on, other officers will come as
22 well.

23 CHAIR BRISSENDEN: Commissioner Spittler, then I'll go
24 to Gary.
25 Are you there?

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1 COMMISSIONER SPITLER: Yeah.
2 I just have a couple of questions. On the route

3 designation, there's just a memo from the Regional Forester
4 (unintelligible), and I noticed that the report from the
5 Forester that came back today, and I was just wondering if
6 you were going to provide a report to the Commission on the
7 (unintelligible) implementation.

8 MS. MICK: I'm not sure I understand your question.
9 You mean today or in the future?

10 COMMISSIONER SPITLER: In the future.

11 MS. MICK: Oh, absolutely. And yeah, we've already
12 gotten a couple of responses back. Although several of them
13 were good, and some of them were -- weren't up to the
14 standard that I prefer. And so there has been at least a
15 response. But yeah, absolutely, there are questions in that
16 memo that the Regional Forester has asked (unintelligible)
17 forest supervisors. And he intends to have answers to those.
18 And I'd be more than happy to share the results of that with
19 you in terms of what each forest is doing to guard against
20 resource damages and to take care of those problems.

21 CHAIR BRISSENDEN: You had to (unintelligible).

22 COMMISSIONER SPITLER: Second question is, I'm
23 looking here at the Waldheim OHV budget that we just
24 received, and I guess my question is, from what I've heard in
25 the past, the Mendocino National Forest is a pretty popular

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1 important forest for OHV recreation. Is that right?

2 MS. MICK: Very popular area, yes.
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3 COMMISSIONER SPITLER: I'm just wondering why the
4 Forest Service is only appropriating \$134,000 to manage that
5 forest, if that number on the Waldheim budget is indeed
6 correct.

7 (Multiple speakers.)

8 MS. MICK: Great. Thanks. Yeah, I don't know -- I
9 mean I -- yeah --

10 CHAIR BRISSENDEN: Before we get into too much
11 detail --

12 MS. MICK: I don't know. I mean Ed just gave this
13 (unintelligible), and I don't know that these numbers are
14 right. And -- and I appreciate all the good work that --
15 that Mr. Waldheim has done. But I think we've gone on the
16 record before stating that, you know, we appreciate the
17 Waldheim budget and that we're more than happy to work with
18 Ed to standardize the form so that all our responses
19 (unintelligible) in the same way and that there's
20 standardization, because we know for a fact that that has not
21 occurred. And so I don't know that I can trust these
22 numbers. But in terms of the forest budget, I'll go ahead
23 and let Marlene deal with that more specifically on that
24 question in terms of the Mendocino.

25 MS. FINLEY: Sure.

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1 CHAIR BRISSENDEN: Before you turn that over --

2 before you turn that over, do you want specificity on this?
3 Commissioner Willard has a question on -- in general.

4 COMMISSIONER WILLARD: Well, it's a specific
5 question.

6 COMMISSIONER SPITLER: I have other questions.

7 CHAIR BRISSENDEN: You have other questions. Okay.
8 So let's continue with Commissioner Spitler, then.

9 MS. MICK: Okay. Did you need specificity from
10 Marlene on that budget question about the (unintelligible)?

11 CHAIR BRISSENDEN: I think you've answered it.

12 MS. MICK: Okay.

13 COMMISSIONER SPITLER: My -- my question is regarding
14 the route designation, the -- I'm assuming that the Forest
15 Service is still on track to complete the route designation
16 process by 2008.

17 MS. MICK: That's correct.

18 COMMISSIONER SPITLER: So my question is, do you have
19 any sense now or, if not, when do you think you will have a
20 sense as to your estimated funding needs for restoration to
21 restore routes that are permanently closed through the Route
22 Designation process?

23 MS. MICK: As I mentioned in the conversation with
24 Chair Brissenden yesterday, that question's a little bit
25 hard -- hard to answer. But what we're doing is we're

2 designation we're looking at the definition of "motorized
3 route." When that decision was made, both regionally and
4 nationally, it -- it keeps the focus where the focus needs to
5 be. However, it's not a surprise or a secret that the
6 inventory came up with all kinds of routes, not all of which
7 are used by motorized vehicles. So once the designations are
8 made, there will be this body of routes sitting there that
9 are not open for motorized use, and we're going to have to go
10 through some type of process as to why we've asked the
11 non-motorized community to get on board during this whole
12 motorized process and so that they can identify for us, well,
13 this is my favorite hiking trail, mountain biking trail,
14 et cetera, so we know which ones are their favorites. And we
15 can look at the potential for adding those to our system,
16 look at our admin needs and then try and put our pool of
17 routes that will just not be used at all by any recreation or
18 administrative needs at all and then put those together in
19 some type of -- of plan or strategy to start removing those
20 from the landscape.

21 But in terms of numbers or time lines or anything, I
22 can't give you that today, but every day we get closer to
23 being able to provide you with that type of information.

24 COMMISSIONER SPITLER: Thank you.

25 CHAIR BRISSENDEN: Does that satisfy you? Probably

1 not.

2 COMMISSIONER SPITLER: No. But you answered the
3 question.

4 MS. MICK: Well, let's use Bellview as an example.
5 Bellview first --

6 COMMISSIONER SPITLER: That's fine. I understand
7 your answer.

8 MS. MICK: Okay.

9 CHAIR BRISSENDEN: You know, we didn't have a
10 discussion as to Paul (unintelligible). And I said you need
11 to prepare now in terms of budget cycles for the anticipated
12 expenditures --

13 MS. MICK: Absolutely. And it's in our -- you know,
14 it's on our radar screen very high and bleeping loud. But
15 just can't give definitive answers yet.

16 CHAIR BRISSENDEN: Well, my estimate was one day in
17 the Iraqi War. A billion dollars would probably take care of
18 it, right?

19 COMMISSIONER WILLARD: I've got a -- sort of a
20 specific situation that I'm aware of and it leads to a
21 question and a concern. With jurisdictional use, there is a
22 trail in Alpine County that's called the Slick Rock Trail
23 that leads from Alpine to Union and (unintelligible) Forest.
24 And apparently Alpine County believes that it's their
25 right-of-way, and U.S. Forest Service has been assigning it

1 off and on over the years. It's a very popular trail that's
2 used by motorcycles, quads, off-road vehicles, street-legal
3 vehicles. I happen to ride my mountain bike on it. It's
4 pretty gnarly to get all the way through it. Apparently this
5 has been going on for a long time. Signs get posted and then
6 they come down. And I think there's a lot of confusion with
7 the public. And I'm just wondering if this is just an
8 isolated instance, if this happens throughout your system,
9 and -- and how much confusion, problems this creates for the
10 public.

11 MS. MICK: I'm not particularly familiar with that
12 trail, although I suspect I'll become more familiar
13 (unintelligible) off line about this specifically as to where
14 that is. Yeah, we could get an answer for that. I mean
15 we -- we know whether a trail or a road is ours. Sometimes
16 we're a little confused and we have to do a little more work.
17 There are some isolated cases, and I think this is one of
18 them, where the records aren't as good as they should be, and
19 so -- the Rubicon is a perfect example. That went back and
20 forth for a while before we all decided to let the county
21 have it and it could be their road.

22 But it happens occasionally. I'd like to think it's
23 an exception, not the rule. And it is a little bit
24 perplexing that we would put up signs and take down signs and
25 put up signs because we usually don't put up signs unless

1 something is ours. But I can certainly look into it for you.

2 COMMISSIONER WILLARD: Thank you.

3 CHAIR BRISSENDEN: There's a history of political
4 acquisitions of public roads in Alpine County.

5 COMMISSIONER WILLARD: Yeah. Well, that's what I'm
6 trying to get a handle on.

7 MS. MICK: And if this is a trail, a road -- trails
8 are a lot easier. Roads get a little bit confusing. But I
9 (unintelligible) doing road manager, and I can find out for
10 you.

11 CHAIR BRISSENDEN: Other questions?

12 COMMISSIONER THOMAS: Yes.

13 This year I asked the Eldorado National Forest what
14 they're recreation budget was going to consist of and if they
15 were going (unintelligible) familiar with and was going to
16 apply for restoration funds. And they told me, in fact, "No,
17 we're not going to do that. We're waiting for route
18 designation to conclude," which means restoration would be
19 pushed out to 2009, which there seems to be no logic to
20 waiting. If something is clearly inappropriate inside of a
21 non-roaded area, down the side of a mountain, assumed in a
22 creek, what -- is there a direction from Region not to apply
23 for restoration money?

24 MS. MICK: Absolutely not. As a matter of fact, the
25 Regional Forester asked the question to each of the 18

1 National Forests (unintelligible) and California portions of
2 (unintelligible) exactly how much they -- how much
3 restoration that they were intending to apply for this year
4 and wanted specific answers. And further, that if you look
5 at the Step II Clarification letter, I think it's very clear
6 in that letter, at least it's clear to us in the Regional
7 Office and has been made pretty clear to the, you know,
8 public, although sometimes it takes some of them longer to
9 catch on than others, but it's very clear that the Regional
10 Forester is concerned about resource damage and that outside
11 of route designation, if they have a problem, they need to
12 address it, period. And if that was closure, then that's
13 what they need to do. If it's -- if it includes recreation,
14 that's what they need to do. And that has been the
15 direction.

16 COMMISSIONER THOMAS: In your answers that you
17 received from the Eldorado, did you get any -- do you have
18 any information, and are they, in fact, applying for any
19 restoration on the Placerville District or on the Amador
20 District?

21 MS. MICK: I do not have that piece of paper with me
22 today. And I apologize for my memory being faulty, but I
23 can't tell you -- I know that not everyone has responded to
24 that question yet. And I don't have the numbers with me
25 today to know the answer to that question.

1 COMMISSIONER THOMAS: Well, I would hate to have been
2 here eight years and never seen a single illegal trail
3 removed or a trail designated legally. Is there anything I
4 can do at this stage other than continuing to ask questions
5 to encourage you to get those answers?

6 MS. MICK: No, I'll be happy to get these answers.
7 And -- and if you have a particular trail -- if you have a
8 particular trail in -- in mind -- I mean the Region applies
9 for restoration (unintelligible) applied for, I don't have a
10 figure with me today. But if it's funding that you're
11 asking, if you have a particular concern about a trail that
12 in your mind is a (unintelligible) and you believe it should
13 either be closed or restored, then I'd be happy to research
14 that for you and get you an answer and not have to wait until
15 the next Commission meeting. I'll e-mail that to you.

16 COMMISSIONER THOMAS: Sure. I -- I think what I'm
17 saying is that maybe the directions that you're giving from
18 the top are not getting all the way to the bottom where the
19 applications are prepared. And if that's the case, I'm --
20 I'm also asking is there anything we can do or you can do
21 to -- to increase the productivity so that we can fully spend
22 those allocations.

23 DEPUTY DIRECTOR GREENE: Commissioner Thomas --

24 MS. FINLEY: Yeah.

25 DEPUTY DIRECTOR GREENE: Kathy, if I may.

1 I believe that the Eldorado has applied for
2 restoration funds this year, so --
3 MS. MICK: I think he's -- he's asking about the
4 Placerville District. And so --
5 (Multiple speakers.)
6 MS. MICK: They did?
7 DEPUTY DIRECTOR GREENE: They did.
8 MS. MICK: Okay.
9 DEPUTY DIRECTOR GREENE: So we have --
10 MS. FINLEY: (Unintelligible) in regards to the
11 Amador District, we were speaking with the Amador Ranger
12 District staff. They specifically have not applied as last
13 year they received quite a significant amount of funding for
14 restoration (unintelligible) --
15 COMMISSIONER THOMAS: Amador, no?
16 MS. FINLEY: Right.
17 DEPUTY DIRECTOR GREENE: Right.
18 MS. FINLEY: So Placerville has.
19 DEPUTY DIRECTOR GREENE: Okay.
20 MS. FINLEY: They do have applications in, yes.
21 COMMISSIONER THOMAS: Okay. Great.
22 DEPUTY DIRECTOR GREENE: And I think that Karen
23 Schambach has actually been working quite heavily with the
24 Eldorado to encourage them to apply for restoration as well
25 as many other forests.

1 COMMISSIONER THOMAS: That's the Georgetown District.

2 MS. MICK: Yeah. And -- and we continue to -- to
3 beat the drum slowly for folks to -- to take care of their
4 resource issues. And if Marlene needs to have a discussion
5 with the Regional Forester, and -- and he can speak to his --
6 his forest supervisors, then we can certainly do that as well
7 and apply more pressure.

8 COMMISSIONER THOMAS: Okay. Thank you.

9 MS. FINLEY: Yeah. I -- to be more specific, our
10 Deputy Regional Forester Tom Tidwell has told the Forest
11 we're not leaving any restoration money on the table, and he
12 said to apply for restoration grants, and he made that really
13 clear. And that's why we sent the letter out and said, "Tell
14 us what you need," and that's why we put it in our regional
15 application as well.

16 COMMISSIONER THOMAS: Thank you.

17 CHAIR BRISSENDEN: Mr. Tidwell was on the tour all
18 day yesterday, so thank him for that as well.

19 Are there other questions of Ms. Mick?

20 Judith, was that -- no.

21 I just have a general comment. I know that you're
22 facing huge challenges with this particular Administration
23 and introduction of LEOs from 990 to 550 in the last four
24 years across the country. So that's not a statement -- it
25 seems to be encouraging out of this particular

1 Administration. And I know that the Chief is certainly
2 behind route designation, but he's going to have to raise the
3 big flag for budget concerns up that stovepipe to make
4 certain that there are funds on the ground; otherwise, it's
5 hypocrisy at its worst.

6 VICE-CHAIR ANDERSON: Actually, I'm sorry, I do have
7 one question.

8 CHAIR BRISSENDEN: Judith.

9 VICE-CHAIR ANDERSON: Yeah, I'm -- I'm looking at one
10 of your maps, and I'm -- this is anamoloth [sic] -- I'm using
11 the wrong word. I want you to address the anomaly on -- is
12 this because of the assignment of -- of Forest Service
13 officers to the Imperial Sand Dunes that we have non-forest
14 locations mapped on here as intensity of operation violation?

15 MS. MICK: It -- well, we actually did some research
16 on that, and I think -- I believe that that -- that area,
17 yes, was because Forester Service officer do go down to that
18 area, and someone entered that into our database and -- and
19 shouldn't because it's not a Forest Service area. But what
20 we didn't show you is there were many dots out in the ocean
21 and over in Nevada, and that's simply a function of people
22 either not --

23 (Multiple speakers.)

24 MS. MICK: -- of not reading --

25 VICE-CHAIR ANDERSON: The wrong numbers and

1 coordi nates?

2 MS. MICK: -- of -- of putting the wrong number on
3 the ticket --

4 (Mul ti ple speakers.)

5 CHAIR BRI SSENDEN: Comprehensive enforcement, I'd
6 say.

7 (Mul ti ple speakers.)

8 MS. MICK: -- or putting the wrong number in the
9 database or, you know, some other type of -- of error. And
10 that's some of the stuff that we're going to be training on
11 to try and --

12 VICE-CHAIR ANDERSON: Well, that's what I was
13 wonderi ng --

14 (Mul ti ple speakers.)

15 MS. MICK: -- tighten up.

16 VICE-CHAIR ANDERSON: -- if these were -- if these
17 were just data entries errors or if this was because the
18 officer had logged in citations in the -- in the dunes, I
19 can -- I can understand --

20 MS. MICK: That did occur, yes.

21 VICE-CHAIR ANDERSON: Thank you.

22 MS. MICK: You're wel come.

23 CHAIR BRI SSENDEN: Questi on for hunger. Shoul d we
24 conti nue wi th Marlene and maybe Marlene can be brief and we
25 can then break for lunch, or do you think you have a fair ly

1 lengthy presentation?

2 MS. FINLEY: I probably have 10 to 15 minutes.

3 CHAIR BRISSENDEN: Pleasure of the Commission?

4 (Multiple speakers.)

5 CHAIR BRISSENDEN: You have to be somewhere at 2:00?

6 MS. FINLEY: Yes. After lunch will work for me.

7 CHAIR BRISSENDEN: Okay. So we're at about 12:20
8 right now. So if we can be back here at 1:15? Is that --
9 everybody comfortable with that?

10 Okay. Thank you.

11 (Lunch recess.)

12 MS. STALLCOP: Come to order.

13 How's that?

14 CHAIR BRISSENDEN: That's good.

15 MS. FINLEY: Hi. My name's Marlene Finley. I'm the
16 Director of Recreation Wilderness and Heritage for the USDA
17 Forest Service here in the Pacific Southwest Region. I -- I
18 just had a few things to add to our Federal Report for the
19 Forest Service today, one of which is a little bit of
20 information on a recent fire down on the Cleveland National
21 Forest that consumed about 70 -- over 75 percent of the
22 Corral Canyon OHV area. So I have a little slide show to
23 give you an idea. And why I -- I bring this up is just a
24 point that -- to make about being adaptable and having some
25 contingency or emergency funds or some way that we can

1 quickly restore and get back to providing an opportunity
2 that's in high demand.

3 So this is -- this is -- this was a horse fire. It
4 occurred the end of July, just a short time ago. It -- it --
5 it consumed over 16,000 acres, you can see there, including
6 two wilderness areas right adjacent very close to the OHV
7 area Corral Canyon. There's a little bit more information
8 about it. Twenty-two miles of OHV routes are -- are located
9 within the Corral Canyon OHV area and right alongside the
10 wilderness.

11 CHAIR BRISSENDEN: We have this handout.

12 MS. FINLEY: Right.

13 CHAIR BRISSENDEN: Okay.

14 MS. FINLEY: I -- I thought that the public might
15 also want to see a little bit about it.

16 CHAIR BRISSENDEN: Never mind.

17 MS. FINLEY: I'll go through it quickly.

18 So it's only 40 minutes from downtown San Diego.
19 That's a little map that shows the area. The Commissioners
20 have this package. And I have some before and after
21 photographs. As -- when this fire occurred, the Cleveland
22 National Forest was preparing their grant application, and
23 they had gone out and taken photographs in preparation for
24 their grant application. So that's the before pictured.
25 Then the fire happened while they were preparing their

1 package, and you can see the after.

2 Another example.

3 And here's an adopted area. The San Diego
4 Four-wheelers helped on this particular trail at Bronco Peak.
5 Some additional photographs. And you can just flip through
6 the rest of these. It's the before and after photos.

7 So two things that I wanted to bring up: One is
8 that, you know, what contingency, emergency plans -- we get
9 Burn Area Emergency Recovery money from -- that's
10 appropriated dollars. The Regional Forester can allocate or
11 approve up to a half a million dollars, but that -- that will
12 take care of some of the re-vegetation project and erosion
13 control, but what we need is over 22 miles of fencing to
14 protect the resources and allow use to continue on those
15 trails and to reconstruct some of the trails. That was used,
16 and a dozer went through -- we took dozers in order to create
17 a fire line.

18 So the -- we asked the Washington office to provide
19 another \$450,000. And yesterday while we were on our field
20 trip, we learned that they denied that. But the Chief's
21 office said that if we could get matching funds, they'd be
22 willing to do a challenge cost share. And already some of
23 our partners -- I note Don Amador's looking for partners.
24 We've had a lot of volunteer people step forward. So we're
25 putting a package together. And I just wanted to -- to plant

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1 the seed that, you know, support from -- from the Commission
2 and the Division in the form of emergency and contingency
3 funds would be helpful, and also to think about this as a
4 strategic plan. A Division Statement's being developed, the
5 Strategic Plan that the Division and the Commission are
6 working on to think about what are the -- what are the
7 contingency plans and have that within the Strategic Plan,
8 because these things do happen, and this is an area of need.
9 So that's just a little bit about the Corral Canyon fire.

10 Next, I wanted to talk a little bit about route
11 designation and how much we appreciate the support from the
12 Division and the Commission for our route designation effort.
13 The next 12 to 18 months are critical. If we're going to get
14 route designation done and meet our commitments, and we will,
15 now's the time. All the forests are working very hard.
16 We've brought in some of the best and the brightest people in
17 the country. We have presidential fellows that we've been
18 recruiting. Tony Scardina, for example. Many of you met
19 Tony yesterday. We have another PMF that's going to be
20 working on the Stanislaus National Forest. She's a Ph.D.
21 candidate from the University of Montana, and she'll be
22 leading the route designation effort on that forest, as well
23 as many others. But what we -- we've set this priority;
24 we're meeting our commitments to you. And we need to make
25 sure that we're sensitive to this commitment, because there's

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1 a lot of other demands right now on these same people's time,
2 whether it's -- we have the fiscal audits, all of which are
3 very important. These site visits. We have -- we have the
4 grant application process. We have all these needs that keep
5 coming up, and we've got to keep focused on route
6 designation, and that's what we're working towards. So if we
7 can just be sensitive to this being our commitment and this
8 being our number-one priority right now is getting through
9 route designation and then managing our system and restoring
10 those areas that aren't designated. This needs to be our
11 priority at this time.

12 And then the -- along with that, we have some -- I
13 have some recommendations, some things that we've noticed as
14 we've done our site -- the first site review that took place
15 on the Mendocino. One of the things that's come up is, what
16 happens when you have an agency or -- or body applies for a
17 grant and only gets partial funding, and there's the
18 requirement for the WHPP and the HMP. And it doesn't make
19 sense if you get 10 percent of the funding to do 100 percent
20 of the WHPP and the HMP and only -- when you're only funded
21 for 10 percent of a project. And I can go into more detail,
22 but I just wanted to bring this up that there may be
23 opportunities or solutions to streamline some of this process
24 or go back and look at what truly the project is based on the
25 funding that's received. So that's one area that I think we

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1 could improve upon working together is when we get partial
2 funding.

3 The other thing is this 100 percent audit. We -- in
4 the federal government of what -- you know, we work a lot, we
5 have -- we do a lot of audits, we do a lot of performance
6 reviews. It's a big emphasis right now and has been
7 especially with our Special Use Permits and other programs.
8 Generally accepted accounting procedures do -- typically do
9 not require 100 percent audit. It's much -- it's just as
10 effective to do a sample audit. And I think that would help
11 tremendously if we consider a future sample -- representative
12 sample audits, because that's what most auditors are familiar
13 with, and that's worked in -- in practice. So something else
14 to consider.

15 And along with that, also, the -- I think it's very
16 important the accountability. The things we're learning
17 through the audits that are being conducted, the improvements
18 that we're making working together in our recordkeeping so
19 that it's a smoother process, I think we could do the same
20 with these site visits or performance reviews. And we have
21 some ideas on that. And I appreciate the Division working
22 with us on that as we go along and learn in order to meet the
23 objectives.

24 And so -- and just in closing, I want to say how much
25 we appreciate the field visit yesterday, and we look forward

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1 to more in the future. And there's nothing like getting out
2 on the ground and -- because that's where the real work
3 happens.

4 So thank you.

5 CHAIR BRISSENDEN: Thank you.

6 Any Commissioners have questions of Marlene?

7 I do have one. We had an informal discussion and
8 there was some suggestions with regards to the -- the slide
9 show you had on the fire in terms of fencing. You need half
10 a million dollars and 22 miles of fencing to make certain
11 this restores itself?

12 MS. FINLEY: What -- what -- is there a question?

13 CHAIR BRISSENDEN: Well, the question -- Rick was
14 suggesting FEMA yesterday. Was there any further --

15 MS. FINLEY: I followed up on the FEMA. The only
16 time we get FEMA or other agencies get FEMA funding on fires
17 is when -- you have to actually call when a building is on
18 fire. We had an Office of Inspector General that -- comes
19 from the Office of Inspector General, and so we rarely if
20 ever get FEMA dollars for fires.

21 CHAIR BRISSENDEN: Okay. And thanks, Tom, for
22 looking into that half a million dollars that you have.
23 Yeah.

24 MS. FINLEY: Thank you.

25

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COMMISSIONER WILLARD: Chair?

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1 CHAIR BRISSENDEN: Yes, Commissioner Willard.

2 COMMISSIONER WILLARD: Point out, when there's
3 partial funding and the WHPP and the HMP, and I guess this
4 question's more to staff on how we might be able to deal with
5 that, so that if there is a partial funding, we don't have to
6 then do the complete, you know, WHPP and HMP procedure. Is
7 there some way that they could be modified?

8 DEPUTY DIRECTOR GREENE: I think that's a good point,
9 Commissioner. I think we have to go back and look at -- in
10 the statute. It's the same as the audits, because we're
11 mandated in the audits to -- for that accountability of 100
12 percent audit. So I certainly would welcome any changes to
13 that statute. And hopefully this next year we may be able to
14 even find that. I think that the difficulty when it comes to
15 the WHPP and HMP is the idea that you're looking at a project
16 area. And so as you have that entire project area, that even
17 though you may only get funding for a portion of that area,
18 you are still required by that statute to do the monitoring
19 on the entire project. So, again, until we can look at
20 perhaps mechanisms to change that -- but certainly we'd be
21 welcome to -- to that dialogue.

22 MS. FINLEY: When we get partial funding, we do a
23 reduced project, and that's often a reduced area. So I think
24 there are opportunities for streamlining. And I realize it's

25 by statute, both with the 100 percent -- the audits and also

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1 with this.

2 CHAIR BRISSENDEN: Commissioner Prizmich.

3 COMMISSIONER PRIZMICH: I don't know if -- if it
4 would make any difference. I guess this is just a
5 philosophical question that -- put it out there, if a request
6 from the county of origin where the fire took place to FEMA
7 would make any difference versus the federal government
8 making the request to itself. I don't know if that has
9 any -- any greater --

10 CHAIR BRISSENDEN: That's a good suggestion.

11 COMMISSIONER PRIZMICH: -- bearing on it.

12 COMMISSIONER THOMAS: It may be something you should
13 explore.

14 MS. FINLEY: Uh-huh. Thank you. That's what we're
15 looking for resolutions, so any ideas, yeah.

16 COMMISSIONER McMILLIN: I would be happy to help you
17 with the County of San Diego.

18 MS. FINLEY: Great. Thanks.

19 COMMISSIONER McMILLIN: I'm assuming that's where we
20 are, and I apologize for being late.

21 MS. MICK: Yeah, you just missed the slide show. You
22 have the packet still.

23 COMMISSIONER PRIZMICH: Yeah, I -- I tend to think

24 that -- that FEMA looks a little bit more favorably on -- on
25 who is asking. And if it's a -- even county the size of

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1 San Diego, it may be looked on a little bit more favorably.
2 Just a suggestion.

3 CHAIR BRISSENDEN: Okay. Thank you.

4 MS. FINLEY: Thank you.

5 CHAIR BRISSENDEN: Any further questions?

6 Or, Kathy, do you have anything further on your
7 report? No?

8 DEPUTY DIRECTOR GREENE: Marlene, just as a follow-up
9 on that, I know a couple years ago when the Cleveland also
10 burned, we did "Give it a Break," "Give it a Rest" ad --
11 remember that campaign? Maybe we could look at doing
12 something along those lines again in terms of the outreach.

13 MS. FINLEY: Great. We'll -- we'll also be
14 requesting to maybe modify the Cleveland's grant application,
15 do some shifts from O&M to restoration or something like
16 that. I don't know how that works, but we might want to
17 do -- make some changes, if that's possible, to take care of
18 the (unintelligible).

19 Thanks.

20 CHAIR BRISSENDEN: Ms. Mick.

21 MS. MICK: Yeah, just to -- to further clarify what
22 Marlene was just saying in there is that during -- during the
23 fire, the Cleveland was in the process of putting their

24 application together. And -- and because of the regulations,
25 they -- they had to submit it as they intended, which is

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1 fine, but just to have some acknowledgment that they're
2 going -- their -- their application is going to come before
3 you and it's going to be for O&M and various things that
4 they're obviously -- that's not their high priority now. And
5 so -- I don't -- I'm not quite sure what the procedure is,
6 but perhaps -- you know, we'll have to work with the Division
7 to figure out how we morph that and modify it, whether it has
8 to come back to you as some kind of project scope amendment
9 so that -- they -- they -- they turned it in so that they
10 could be on time, meet all the -- all the -- the compliance
11 parts of it, but knowing that the money wouldn't be spent as
12 it's intended or they -- that wouldn't be their desire. So
13 how do we morph and change that? And so we'll need to figure
14 that out to be able to help them to the best of their
15 ability.

16 CHAIR BRISSENDEN: I think that's Marlene's
17 suggestion about a contingency --

18 MS. MICK: Yeah.

19 CHAIR BRISSENDEN: -- part of our strategic
20 planning, but --

21 MS. MICK: Yeah.

22 CHAIR BRISSENDEN: -- maybe in the interim there

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23 could be some sort of asterisk --
24 (Multiple speakers.)
25 MS. MICK: Right.

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1 CHAIR BRISSENDEN: -- applied.

2 MS. MICK: Because it would kind of -- I mean it's
3 going to be a waste of the Division's time to grade an
4 application that isn't now going to be -- the desire isn't to
5 be spent the way that they -- they turned it in. So I don't
6 know how to fix that, but there must be a way.

7 CHAIR BRISSENDEN: Due consideration, obviously, by
8 staff. Thanks.

9 Moving on, given that I've heard from a couple of
10 Commissioners that would like to see this end by between 4:00
11 and 4:30, I think we need to strike a couple of discussions
12 from this afternoon's session. So I think, given what I
13 heard from Deputy Director Greene earlier, we might be able
14 to assign the -- unless there's real interest in discussing
15 the audit response, we could probably assign that to Division
16 Chief Jenkins and myself to make that response. And if other
17 Commissioners want to chime in, I could -- we could take that
18 in -- off line. But do I have any objections to sending
19 that --

20 VICE-CHAIR ANDERSON: Do you want a motion?

21 CHAIR BRISSENDEN: That might be healthy.

22 VICE-CHAIR ANDERSON: Okay.

23 COMMI SSI ONER THOMAS: So moved.
24 CHAIR BRI SSENDEN: It' s been moved.
25 COMMI SSI ONER PRI ZMI CH: Second.

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1 CHAIR BRI SSENDEN: Second by Commi ssi oner Pri zmi ch.
2 All those in favor?
3 (Commi ssi oners voted.)
4 CHAIR BRI SSENDEN: Any opposed?
5 (No audi bl e response.)
6 CHAIR BRI SSENDEN: Thank you.
7 I think I would also, in l ight of time consi derati on,
8 perhaps postpone the in-lieu fund di scussi on, barring any
9 concern or --
10 COMMI SSI ONER THOMAS: I' ll make a moti on.
11 COMMI SSI ONER PRI ZMI CH: I' ll second that moti on.
12 VICE-CHAIR ANDERSON: You' re going to defer that --
13 CHAIR BRI SSENDEN: Defer that to another meeting,
14 un less you had some real jui cy stuff to --
15 DEPUTY DIRECTOR GREENE: Not at all. I may have two
16 qui ck poi nts when you' re -- when you' re fi ni shed here.
17 CHAIR BRI SSENDEN: Okay. So it' s been moved and
18 seconded.
19 Your two qui ck poi nts wi th regard to that?
20 DEPUTY DIRECTOR GREENE: My two qui ck poi nts: One,
21 j ust apropos of j ust an FYI: Ri ght now there i s a fi re

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22 burning. It's moved from the Sespe Wilderness of the
23 Los Padres; it's moving towards Hungry Valley SVRA. Just so
24 you know, over the weekend, our staff is on alert for
25 evacuation within 20 minutes. So we're hoping it's not going

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1 to be coming into the park.

2 And then just another FYI, which is this week the
3 Division moved from their internet server from GroupWise over
4 to Microsoft Outlook. It has not been an easy transition.
5 It continues to be. So just -- if you're trying to reach any
6 of us at the Division, we're hoping to have it worked out by
7 the middle of next week, if not before then. But please be
8 patient because e-mails, Blackberry, it's all just chaos
9 right now.

10 CHAIR BRISSENDEN: Pens and phones.

11 DEPUTY DIRECTOR GREENE: Absolutely.

12 CHAIR BRISSENDEN: Yeah.

13 VICE-CHAIR ANDERSON: In -- in -- in line with that
14 and -- and a request from a member of the public for, first
15 of all, e-mails for -- to be able to reach Commissioners,
16 might you also look into setting up an alias for
17 Commissioners on your web site?

18 DEPUTY DIRECTOR GREENE: You mean in terms of if
19 members of the public are trying to reach the Commission?

20 VICE-CHAIR ANDERSON: Yes.

21 DEPUTY DIRECTOR GREENE: They typically do that,
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22 Commissioner Anderson, through the OHV Info, and then from
23 there we will push that on -- move that on -- forward it on
24 to each of the individual Commission members if, in fact,
25 it's come in for a particular Commission member. As

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1 always -- and we had had the discussion a couple of years ago
2 that it wasn't appropriate unless it's okay with you to give
3 out individual e-mail addresses.

4 VICE-CHAIR ANDERSON: I -- I understand. And I'd
5 like to continue to be able to handle my own personally. But
6 if there was -- as long as the public then understands that
7 they can reach each of us with a question --

8 DEPUTY DIRECTOR GREENE: And I believe that there --

9 VICE-CHAIR ANDERSON: -- by e-mail.

10 DEPUTY DIRECTOR GREENE: -- actually was a dedicated
11 site -- Aaron's not here right now. I believe there's a
12 dedicated link actually on there to the Commission.

13 VICE-CHAIR ANDERSON: Okay. A sheet explaining this
14 might be appropriate for the public --

15 DEPUTY DIRECTOR GREENE: Of course.

16 VICE-CHAIR ANDERSON: -- with those procedures on it.
17 Thank you. That's it.

18 CHAIR BRISSENDEN: And I still have a motion and a
19 second on the floor with regards to responding to the
20 in-lieu.

21 OHV mins 9-8-06
All those in favor?
22 (Commissioners voted.)
23 CHAIR BRISSENDEN: Opposed?
24 (No audible response.)
25 CHAIR BRISSENDEN: Just a follow-on to communication

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1 issues, I've asked Division staff to create a fairly generic
2 response letter to all these letters that we've been getting
3 in our mailings that will come from the Chair just to say,
4 "Thank you. We'll attach it to the appropriate grant." If
5 it's -- it's more in depth, we may bring it before the
6 Commission for Commission response. But if anyone has a
7 problem with that, talk to me after the meeting.

8 So moving forward, we have Commission committee
9 reports, law enforcement report, citation versus context.

10 Commissioner Prizmich.

11 COMMISSIONER PRIZMICH: Yeah, I can help your agenda
12 out. I'm not prepared to -- to move forward with a report on
13 this --

14 CHAIR BRISSENDEN: Okay.

15 COMMISSIONER PRIZMICH: -- this matter. It's -- as
16 you might imagine, it's quite complex. If you don't imagine
17 that, let me tell you, it's quite complex. And --

18 CHAIR BRISSENDEN: We had -- saw the complexity just
19 moments ago with their report from the Forest Service.

20 COMMISSIONER PRIZMICH: Yeah, that's only a portion
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21 of it. But it is a complex question. And -- and we have had
22 one committee meeting on August 23rd relative to this, and
23 other components to law enforcement. And I look forward to
24 the future of when I have enough time to sit down and -- and
25 provide you a written response.

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1 CHAIR BRISSENDEN: That's three months off, right?
2 I understand that your future opens up broadly with
3 retirement.

4 COMMISSIONER PRIZMICH: Perhaps. Perhaps.

5 CHAIR BRISSENDEN: Perhaps.

6 COMMISSIONER THOMAS: What -- what is the issue?
7 What is -- I didn't -- I wasn't aware of the issue that --
8 that you're considering.

9 COMMISSIONER PRIZMICH: The issue, it was -- was
10 brought up, I think, two meetings ago relative to the
11 relative advantage of giving citations over -- over warnings,
12 whether one works over the other. It's a real esoteric kind
13 of a question to answer. There -- there is some studies --
14 there are some studies out there that are -- none of them are
15 right on point. So I'm gathering that information, and
16 hopefully we'll come up with some kind of salient,
17 understandable response to one versus the other.

18 COMMISSIONER THOMAS: Was it thought that you wanted
19 to change the reporting or something?

20 COMMISSIONER PRIZMICH: No. It was a -- it was a
21 commentary that I think Chair Brissenden, when he was on the
22 Commission, had brought up, and -- and artfully shifted it --

23 CHAIR BRISSENDEN: Thank you.

24 COMMISSIONER PRIZMICH: -- to my -- to my area to
25 deal with.

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1 COMMISSIONER THOMAS: I remember that.

2 (Multiple speakers.)

3 COMMISSIONER PRIZMICH: And -- and I'm attempting to
4 deal with that.

5 COMMISSIONER THOMAS: Thank you. I do remember.

6 CHAIR BRISSENDEN: He accepted it gracefully.

7 COMMISSIONER PRIZMICH: No.

8 CHAIR BRISSENDEN: No. Okay. Well, if I can add a
9 little second note, I remember years past we tried to educate
10 the magistrates or at least attempt to provide them with
11 information of the importance of dealing with some of the
12 citations, and we've had a situation on the Amador just
13 recently where they just dismissed cases. So I think that we
14 may want to reconstitute that --

15 (Multiple speakers.)

16 COMMISSIONER PRIZMICH: Yeah, that's another --
17 that's another question, yeah.

18 CHAIR BRISSENDEN: -- subcommittee for re-education.
19 Yeah, yeah. So thank you.

20 Moving on, we have the Strategic Planning Committee
21 report.

22 Commissioners Anderson and McMillin.

23 VICE-CHAIR ANDERSON: Go ahead.

24 COMMISSIONER McMILLIN: We are ready. And at the
25 last meeting I -- Judith and I got tasked with being a

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1 subcommittee. And what's happened since that meeting in May
2 is we've been working with Ed Navarro. We've been -- we've
3 reviewed the Interim Strategic Plan quite thoroughly. We're
4 following the Department of Finance's format. And Ed has put
5 together a time line which we have reviewed in three
6 conference calls between the two -- the three of us. And we
7 reviewed the Strategic Planning Milestones, the Mission
8 Statement, the Core Principles. We've scheduled -- he's had
9 meetings, I believe, with ORBA and some outside interests as
10 per the plan. And our goal is to have this completed by the
11 first meeting in '07. So that's what we're doing.

12 So what you have here today is a -- hopefully a draft
13 of a Vision Statement that we can maybe vote on later -- or
14 maybe we can vote on it now. And then what's following that,
15 I saw it for the first time when I got my agenda in the mail,
16 it's very similar to what we had via our phone conferences,
17 which was two pages. I like two pages better than seven or
18 eight pages. But we'll be working with Ed on that. But I

19 think it's on track for what we're trying to accomplish, and
20 that's my first side job here. So I think it's moving nicely
21 relative to everything else that's -- the time seems to be
22 kind of our best friend. So...

23 Judith?

24 CHAIR BRISSENDEN: Judith.

25 VICE-CHAIR ANDERSON: Yes, I think -- I think it's

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1 worked out fairly well, our conference calls. I'm satisfied
2 with our results from moving forward.

3 I'm -- just in terms of progress, I think we're
4 moving at lightning speed compared to some of the things that
5 we're doing. So I think we're making real progress.

6 COMMISSIONER McMILLIN: So, Chair, are we in the part
7 of the agenda where we can make a motion?

8 CHAIR BRISSENDEN: You certainly may. Are you --
9 regarding the Draft Vision Statement --

10 COMMISSIONER McMILLIN: Regarding the Draft Vision
11 Statement.

12 CHAIR BRISSENDEN: Well, we can make the motion, and
13 we can have a --

14 COMMISSIONER McMILLIN: Okay.

15 CHAIR BRISSENDEN: -- discussion if you'd like. And
16 I think that there may be public comment on this.

17 (Multiple speakers.)

18 CHAIR BRISSENDEN: So --
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19 COMMISSIONER THOMAS: We probably should wait and do
20 it --

21 CHAIR BRISSENDEN: Do the public comment and then
22 have the motion?

23 COMMISSIONER McMILLIN: That is our report, that
24 we're moving nicely, and Ed can address questions along with
25 Judith and I during --

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1 CHAIR BRISSENDEN: Okay. So we'll go to public
2 comment, and then we'll bring it back to the Board for
3 discussion.

4 VICE-CHAIR ANDERSON: Do you want a motion?

5 CHAIR BRISSENDEN: So I have -- well, do I have a
6 correction?

7 VICE-CHAIR ANDERSON: Yeah.

8 COMMISSIONER SPITLER: Are we --

9 CHAIR BRISSENDEN: A procedural question.

10 COMMISSIONER SPITLER: I'm sorry, are we on -- are we
11 on new business already?

12 COMMISSIONER THOMAS: Yeah, let's -- we should
13 probably wait and deal with it under new business, because
14 it's --

15 VICE-CHAIR ANDERSON: Yeah, because we -- we haven't
16 really -- we haven't really --

17 CHAIR BRISSENDEN: So that wasn't an actionable item

18 under the subcommittee reports, is that --

19 VICE-CHAIR ANDERSON: No.

20 CHAIR BRISSENDEN: -- what I'm hearing?

21 (Multiple speakers.)

22 COMMISSIONER SPITLER: No.

23 COMMISSION THOMAS: Yeah. It's just a report.

24 CHAIR BRISSENDEN: Okay. Very well.

25 COMMISSIONER THOMAS: I think we're at Unfinished

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1 Business A, right?

2 VICE-CHAIR ANDERSON: Or B -- or A or B.

3 CHAIR BRISSENDEN: I would say we are -- as you
4 suggest, Hal, we're at Unfinished Business A, Discussion and
5 Appropriate Action of a Plan for Expenditure of OHV Trust
6 Funds.

7 COMMISSIONER SPITLER: Perhaps --

8 CHAIR BRISSENDEN: Hal, you -- you presented a -- a
9 brief outline of -- of the Division's suggestions, and I
10 think this is in response to the Commission's concerns over
11 the last few years.

12 CHIEF JENKINS: Yes.

13 CHAIR BRISSENDEN: And, in particular, Commissioner
14 Spitler's concerns. And I would like to hear from both of
15 you to start with, and we'll go from there.

16 CHIEF JENKINS: So what I'd attempted to do here was
17 to capture, as we discussed at the last meeting, how we could

18 approach trying to get some of those Trust Fund monies that
19 are accumulating out on the ground and onto some projects.

20 I had drafted this as a summary more or less of the
21 items that we had discussed at the last meeting. Since then,
22 I did have an e-mail response from Commissioner Spittler
23 that -- that gave some really good discussion items that --
24 and, I'm sorry, by the way, that I did not respond directly
25 to that. We've been, like I say, a little challenged with

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1 our e-mail system for the last couple of weeks, myself
2 particularly. But I thought that would be a good thing to
3 bring up today, though.

4 So we have this draft plan here that I think outlines
5 several areas where we can get some of this money out on the
6 ground. Now, the level of specificity is what specifically
7 Commissioner Spittler was referring to in some of the
8 responses. And I'll let you speak for yourself on those, of
9 course. But -- and that's where we have some difficulty,
10 quite frankly. We will be pushing to try to get many of
11 these things moving forward into the next budget; however,
12 there are some restrictions on how much we can make hard
13 commitments ahead of the actual Governor's budget coming out.
14 So this is certainly the direction we intend to proceed. And
15 we would be very interested in hearing, you know, more
16 specifics from the Commission about how this is viewed. This

17 is -- now that I've kind of got it articulated in one spot so
18 you have something specific to respond to and, you know, how
19 you'd like us to approach that as we move forward.

20 CHAIR BRISSENDEN: Paul, you want to weigh in at this
21 point?

22 COMMISSIONER SPITLER: Sure. Perhaps, Phil, you'd
23 like to just summarize the plan that you've put forward.

24 CHIEF JENKINS: Certainly. And I -- it was out on
25 the handout tables, so you should have copies of this.

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1 But essentially, once again, kind of going over what
2 we had discussed last time, there's several areas where we
3 can get this money out on the ground. But in order to do
4 that, you have to keep in mind how the budget system works.
5 So right now we have a commitment that comes every year based
6 on legislation about what percentage of the Conservation
7 Enforcement Services' account has to be spent -- is set aside
8 to be spent specifically on restoration. So it's earmarked
9 specifically for those areas. If we just keep moving forward
10 as we have been, then we will keep even with it as it comes
11 in. So this year, if there were \$9 million, for instance,
12 for restoration and some -- I don't have the numbers just off
13 the top of my head, but you would have the restoration
14 numbers, the enforcement numbers, all those
15 CESA-specific accounts, restoration being the one that we're
16 looking at specifically here. If you have a \$9 million

17 commitment this year to spend on restoration and through the
18 Grants and Cooperative Agreements Program combined with
19 spending in the units, we spend \$9 million, we still have not
20 been able to make a dent in that \$10 million that is still
21 back-logged; it's still in the Trust Fund needing to be
22 spent.

23 So in order to access that money, we need to find
24 projects that are deserving and then ask for supplemental
25 funding on top of our normal Operations Budget so that we can

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1 then get that money accessed out of that account on top of
2 what would normally be coming and obligated to be spent. And
3 that's the way we can start to actually get that money on the
4 ground.

5 So what I've delineated here on this page are several
6 areas that we could ask for that money to be spent in places
7 where we can find relative projects. One is to go out into
8 the California State Parks systems outside of the State
9 Vehicular Recreation Areas, because there are some areas
10 where there has been damage from unauthorized, illegal OHV
11 use, particularly areas where some wetlands I know that have
12 been damaged, various areas up and down the state. What we
13 have begun actually this year to do is to send out a request
14 statewide through our Resource Division and in cooperation
15 with them asking for people to let us know what they have out

16 there on the ground that needs to be repaired, restored. And
17 so they've been sending stuff back. I think Rick LeFlore has
18 been working with Rick Rayburn over at the Natural Resources
19 Division putting together some information, but then we would
20 ask for a Budget Change Proposal specifically for monies to
21 repair and restore those areas out -- out in the parks. So
22 doing it in the -- I mean in the State Parks outside of the
23 SVRAs is one direction that we could take that.

24 They've been very responsive to that, by the way.
25 That's -- a lot of the units out there were very happy to

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1 have a chance to get some of those funds out on the ground
2 and -- and restored -- restoration being performed.

3 The other possibility would be to ask for an
4 augmentation to the Grants and Cooperative Agreements
5 Program. So that right now, you know, you take what we would
6 normally put aside and add whatever amount, you know, that we
7 could get into the budget on top of that. So it would be on
8 top of what we would normally get every year after year after
9 year, we would say, "We need an extra 2 million, 3 million,"
10 whatever it was that we were able to get into that program,
11 add it in, of course, letting all of our partners know that
12 the next year there would be this additional money that would
13 be into the Grants and Cooperative Agreements Program
14 specifically for restoration. So as the Commission then at
15 the beginning of the year set aside that breakdown of how you

16 want to divide up the dollars -- right now you look at the
17 \$18 million, and you put X amount in restoration,
18 conservation, non-CESA, et cetera, this would be on top of
19 that, 2 million, 3 million, whatever it was determined to be
20 and got through the Governor's budget specifically for
21 restoration. So it wouldn't be part of that "where does the
22 money go," it would be coming specifically for restoration.
23 So that would be another avenue we could take. And once
24 again, then that would require some of the grantees to be --
25 hopefully have a little heads-up on that so that they would

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1 know that money was coming down the pike so they could build
2 in the bandwidth to -- to spend that.

3 And then, also, stepping back to state agencies, we
4 became aware last year -- for instance, Fish & Game had some
5 projects where they would like to spend some monies. So
6 once again, we can work with our sister agencies in the
7 Resources Agency -- sister departments and the Resources
8 Agency, and also with other, you know, state entities. And
9 they can access some of the money through Budget Change
10 Proposals just like the rest of the Department could. So
11 they would come, you know, and work with us in developing
12 those proposals. And so I believe we've even begun some
13 discussions with Fish & Game. So we'll be talking
14 (unintelligible) with -- with other agencies if they have

15 applicable projects that we could put in for.

16 And just in the other -- in the area of other
17 agencies, certainly we've also had some discussions with Fish
18 & Wildlife Service, some of the federal entities that don't
19 traditionally apply for grants that they might look at the
20 Grants and Cooperative Agreements Program if they have
21 eligible projects.

22 So I think that's a fairly concise summary of
23 what's -- what's on the page.

24 CHAIR BRISSENDEN: May I comment, you know, we tried
25 this once before with Water Quality Control Board in terms

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1 of -- of best management practices and improvement of issues
2 with water crossings and such as that, and we were told
3 specifically that you could not fund state agencies. Has
4 that changed? Are you suggesting a budget change, language
5 change that will allow that?

6 CHIEF JENKINS: So -- I'm sorry, clarify. I don't
7 know --

8 (Multiple speakers.)

9 CHAIR BRISSENDEN: Tim, I think, commented on it on
10 the time -- at the time, and it was -- we were told -- and I
11 think even our AG at the time said absolutely not, that we
12 could not fund other state agencies.

13 COUNSEL LaFRANCHI: Yeah, the --

14 CHAIR BRISSENDEN: I'm glad this may be a possible
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15 change. I mean --

16 COUNSEL LaFRANCHI: Well, the -- the State Parks --
17 funding State Parks through the OHV Program wouldn't be done
18 through the grant side which can't go to State Agencies; it
19 would be done through the other side of the budget, which
20 would be the support side. And the same with Fish & Game.
21 If they wanted the money, they would not come to you and ask
22 for it as a grant; they would -- they would get their budgets
23 augmented out of the OHV fund directly from the Legislature
24 rather than coming and asking for it here. So...

25 CHAIR BRISSENDEN: Okay.

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1 COUNSEL LaFRANCHI: At least that's the concept as we
2 see it right now unless legislatively the Legislature wants
3 to do something different maybe.

4 COMMISSIONER THOMAS: So are you saying two of the
5 three options involve us removing ourselves from any
6 involvement?

7 CHIEF JENKINS: On the Department's side, if our own
8 Department came in with a BCP and we had an augmentation to
9 spend money within the State Parks system -- so let's say
10 that a park had a wetland area that there had been illegal
11 riding, they wanted to come in and do a project, more than
12 likely that would equate to be a capital outlay project. And
13 so they would put in a BCP for funding to do that. If it's a

14 capital outlay project and it's coming out of the Trust Fund,
15 it would come to this Commission. So then you wouldn't look
16 at it just -- when you look at our capital outlay projects,
17 we bring forward a minor or major capital outlay project
18 schedule for you to approve, this would be handled during
19 that process.

20 COMMISSIONER THOMAS: But -- but if we were to get a
21 request from the ORBA Wildlife Area of the Department of Fish
22 & Game to repair the off-highway damage, that would go direct
23 to that entity and -- and through the legislative budget, we
24 never would see it.

25 CHIEF JENKINS: There are a couple of ways that could

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1 happen. I don't know if you are aware -- I think we might
2 have mentioned it at one of the meetings, that, for instance,
3 this year there was some legislation that was put forward, it
4 ultimately didn't go through, that would have taken money
5 directly from the Trust Fund and given it to Fish & Game.
6 And it -- that was legislation that was not sponsored by Fish
7 & Game, by the way; it was sponsored by -- actually, I don't
8 know who it was sponsored by, but it wasn't them.
9 Traditionally if they wanted money from the fund, they
10 would -- being a sister agency or sister --

11 COMMISSIONER THOMAS: Yeah --

12 CHIEF JENKINS: -- department, they would go
13 through us.

14 (Multiple speakers.)

15 CHIEF JENKINS: But there is the possibility of just
16 legislation -- you know, the Legislatures -- Legisla- --
17 Legislature, excuse me, can certainly pass legislation to use
18 money out of that fund as they will, and that was one of the
19 pieces of legislation that was going out this year that would
20 have taken money straight from the Trust Fund, transferred it
21 to Fish & Game, and none of us here in this room would have
22 had anything to say about that.

23 COMMISSIONER THOMAS: But -- but your proposal
24 anticipates that this Commission would continue to deal with
25 the approval of the funding as a capital outlay matter.

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1 CHIEF JENKINS: Certainly we would much prefer to see
2 it come through as capital outlay money so that we could all
3 consider it here.

4 COMMISSIONER THOMAS: And -- and this could be
5 handled through -- through legislation and sponsored by the
6 Resources Agency -- in the Budget Act?

7 CHIEF JENKINS: Right.

8 COMMISSIONER THOMAS: I mean --

9 CHIEF JENKINS: It would come through the Budget Act,
10 correct.

11 COMMISSIONER THOMAS: Budget Act, but it would be
12 sponsored by Resources.

13 CHIEF JENKINS: Right. Ideally, we would all
14 cooperate, you know, just agency to agency and work that out
15 so that we would all have an understanding, and we could do
16 that efficiently.

17 COMMISSION THOMAS: Okay. Thank you.

18 CHAIR BRISENDEN: Judith?

19 VICE-CHAIR ANDERSON: Just a brief question. You
20 mentioned the Fish & Wildlife Service as one of the -- the
21 U.S. Fish & Wildlife Service as one of those other agencies,
22 federal government, that you might approach. Is this like
23 a -- just a broadcast announcement of the availability, or
24 are you actually kind of trying to buttonhole individuals to
25 get them to actually apply?

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1 CHIEF JENKINS: This is more individual to
2 individual, contacting people that we are aware of that work
3 on -- in these areas that might have eligible projects. We
4 just have found it would be, you know, traditionally much
5 more effective to go to a person that has an interest in your
6 message, and so that's the way we're -- we've been trying to
7 handle it.

8 VICE-CHAIR ANDERSON: Yeah, a number of years ago I
9 was trying to encourage the people down at the Imperial
10 Wildlife Refuge, Salton Seas, Sonny Bono -- whatever that
11 whole thing megillah title is now -- to -- to ask for money,
12 because I know that they had some problems through their

13 area. But they were kind of dismissive at that point. So I
14 don't know whether they weren't familiar with the process or
15 the project or didn't believe me or what (unintelligible).
16 So...

17 CHIEF JENKINS: Well, certainly if you have some
18 contacts down there and they could be encouraged to put in
19 for some grants and we can increase that Grant Program
20 appropriately, you know, so that we can know kind of what the
21 needs are, pull some of that money out of that backlog and
22 make it available for grant funding, that would be a -- that
23 would be the preferred method to go. Because the grant
24 cycle -- the grant-funding cycle is the system that we're
25 most familiar with and where we have the most control over

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1 the product so that we can look at what they're going to do
2 specifically with the money. You, as a Commission, have a
3 great deal of input and control there, and so that would
4 certainly be the preferred way to handle that.

5 CHAIR BRISSENDEN: Other comments, thoughts?
6 Paul.

7 COMMISSIONER SPITLER: Well, I just want to thank
8 Phil and Daphne and all of the staff who worked on this plan.
9 I think it's really an impressive plan and -- and really
10 reflects well the Division's commitment to restoration.
11 And -- and, really, the staff should be commended for

12 their -- for their efforts on it.

13 I -- I just had a couple questions and, I guess,
14 comments, and -- and this somewhat reiterates the interaction
15 that -- or the -- the information I sent to Phil a while
16 back.

17 Phil, I was just looking back at the record from the
18 past meeting when we -- when the Commission adopted an
19 amendment asking you to come up with this plan. And I notice
20 that the -- the motion actually was to add \$2.5 million a
21 year to the budget for the next couple of years and to spend
22 down the restoration surplus in the next three to four years.
23 And I -- I notice that the plan -- the draft plan that you
24 put together doesn't have any numbers or time lines attached
25 to it. So I'm wondering if maybe you could just comment on

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1 that.

2 CHIEF JENKINS: Yeah. And that's where I had alluded
3 to a little bit earlier that we have some difficulty in
4 putting hard numbers down on paper, because we have been
5 given pretty clear direction that we're not to get in front
6 of the Governor's budget. So if I were to say, "Absolutely,
7 we're going to put in a, you know, BCP for a certain dollar
8 amount," in essence, I'm then saying, you know, that's what
9 the Governor's going to put into his budget. And that --
10 that just is not the way that this Administration would
11 prefer for us to work.

12 So we have that information, that direction that we
13 all discussed and certainly will be, you know, moving forward
14 and trying to get money into the budget to be committed to
15 this. For us to go down on paper with some hard numbers is
16 just something that we have a hard time in doing.

17 COMMISSIONER SPITLER: Yeah.

18 CHIEF JENKINS: I wish I had a better answer for you
19 on that one.

20 COMMISSIONER SPITLER: Yeah. Well, I -- I --

21 COMMISSIONER McMILLIN: Even internally?

22 COMMISSIONER SPITLER: I -- I -- I anticipated that.
23 And -- and I'm wondering if there's not some way to at least
24 articulate the goal that the Commission has established
25 without getting yourself in hot water with the Governor's

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1 Office.

2 DEPUTY DIRECTOR GREENE: Paul, if I may, I think what
3 we -- what we did in -- in trying to identify for that BCP
4 was to go out, as we mentioned, to the other State Parks and
5 request of them a dollar amount that they would see as a need
6 for restoration. That came back to us approximately
7 at \$2 million. So that much we can tell you. And so I think
8 that that would be -- as -- as we look at what we can do with
9 State Parks and the -- the upcoming year, and -- and our hope
10 is that that would be able to be moved through.

11 CHAIR BRISSENDEN: Commissioner McMillin, you had
12 something?

13 COMMISSIONER McMILLIN: Yeah, I just had a question.
14 On -- this is a nice document. It's -- it's
15 internal, right? So can't that \$2.5 million be an internal
16 goal to get added to the budget over time? I understand not
17 being --

18 CHIEF JENKINS: I -- I don't know how you would
19 consider this internal since we just gave it out to everybody
20 here in the room, but --

21 COMMISSIONER McMILLIN: Yeah, but it's not a formal
22 Budget Request to the Governor's Office. That -- that's my
23 point. And I never asked the government for anything, but --

24 CHIEF JENKINS: Yeah. Yeah.

25 COMMISSIONER McMILLIN: -- you guys are much more

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1 versed in that --

2 CHIEF JENKINS: It's one of those where we just have
3 to be a little careful with the words. I mean certainly I
4 would imagine if we said we were going to try to spend --

5 (Multiple speakers.)

6 COMMISSIONER McMILLIN: A goal. We've got this
7 \$10 million bank account --

8 CHIEF JENKINS: -- the money in a --

9 COMMISSIONER McMILLIN: -- over here, and we want to
10 drain it --

11 CHIEF JENKINS: -- shorter period of time --
12 COMMISSIONER McMILLIN: -- over four or five years,
13 and we want to start it -- so now we probably can't start it
14 until the '07/'08 budget.
15 CHIEF JENKINS: Right.
16 COMMISSIONER THOMAS: Well, the --
17 CHAIR BRISSENDEN: Commissioner Thomas, and then --
18 COMMISSIONER THOMAS: Good point --
19 CHAIR BRISSENDEN: -- Commissioner Spittler.
20 COMMISSIONER THOMAS: -- Commissioner McMillin. But
21 the deadline for the '07/'08 budget -- and perhaps staff
22 can -- when -- when -- when are the preliminary BCPs --
23 what'd you call them?
24 CHIEF JENKINS: Budget Change Proposals?
25 COMMISSIONER THOMAS: No. The --

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1 CHIEF JENKINS: You were correct.
2 COMMISSIONER THOMAS: -- pre-budget change proposal.
3 You had a term for that.
4 CHIEF JENKINS: I know they asked for, you know,
5 draft concepts on BCPs earlier in the year.
6 COMMISSIONER THOMAS: First concepts and then BCPs
7 and then --
8 CHIEF JENKINS: Right.
9 COMMISSIONER THOMAS: -- BCP to the secretary. Now,

10 we can send a request to the secretary taking your outline,
11 asking the secretary to prepare BCPs on behalf of the
12 Commission with directions to the Division, and then that
13 will follow the protocol within the system. And -- and the
14 Division will not be out in front of the Governor, and we
15 will have done our job as -- as policy makers trying to
16 direct the result.

17 COMMISSIONER PRIZMICH: That -- that was the
18 suggestion I was going to make is that in terms of the
19 format, there's got to be an opening commentary. And -- and
20 the opening commentary can just reflect back to the motion
21 that was made on the -- on -- on behalf -- on the part of the
22 Commission and not committing the Division to anything,
23 but -- but clearly stating our opinion.

24 COMMISSIONER THOMAS: Right.

25 (Multiple speakers.)

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1 CHAIR BRISSENDEN: Commissioner Spittler was next.

2 COMMISSIONER SPITTLER: I think -- I think we've -- I
3 think we've hammered this point enough. I think, you know,
4 to actually, you know, really be a plan, you have to have
5 some numbers and time lines so that everyone knows -- I mean,
6 a member of the public or anyone else reading this would
7 really have no idea what we're committing to doing or what
8 we're even attempting to achieve or accomplish by when. You
9 wouldn't know by reading this there's a \$10 million surplus

10 in restoration, you wouldn't know we're aiming to spend it
11 down in the next three years, you wouldn't know we're trying
12 to --

13 CHIEF JENKINS: Right.

14 COMMISSIONER SPITLER: -- add \$2.5 million and
15 augment the grants budget in the next two years. So I think,
16 you know, for us to all be on the same page, that level of
17 detail would -- would be -- would be helpful.

18 CHIEF JENKINS: I can -- I can certainly take another
19 shot at this and try to get some language in there that gives
20 a lot more clarity to what that original suggestion was --
21 the motion was, actually, from the Commission without getting
22 myself in too much hot water. So let me re-draft this with
23 more clarity towards that goal. And, you know, after that
24 last Commission meeting when I was very up front about yeah,
25 it's going to be 2 million, 2.5 million a year for five

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1 years, I -- I wasn't the most popular guy in Headquarters for
2 a while. So I'll see if I can tread that middle ground and
3 get something that certainly is clearer, more distinct
4 without actually making those commitments, but --

5 DEPUTY DIRECTOR GREENE: Yeah. And I think --

6 CHIEF JENKINS: -- it's more the direction we want to
7 go.

8 DEPUTY DIRECTOR GREENE: I think we can say it's a

9 theoretical plan that may or may not be approved by the
10 Administration. And I think that that would give the clarity
11 of what this Division and the Commission would like to see
12 and -- with the understanding that it still needs to be
13 approved.

14 CHAIR BRISSENDEN: Commissioner Thomas.

15 COMMISSIONER THOMAS: Yeah.

16 COMMISSIONER SPITLER: I -- I have one more question,
17 actually.

18 CHAIR BRISSENDEN: Okay. Commissioner Spitler first,
19 then Thomas.

20 COMMISSIONER SPITLER: I'm just -- I was -- in going
21 back through the minutes of the last meeting, I was noticing
22 on page 221 at -- no, excuse me, sorry, the previous pages,
23 197, Phil, you talked about you were going to get back to the
24 Commission soon -- back -- that was, of course, in May -- and
25 within the next couple weeks on the projects that you'd come

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1 up with by other State Park units, and -- and I'm not sure if
2 it included other state agencies. I was just wondering if
3 you ever provided that report to the Commission, and, if not,
4 when you would be expecting to provide it.

5 CHIEF JENKINS: I kind of ran into that same brick
6 wall that we're talking about, about -- that was that same
7 meeting where I was like, yeah, I'll -- I'll bring all this
8 right back. And in -- that, there again, feeds right back

9 into that we're putting together a BCP, and it kind of puts
10 me in a bind. However, we have been researching this quite a
11 bit coming into this meeting, actually, as you might imagine.
12 And what we certainly can do, I've been getting some more
13 clarity from our Budget staff and from different people, is
14 we can put together a list of the types of projects that were
15 requested and, as the Deputy Director just mentioned, stating
16 and clarifying that it's a theoretical plan that we are
17 aiming towards, provide that information.

18 Because, Rick, correct me if I'm wrong, but you have
19 that list put together now since that last meeting. And so
20 we could absolutely send out a list of the types of projects,
21 where they're located in the state Monday, essentially. And
22 I -- in order to get that out to everybody, we'll probably
23 end up posting that -- we would make that a post on the web
24 page, I would imagine, just as an information item so that
25 everybody could see that.

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1 COMMISSIONER SPITLER: Good. And just one last
2 question, and you might plead the Fifth, as you were on this
3 one as well. Are you -- are you planning to add funds to the
4 Grants Budget for next year for restoration?

5 CHIEF JENKINS: It's our theoretical plan to -- yeah,
6 I'll just say it, yeah. I'll get in trouble. Certainly. I
7 mean we are taking this very seriously. That money sitting

8 in the bank doesn't do anybody out on the ground anybody --
9 any good. And we would certainly like to see this money come
10 out. So we're trying to find a way to get some of that money
11 into the budget for this next grant cycle so that there would
12 be some ability to get that granted out to people to spend.
13 Does that --

14 (Multiple speakers.)

15 CHAIR BRISSENDEN: Commissioner -- Commissioner
16 Thomas.

17 COMMISSIONER THOMAS: What is the deadline for the
18 concept BCP?

19 (Multiple speakers.)

20 DEPUTY DIRECTOR GREENE: Manuel, come on up, if you
21 would.

22 We have Manuel Lopez, who was before you, actually,
23 in January, did a presentation for us on behalf of the
24 Department and the budget process. So actually --

25 COMMISSIONER THOMAS: I'm just asking a specific

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1 question, just when the budget --

2 MR. LOPEZ: The budget cycle starts --

3 CHAIR BRISSENDEN: Please introduce yourself --

4 MR. LOPEZ: Sure.

5 CHAIR BRISSENDEN: -- for the record.

6 MR. LOPEZ: I'm Manuel Lopez. I'm the Acting Deputy
7 Director for the -- Assistant Deputy Director for the

8 Administration.

9 Basically, the BCP process itself starts about eight
10 months prior to the release of the Governor's Budget. So, in
11 effect, we've already significantly past the deadline for
12 getting concepts into my office as well as approval for the
13 agency on concepts.

14 COMMISSIONER THOMAS: Okay. When is the BCP
15 deadline?

16 MR. LOPEZ: The BCP?

17 COMMISSIONER THOMAS: Yeah, the actual BCP deadline
18 itself.

19 MR. LOPEZ: To Finance, that's in September.
20 However, the process -- you just don't go forward with a
21 BCP.

22 (Multiple speakers.)

23 COMMISSIONER THOMAS: How about to --

24 MR. LOPEZ: You have to get support for the concept.

25 COMMISSIONER THOMAS: -- to the secretary, when is it

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1 due?

2 MR. LOPEZ: That past -- that was in early June.

3 COMMISSIONER THOMAS: That was when?

4 MR. LOPEZ: Early June.

5 COMMISSIONER THOMAS: So when we made these requests
6 in May, they were not forwarded to the secretary.

7 MR. LOPEZ: I'm not saying that, nor can I say that,
8 sir.

9 COMMISSIONER THOMAS: Well, what happened? Why was
10 the motion that we passed not forwarded on to the secretary
11 through some channel?

12 MR. LOPEZ: I'm not saying that hasn't been forwarded
13 to the secretary, sir.

14 COMMISSIONER THOMAS: Well, are you saying it was
15 forwarded to the secretary?

16 MR. LOPEZ: I'm saying I can neither confirm nor
17 deny.

18 (Multiple speakers.)

19 CHAIR BRISSENDEN: Did you get practice back East or
20 somewhere?

21 COMMISSIONER THOMAS: I was going to say, have you
22 been before Congress recently?

23 (Multiple speakers.)

24 MR. LOPEZ: It's been asked and answered.

25 MR. LaFRANCHI: Asked and answered, Counselor.

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1 (Multiple speakers.)

2 COMMISSIONER THOMAS: Well, it may be asked and
3 answered, but I'm the Court today. What -- what -- what is
4 the answer: "Yes" or "no"? And was -- was this --

5 DEPUTY DIRECTOR GREENE: Hal, I -- I think --

6 MR. LOPEZ: I think we've understood the proposal
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7 that's been put forth, and that that proposal may or may not
8 be supported by the Administration.

9 COMMISSIONER THOMAS: Well, I'm not asking if it's
10 going to be supported; I asked if it was submitted to the
11 secretary on behalf of the Commission.

12 MR. LOPEZ: We do not actually submit Commission
13 requests to the agency secretary; we submit departmental
14 requests.

15 CHAIR BRISSENDEN: I can't hear you.

16 MR. LOPEZ: What I can say --

17 CHAIR BRISSENDEN: If you can speak into the
18 microphone, please.

19 MR. LOPEZ: Sure. We do not submit requests on
20 behalf of the Commission; what we submit is requests on
21 behalf of the Department. And I can say that this particular
22 proposal is of concern to the Department. And that's -- and
23 that's the extent that I can comment on that.

24 CHAIR BRISSENDEN: Is the Administration aware that
25 this is a mandated fund?

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1 MR. LOPEZ: Absolutely.

2 CHAIR BRISSENDEN: This is -- this is legislatively
3 mandated.

4 MR. LOPEZ: They're well aware of the issues that
5 were brought forth in the audit. And the -- in effect, the

6 backlog of funding on restoration was an issue in the audit,
7 and they're aware of that.

8 COMMISSIONER THOMAS: Well, did anybody forward the
9 request from -- the motion passed by this Commission to the
10 secretary?

11 MR. LOPEZ: Sir, I mean --

12 DEPUTY DIRECTOR GREENE: Hal --

13 MR. LOPEZ: -- you can ask that question in any way
14 you choose. I mean my answer's still going to be the same.
15 Unfortunately I can only provide a certain level of detail.
16 And from my perspective, the Department supports the concept
17 that you folks adopted. That's all I can say.

18 COMMISSIONER THOMAS: I -- I --

19 DEPUTY DIRECTOR GREENE: Hal, I think you know at
20 this point in time where --

21 COMMISSIONER THOMAS: I don't know or I wouldn't be
22 asking the question.

23 DEPUTY DIRECTOR GREENE: Well -- but you're -- at the
24 same time, you have to recognize that there are parameters
25 where we are allowed to say or not say. The reality is, is

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1 that you know that all of us here in this room believe that
2 we need to get that money out on the ground.

3 COMMISSIONER THOMAS: I'm --

4 DEPUTY DIRECTOR GREENE: And so, therefore, we heard
5 loud and clear, the discussion was -- was very clear to us.

6 We have gone -- as we said, we've gone -- moved forward to
7 the other State Parks; we've asked for that information. We
8 just said a minute ago we're willing to put it up on the web
9 site. Please, Hal, I'm going to ask you in this particular
10 case try not to continue to push this issue because you're
11 putting us up against a place where we cannot go.

12 COMMISSIONER THOMAS: Well, we --

13 DEPUTY DIRECTOR GREENE: We're trying to tell you as
14 clearly as we can.

15 COMMISSIONER THOMAS: Madam, you are the secretary of
16 the Commission by law. We are asking you -- I am asking you
17 a very simple question: Was our motion communicated to the
18 secretary? That's a "yes" or "no" answer. If it was not,
19 I'm not upset. Doesn't -- not much happens this way. If you
20 say "yes," I'd be happy, but I'd be surprised.

21 DEPUTY DIRECTOR GREENE: I will say that I certainly
22 communicated your desire to the director of the Department,
23 and that communication and -- and discussions that continue
24 to happen with the secretary, everybody has been made very
25 well aware of the fact of the importance of getting this

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1 restoration money spent on the ground.

2 COMMISSIONER THOMAS: Thank you.

3 CHAIR BRISSENDEN: Shall we go on to the next
4 subject?

5 Any other comments on that?
6 UNIDENTIFIED SPEAKER: How about public comment?
7 CHAIR BRISSENDEN: Ah, good plan.
8 So under public comment, we have first Dave Pickett.
9 MR. PICKETT: Pass.
10 CHAIR BRISSENDEN: Karen Schambach?
11 Ed Waldheim.
12 MR. WALDHEIM: I'm not passing.
13 COMMISSIONER THOMAS: Pass.
14 MR. WALDHEIM: Ed Waldheim, California City.
15 It just boggles my mind that -- if you listen to this
16 Commission, you would think, "Are these people literally
17 working for Off-Highway Vehicle," or are we talking about
18 closing, eliminating, restoring, taking away opportunity? We
19 haven't spent five minutes, what are we doing to maintain our
20 trails so we can protect our resources? We're doing it
21 totally backwards. We're not building a foundation; we're on
22 the top trying to figure out how to keep the roof from
23 leaking, and we keep pouring more and more up until the whole
24 thing is going to collapse and we're going to lose our
25 program. It just boggles my mind, ladies and gentlemen,

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1 what's going on in here. Just boggles my mind after -- since
2 1983 I've been working with this Commission on and off, and
3 I'm not any further off -- better off than I was before. It
4 just totally blows me away.

5 Why are we looking for places to put restoration
6 money outside of our areas? Who cares? Leave the money in
7 the fund. Cleveland National Forest has a dire need. What
8 are they telling -- we need you to re-scope the grant that
9 you're sending in and take it away from O&M. Excuse me?
10 You're going to take it away from O&M to put into
11 restoration? You've got \$10 million sitting in this account;
12 take it out of there. Don't take it out of me where I'm
13 trying to maintain the trails. What is going on here? This
14 is absolutely -- this is the most upside down thing I've --
15 ever occurred to me.

16 Mr. Jenkins, if you want to spend the money and the
17 government wants to add to the budget, yes, I agree. But
18 keep the money in the budget. For the next 5, 10, 15 years,
19 we will need restoration money. My commitment with
20 Mr. Spitler, I've always agreed to you we need to do the
21 restoration, but you're totally disallowing O&M. You're just
22 totally not -- big deal; we're not on -- on the budgets -- on
23 the -- on the radar.

24 So, ladies and gentlemen, you've got to change.
25 Something is wrong. If this is what you're going to use, it

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1 needs some numbers, it needs a date line. I want stuff spent
2 on legitimate OHV stuff to restore. I don't need to go
3 outside looking at -- in some other areas. Maybe somebody

4 happened to go on another area. It just appalls me the way
5 we're going on this.

6 CHAIR BRISSENDEN: Thank you, Ed.
7 Don Amador.

8 MR. AMADOR: Pass.

9 CHAIR BRISSENDEN: John Stewart?

10 MR. STEWART: Good afternoon, Commissioners. John
11 Stewart, California Association of Four-Wheel Drive Clubs,
12 United Four-Wheel Drive Association.

13 It's kind of hard to follow Ed's eloquent discussion,
14 but I -- I -- I do have issues with the restoration and
15 the -- how the money's allocated, but I do agree that
16 restoration is a -- is a topic that needs to be addressed and
17 that there are areas within the state where restoration and
18 the expenditure of restoration funds is appropriate. And I
19 believe that Phil Jenkins has come up with a plan here
20 where -- you know, that is reasonable, and it does look to
21 get the restoration money out on the ground whether it is in
22 an SVRA, whether it was -- you know, regardless. It is
23 something where a motor vehicle has created an activity
24 illegally within the State Parks. We fund a lot of -- you
25 know, there -- there are a lot of restoration efforts within

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1 State Parks that do involve motor vehicles. So yes, I think
2 our restoration fund should be credited for those deals.

3 I support going ahead with this process.

4 CHAIR BRISSENDEN: Thank you.
5 Bruce Brazil.

6 MR. BRAZIL: Bruce Brazil. California Enduro Riders
7 Association.

8 And first I want to once again bring up that -- a
9 matter that I mentioned in front of the Commission before,
10 and that's that the restoration funds are tied directly to
11 the number of unregistered OHVs that are being operated on
12 public properties. The numbers that California DMV has given
13 you are so far off that it's ridiculous. I don't know if the
14 present Fuel Tax Survey is going to take this into account,
15 maybe give you some better numbers. But you might not have
16 the money coming in that you have had in the past. So this
17 may be a moot point.

18 Secondly, as far as Fish & Game, do they actually
19 have control of surface land in California? If they are to
20 get monies for a restoration project and they do not have
21 control over the land, they have to get permission from the
22 agency that has control over the land. May cause some
23 difficulties.

24 Thank you.

25 CHAIR BRISSENDEN: Thank you.

1 Tom Tammone.

2 MR. TAMMONE: Okay. Division did a lot of work on

3 this one. I'm gonna (unintelligible), first of all, where is
4 the Fuel Tax Study? You've been jumping up and down over
5 that for quite some time now. I would kind of hope that that
6 would at least -- have some preliminary results. I have a
7 hard time believing the 5:1 ratio, registered-to-unregistered
8 vehicles, is accurate. Quite honestly, I'd just get away
9 from the Fuel Tax Study altogether. But I say go ahead with
10 this one, and you do need to get the money on the ground,
11 especially for areas like Corral Canyon. It will actually
12 help us get the area open if we get the barriers in place.
13 So the areas where (unintelligible) be used and protected.
14 And it's the only opportunity in the San Diego area -- it's
15 very important. And I say go ahead with this.

16 CHAIR BRISSENDEN: Thank you. Any others?

17 Back to the Commission for appropriate action. The
18 Board has direction (unintelligible).

19 CHIEF JENKINS: If I may just address one thing that
20 Mr. Brazil said, that Fish & Game does actually have quite a
21 few areas that they manage. I'm not sure what they
22 designate -- what they call them officially, but they have
23 actual lands that they manage and (unintelligible).

24 MR. BRAZIL: Okay. Thank you.

25 COMMISSIONER THOMAS: They're called Wildlife

1 Management Areas and Ecological Reserves. And there's
2 thousands and thousands of areas.

3 CHIEF JENKINS: Thank you.

4 CHAIR BRISSENDEN: Thank you for the clarification.

5 VICE-CHAIR ANDERSON: Want a motion supporting the
6 concept?

7 CHAIR BRISSENDEN: I think it -- fairly good
8 direction had been given through two meetings. I think we're
9 okay. Given the water that Phyllis found and so, and I don't
10 think they need any more direction. Is that accurate?

11 CHIEF JENKINS: I think I'm pretty clear.

12 COMMISSIONER THOMAS: I don't want to harm Phil's
13 tenure, but -- but I think that we should communicate to
14 someone who is in charge of the process in theory so that our
15 views as a Commission are -- are -- they can be rejected by
16 the authorities that put together Budget Change Proposals.
17 But I -- I would hate to ask -- hate to see the thing -- to
18 see any motion die in the -- in the Division's hands because
19 it wasn't communicated. I'd ask the Chair and the -- anybody
20 else in this Commission to assist in directing our motion to
21 the appropriate authorities --

22 CHAIR BRISSENDEN: I think the motion is -- nodding
23 that we have enough direction at this moment -- the motion of
24 May, I should say.

25 COMMISSIONER SPITLER: At the -- at the risk of going

1 too far out on a limb here, Commissioner Thomas, I think

2 that -- I mean what I'm hearing, reading through the --
3 reading through the lines here, is that the information that
4 we discussed and the motion that we made in May has been
5 adequately passed on up through the channels. So I'm
6 comfortable that that's being handled as best it could be at
7 this point. I don't think we need to do anything additional
8 at this point.

9 COMMISSIONER THOMAS: I don't know.

10 CHAIR BRISSENDEN: Hearing nothing further -- I know
11 that we were going to discuss the Desert Riparian Policy
12 next, although I think that one of the attorneys that might
13 want to listen in on this discussion is not here at the
14 present, Bill Yeates. Am I overlooking -- no. So if we
15 could move to the discussion as to the Strategic Planning
16 Process and discussion on the appropriate action on the
17 Vision Statement, then I'll have staff call our counsel and
18 see if he could come forward.

19 MR. NAVARRO: Good afternoon. I'm Ed Navarro. I'm a
20 member of the OHV Division working on the Strategic Plan.

21 In the packet you have before you, what I -- what
22 I've tried to do is to -- in response to requests from
23 previous Commission meetings is to give you basically an
24 outline of what those strategic-planning processes are that
25 I'm involved in as was shared by the -- by the subcommittee.

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2 what we call the interim Strategic Plan that didn't meet all
3 of the guidelines that the Department of Finance's
4 requirement for a Strategic Plan. It's kind of a launching
5 platform for Strategic Plans as kind of basically taking a
6 lot of the information and elements from there and have
7 reformulated or reformatted my strategic-planning process
8 that you have in front of you.

9 So I don't know to what extent -- what detail you
10 want to go through this planning process. It's -- it's
11 fairly -- I think fairly clear and consistent. There's a
12 time line that I think we're pretty close to -- to holding
13 onto as -- as was shared by Commissioner McMillin where we're
14 targeting January as the completion of the plan. We're
15 probably going to need to tack on a couple of Commission
16 meetings to actually have the final approval of the plan. So
17 it will probably run over a little bit into 2007.

18 I think, though, the first -- probably the first
19 order of business might be to -- to discuss the Vision
20 Statement. I think that's something that obviously we need
21 to have some extra take on.

22 CHAIR BRISSENDEN: Are there any questions at this
23 time? Otherwise I'll open it up for public comment,
24 and then we'll bring it back to the Board for potential
25 action. Any questions?

1 So without further ado, Dave Pickett.
2 Karen Schambach.
3 Ed Waldheim.
4 MR. WALDHEIM: Ed Waldheim for CORE, District 37.
5 "Strategic Planning Process Public Outreach," that's
6 what the title of the document is. Am I to assume that we
7 are now in the outreach process, that you're not gonna --
8 this is -- this is outreach; it's asking for us to make
9 input. This is the first I've seen this piece of paper I
10 picked up out on the counter. Is this what we're doing?
11 We're not voting on anything right now or you don't really
12 have a document on what the Strategic Plan is? This just has
13 a whole bunch of elements that we're -- that you want to
14 look into.
15 CHAIR BRISSENDEN: There's discussion of actually
16 voting or correcting the Vision Statement. We're going to do
17 these one at a time. But you're right, there's -- this is
18 sort of the beginning of outreach to the user community out
19 there as well as everyone else.
20 VICE-CHAIR ANDERSON: There's -- there's only one
21 element that we're really talking about voting on today which
22 is the Vision Statement. The rest is still -- what the
23 plan -- what the -- the details of the Strategic Plan are
24 still being worked on.
25 MR. WALDHEIM: And where is the Vision Statement in

1 here?

2 VICE-CHAIR ANDERSON: It's -- it was in our packets.
3 Is there a Draft Vision Statement? Single page. I don't
4 think it's in that.

5 (Multiple speakers.)

6 MS. STALLCOP: It's the page -- it's right in the
7 front. Right there.

8 VICE-CHAIR ANDERSON: Single page.

9 CHAIR BRISSENDEN: Do you want some time to read the
10 Vision Statement? I can bring you back, Ed.

11 MR. WALDHEIM: Would you, please.

12 CHAIR BRISSENDEN: Certainly.

13 MR. WALDHEIM: Actually, let me --

14 (Multiple speakers.)

15 MR. NAVARRO: Yeah, just -- just for clarification,
16 as -- as was mentioned, we're -- a lot of these steps are
17 going on simultaneously, and we're doing -- I'm doing various
18 levels of outreach, and this is just one aspect of that.
19 We -- we had some copies of this material that we kind of
20 left out on the table for individuals that might not be part
21 of the different groups that I'm dealing with either by
22 e-mail or meetings and that sort of -- so it's just an
23 opportunity for people that maybe are -- are just here at
24 this meeting that -- that they can be part of that sort of
25 the process.

1 So as was mentioned, we're -- the only step that
2 we're dealing with right now is the Vision Statement, which
3 has been dealt with by the subcommittee and the staff.

4 CHAIR BRISSENDEN: So moving forward, Ed, do you want
5 to come back or you want to take another minute?

6 MR. WALDHEIM: My only -- my only thing is that I
7 don't think we have -- we have captured the necessity of
8 trail maintenance for sustainable recreation. We talk about
9 nice little words around here, but we miss the main point.
10 The main point is wheel-to-ground contact to maintain it.
11 That is the reason that we created this program in 1972. We
12 felt we had to manage the program so it would be sustainable
13 for the long term. We could keep going around and around
14 recreational experiences, geographic distributions, skill
15 levels, cultural, natural resources -- I want a
16 well-maintained trail; spell it out, what it is. We want to
17 maintain a well-maintained recreational -- motorized
18 recreation system in the state of California. And when we do
19 that, all these other issues will take -- will -- will be
20 preserved. Somehow we need to massage the wording in there.

21 VICE-CHAIR ANDERSON: Anybody else?

22 CHAIR BRISSENDEN: We have several more. Hang on a
23 second, Judith, and then you can respond to Ed. I think
24 there will be quite a bit of discussion, perhaps, with the
25 Commission.

1 So Don is next, and then John Stewart and --
2 MR. AMADOR: Yeah, Don Amador, Blue Ribbon Coalition.
3 This is a really the first time I've seen these
4 documents as well, although I've talked over the years of --
5 of some of the issues that these -- are brought up. But I
6 wanted just to add to what Mr. Waldheim said. And as I've
7 looked through this, I don't really see any clear statements
8 of on-the-ground public services. And I challenge you as a
9 Commission and Division, if you look at the State of
10 Washington, their -- their program, monies generated on the
11 ground go back on the ground. I think as some of the states
12 look at this program, which used to be a model program, they
13 laugh because the money's being spent on everything but
14 on-the-ground public services. So I challenge each one of
15 the Commissioners and the Division, as you review these
16 Vision Statements, et cetera, ask yourself the question, This
17 money is generated by wheels touching the ground; how much of
18 this money is going back to on-the-ground public services? I
19 don't know how much more clearly I can state that, but I
20 think it's critically important to the success of this
21 program.

22 Thank you.

23 CHAIR BRISSENDEN: John Stewart.

24 MR. STEWART: Yes, John Stewart, California
25 Association of Four-Wheel Drive Clubs, United Four-Wheel

1 Drive Associations.

2 Spent several years of my career developing strategic
3 plans with the Navy. And looking at this, okay, you have a
4 Vision Statement, but I'd like to draw your attention to one
5 line in here. It says, "Vision: The Vision Statement offers
6 a futuristic look at what the Division hopes to accomplish
7 drawing on its core principles, mission and the environment
8 of the organization." And there's a Commission -- or a
9 Vision Statement provided here. I see a couple slight
10 problems with it. In general, your Vision Statement should
11 be short and clear, short and concise and clearly articulate
12 the -- the mission or the vision of what is projected over
13 the future -- not looking out at just one or two years in the
14 future, but a visionary or the future of the program.

15 And another thing, you know, when you tie this back
16 to both the -- well, the audit and the -- everything that has
17 transpired over the past year, there's been a -- well, the
18 audit pointed out that there is a lack of a shared vision
19 between the Division and the Commission. See, really in this
20 it addresses a vision or a program which is a lot of just the
21 preamble out of the legislation. I think that, you know,
22 something a little bit shorter, a little bit more concise, a
23 little bit more visionary looking forward to the future and
24 that articulates a shared position between the Commission and
25 the Division.

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1 Thank you.

2 CHAIR BRISSENDEN: Thank you.

3 Bruce Brazil.

4 MR. BRAZIL: I'll pass.

5 CHAIR BRISSENDEN: Karen Schambach.

6 MS. SCHAMBACH: Karen Schambach, (unintelligible)
7 Sierra-Nevada Conservation. And thank you for giving us a
8 second opportunity.

9 I also hadn't seen these, and I didn't realize that
10 we were actually going to take action on something today.

11 I -- I would like to suggest just as a preamble that I tried
12 to access these documents or whatever documents were going to
13 be addressed at today's meeting on the web site, and unless I
14 just -- which is very possible, I just didn't see them -- I
15 don't know if they were posted, but it would be very helpful
16 to the public to be able to have access to those things so we
17 can, you know, have an intelligent read of them rather than
18 sit here and, you know, try to read them before our name is
19 called. So just that suggestion. I think it would -- would
20 help inform our comments.

21 And also I think -- I -- I have to agree with
22 Mr. Stewart, that this is quite a lengthy Vision Statement.
23 And he's right, a shared vision to me frankly could be cut
24 down to a few sentences.

25 The trouble that I see with this is that when you get

1 to this kind of detail, then -- then I find myself
2 word-smithing it and -- and -- for instance, where it says
3 "resource management," wherever it says that, I think
4 resource protection because what I find then -- and I don't
5 want to hurt anybody's feelings, but it's a lot of cliches
6 and it really doesn't state a mission. And, you know, you
7 have a place probably somewhere in the plan, but I don't
8 think (unintelligible) --

9 (Multiple speakers.)

10 VICE-CHAIR ANDERSON: One -- excuse me, but what are
11 you referring to where it says "resource" --

12 MS. SCHAMBACH: Well, down -- under the discussion,
13 in the first paragraph where it says, "We'll address
14 recreational use, resource management, rider safety" -- you
15 know. And as I like to remind this Commission over the
16 years, there's two parts of this program: One is
17 opportunity; the other is, you know, natural resource
18 protection. It's not management because -- as I also point
19 out sometimes, for instance, managing wildlife means killing
20 them. So I -- I'd like to be, you know, precise when -- when
21 we're talking about resource protection. But, again, having
22 said that, it may be that that amount of detail doesn't
23 belong in a Vision Statement. I think Mr. Stewart's right,
24 that it could be, you know, cut down to just a few lines.
25 And certainly resource protection -- again, this -- as he

1 said, this sort of re-states the intent of the legislation
2 and maybe that addresses your -- you know, your shared
3 vision. Maybe it doesn't. But I just think it -- it lends
4 itself to -- I'm rambling on here, but maybe you get my
5 point.

6 COMMISSIONER McMILLIN: You're making good sense.

7 CHAIR BRISSENDEN: Tom Tammone.

8 MR. TAMMONE: I have a little bit of a problem with
9 the word "protective." Management, you know, we're not in
10 the business of managing. What it is is motorized
11 recreation, and, at the same time, being respectful of our
12 cultural and natural resources. That's the primary purpose
13 of the fund is motorized recreation. That's where the fund
14 comes from, and that's where the focus should remain.

15 Thank you.

16 CHAIR BRISSENDEN: Thank you.

17 Any other comments?

18 So we'll bring it back to the Commission for
19 discussion.

20 VICE-CHAIR ANDERSON: I'm going to start.

21 CHAIR BRISSENDEN: The Subcommittee --

22 VICE-CHAIR ANDERSON: Yes.

23 CHAIR BRISSENDEN: -- wants to weigh in.

24 VICE-CHAIR ANDERSON: First of all, the vision is the
25 stuff in bold print. The subcommittee has not vetted the

1 discussion language which follows in smaller type face. And
2 perhaps it (unintelligible) on a different page. Perhaps
3 it's explanatory or -- or is needed elsewhere within our
4 Strategic Plan in some -- in some portion. But the -- but
5 the vision as the subcommittee developed it consists only of
6 the first -- one, two, three, four, five, six, seven,
7 eight -- ten lines, some of which are short.

8 To answer Mr. Waldheim's concern, I personally was
9 attempting to capture long-term maintenance needs within the
10 third bullet, which is "Managed in a manner that supports
11 program goals and long-term use." If you think that doesn't
12 meet it, I'm sorry to have missed the mark, but that was
13 certainly my goal.

14 And for Mr. Tammone, I -- I think that within the
15 legislation it calls for a balance, and the second bullet
16 addresses the balance between "protective of cultural and
17 natural resources" and at the same time providing
18 recreational opportunities which are the core purpose for the
19 program, of course. If there weren't some kind of balance,
20 one could make the argument that anytime any vehicle goes
21 anywhere or any construction anywhere does some damage to the
22 cultural or natural resources. So we're talking about a
23 balance between the benefits of the program and so -- and
24 limiting it certainly to those rich resources, archeological
25 and other cultural resources that are required to be

1 protected by other legislation.

2 So I think putting in an element that addresses
3 our -- our attentiveness to that is appropriate. There may
4 be other words that are better, but I don't know how long we
5 want to wordsmith it. I'm sorry that more of you didn't have
6 an opportunity to participate within our subcommittee
7 discussions, but we certainly massaged several different
8 versions, and we looked at longer versions. But with the
9 shorter ones, this was what we came up with.

10 I think that's it for this moment.

11 CHAIR BRISSENDEN: Commissioner Willard.

12 COMMISSIONER WILLARD: Yeah. Thank you.

13 I'm -- I'm fine with the Vision Statement the way it
14 is. I think that the third bullet, as Judith points out,
15 does address Mr. Waldheim's concerns. I think that it does
16 speak to trail maintenance repair when it says "managed in a
17 manner that supports program goals and long-term use." To
18 me, that's what that means.

19 However, in -- in the first paragraph of the
20 discussion, it does mention specifics on certain things
21 that -- that would -- would be done, such as resource
22 management, rider safety, public education, and law
23 enforcement. I think because it gets into some specificity
24 in that paragraph that it is reasonable and appropriate to
25 then add in there trail facility maintenance. So that would

1 be my one suggestion for possible improvement to the -- to
2 the document.

3 CHAIR BRISSENDEN: Commissioner McMillin, did you
4 want to weigh in or --

5 COMMISSIONER McMILLIN: Yeah, I've got a comment.

6 I want to -- it's obvious everybody didn't have the
7 same piece of paper, I think. So that's part of the
8 confusion. And I apologize if it wasn't on the web site.

9 I think going forward, I talked to Tim off the
10 record, and he's -- because Judith and I would like to put
11 this out to other Commissioners for review between now and
12 our December meetings. And he's going to check into it, and
13 it's going to be possible that we can do that as long as we
14 post it on the web site for information and get your comments
15 back, also, so we don't have to wait from meeting to meeting
16 to hear comments, because I'm -- out of order?

17 DEPUTY DIRECTOR GREENE: No.

18 CHAIR BRISSENDEN: No, she can't say that.

19 (Multiple speakers.)

20 COMMISSIONER WILLARD: You're clearly in order, John.

21 COMMISSIONER McMILLIN: Because I'm -- I'm excited to
22 get this thing moving. And I'll get the trail maintenance
23 thing in here. I didn't see the fine print until I got my
24 document a week ago in the mail.

25 I think to address John -- and maybe you already did

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1 that -- on the Shared Vision, it says right here, "Guided by
2 Dynamic Division and Commission Leadership, Oversight." So I
3 think Judith, along with her counterpart, has done a pretty
4 good job on this.

5 I would move that we adopt the bold, and maybe not
6 the finer print because that does need a lot of work.

7 VICE-CHAIR ANDERSON: I get to second that.

8 CHAIR BRISSENDEN: You may second that.

9 DEPUTY DIRECTOR GREENE: Commissioner McMillin, the
10 only thing I was going to offer to you and to the
11 subcommittee is that if it were for the sake of the public or
12 something that you were interested in doing, we might be able
13 to identify dates where we could do the subcommittees but be
14 able to make it open to the public --

15 COMMISSIONER McMILLIN: Absolutely.

16 DEPUTY DIRECTOR GREENE: -- and provide that phone-in
17 line so that those individuals then could provide you the
18 input during that subcommittee so you wouldn't have to wait
19 from meeting to meeting.

20 COMMISSIONER McMILLIN: Does there have to be -- you
21 know, these teleconferences that Judith and I have had have
22 been, due to our personal schedules, sometimes changed at the
23 last minute. Does there have to be a 30-day notice on those
24 teleconferences for --

25 DEPUTY DIRECTOR GREENE: I don't think for a

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1 subcommittee --

2 COMMISSIONER McMILLIN: -- a subcommittee?

3 DEPUTY DIRECTOR GREENE: -- meeting. I think that we
4 could --

5 COMMISSIONER McMILLIN: Well, your 10-day notice --

6 DEPUTY DIRECTOR GREENE: I mean we could try and do a
7 10-day notice.

8 COMMISSIONER McMILLIN: Okay. Okay. I'll give it my
9 best yeoman's effort.

10 CHAIR BRISSENDEN: Other comments from other
11 Commissioners?

12 Commissioner Thomas.

13 COMMISSIONER THOMAS: I -- I can generally support
14 the Vision Statement. I think it's fair.

15 I was concerned -- I went back to the May 19th
16 minutes to see what was the genesis of this balancing
17 discussion that we've had, and -- because I remembered we
18 spent a great deal of time at the prior meeting with the
19 facilitator. And at that meeting we had a fairly clear
20 discussion of this balance that we're struggling with always.
21 And so in our minutes on page 22, it says -- Vice-Chair
22 Anderson, actually, asked -- this is from the May 19th
23 meeting, "Where does the work we put in in our previous
24 discussion, when does that get incorporated into the Vision
25 Statement?" And Mr. Navarro answers, "Well, I'm working on

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1 it. I'm going to get back to you. It's the old stuff that I
2 got from the -- the material I got from the facilitator is
3 not real useable at this point," that's a quote. "So I'm
4 going to put together a more useable version, and I'll
5 present it to you guys." And I would have loved to have seen
6 the more useable version presented so that we could use that
7 in analyzing the Vision Statement that the committee came up
8 with.

9 That all being said, there is a fair balance between
10 the two purposes. And I appreciate the work of the
11 committee.

12 CHAIR BRISSENDEN: Any other comments from other
13 Commissioners?

14 I would like to weigh in on this because I've done
15 ten months of strategic planning for the Sierra-Nevada
16 Conservancy, and -- having spent those ten months on a
17 Strategic Plan for 25 million acres, I think -- and due all
18 respect to those who put this time in, I think we need to go
19 back to the drawing board and start over. And that is in
20 respect to the user groups who have had limited input into
21 this, both environmental groups as well as the OHV community.
22 I would suggest a series of workshops around the state to get
23 input onto this Vision Statement and the entire package
24 before we go forward. We spent, as I said, ten months and we
25 presented this in 12 different sites around the -- around the

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1 Sierra range and probably had 500 participants that gave us
2 incredible direction to make our Strategic Plan what it is.
3 And I think that the user groups, the environmental
4 community, and the State of California probably deserves
5 that. Now, that means that there's a lot of staff time
6 that's going to go into this, which is -- calls into question
7 whether we have the staff to do that.

8 Short of that, I'd be a little concerned of what the
9 Strategic Plan would say in time and what we could really
10 accomplish within that plan, because it wouldn't have the
11 guidance from the communities of California that really would
12 be impacted by this. And I think that -- that the Division's
13 Statement, it needs to be short enough that we can pledge to
14 it and memorize it.

15 COMMISSIONER McMILLIN: Chairman --

16 And I -- I know -- I know you guys put in time and
17 effort and it was -- you didn't have the base information
18 that we spent three or four hours at the previous Commission
19 meeting didn't come into play here at all from -- and I don't
20 think, Mark, you had any idea that we'd spent that amount of
21 time, maybe you did, visioning, as we -- as it were -- in
22 February?

23 COMMISSIONER THOMAS: Yeah, it was February, I
24 believe.

25 COMMISSIONER McMILLIN: No, but I think I -- I would
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1 hope I was given those thoughts through Ed's input and -- and
2 Judith's. But maybe -- maybe we missed -- maybe we didn't
3 get that. But I -- I would think that the Draft Vision --
4 the parts that's in bold, I would hope we could move forward
5 on that and then employ the public as much as we can on these
6 conference calls. If we need a workshop -- I've never been
7 involved in those with this job, but I don't picture us
8 getting much done real quick. But I don't know how that
9 works. But I would --

10 CHAIR BRISSENDEN: I just think from the confusion
11 that I heard and the people that were commenting and lack of
12 input in this process that it needs to be broadcast far and
13 wide to get everyone's involvement in it to be a true
14 Strategic Plan.

15 (Multiple speakers.)

16 VICE-CHAIR ANDERSON: I'm getting confused, Chairman
17 Brissenden. I don't see this as but a small element of the
18 Strategic Plan. And I'm not -- your -- your -- your
19 on-the-ground experience with another -- the development of
20 another Strategic -- Strategic Plan is useful, and I -- I
21 appreciate that -- that component that you're bringing to the
22 discussion. But I was getting confused because -- perhaps
23 you can elaborate on whether you thought that the Vision
24 Statement didn't need to be done first or -- or whether --

25 OHV mins 9-8-06
COMMISSIONER McMILLIN: It's part -- it's --

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1 VICE-CHAIR ANDERSON: -- whether you think that it
2 should -- because I'm fairly confident with how we've laid
3 out this -- the plan, at least for developing the Strategic
4 Plan, that we are going to have a lot of community input from
5 user groups and on-the-ground folks and all that. So --

6 CHAIR BRISSENDEN: They need to be part of the
7 vision, and without them being -- having input and vetted
8 this through them --

9 VICE-CHAIR ANDERSON: Okay.

10 CHAIR BRISSENDEN: -- they're not going to be part of
11 the vision.

12 VICE-CHAIR ANDERSON: All right. So then your --
13 under your scenario, you would not complete the Vision
14 Statement until you had pretty well finished what your entire
15 Strategic Plan was going to be. Is that --

16 CHAIR BRISSENDEN: That's how we operated. Actually,
17 the Vision Statement got changed about two days before we
18 finally adopted it --

19 VICE-CHAIR ANDERSON: All right. That's --

20 CHAIR BRISSENDEN: -- (unintelligible) into the
21 process.

22 VICE-CHAIR ANDERSON: That's a different time line
23 than I thought we were operating under. But, you know --

24 COMMISSIONER WILLARD: Chairman --

25 CHAIR BRISSENDEN: Commissioner Willard's got a

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1 remark.

2 COMMISSIONER WILLARD: Yeah, I think it's already
3 been stated, but I'll just try to bring a little clarity to
4 it. There's two things we're looking at: The Vision
5 Statement, which is just in bold, and -- and the Strategic
6 Plan. And I -- I agree that the Strategic Plan needs a lot
7 more thought and input from the public. But a Vision
8 Statement should be very short and concise, and, to me, just
9 a -- a restatement of what we're all about, our legislative
10 act, and I think that what's in bold does that. So
11 personally, I'm -- I'm comfortable with the bold. I do agree
12 with you, though, that the Strategic Plan needs a lot more
13 input from the public. But I don't see a Vision Statement
14 being changed a whole lot because this -- what we have right
15 here basically sets out what our -- what we're all about.

16 CHAIR BRISSENDEN: Yeah, I'm -- I'm comfortable with
17 the Commission passing this as a Vision Statement. I'm just
18 saying that -- that it hasn't had much input from the general
19 public.

20 COMMISSIONER THOMAS: That's right.

21 CHAIR BRISSENDEN: And -- and I don't think it
22 incorporated much of the thoughts that we had over those
23 three or four hours we took at the first meeting. And that's

24 no slight on the committee. I think that they did the work
25 that was set out before them. So...

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1 COMMISSIONER THOMAS: Did -- did the committee
2 have -- have the benefit of the summaries from the March
3 meeting, the earlier visioning meeting?

4 COMMISSIONER McMILLIN: I did not.

5 VICE-CHAIR ANDERSON: No, not really.

6 COMMISSIONER THOMAS: Don't -- don't we think we
7 should have had that?

8 MR. NAVARRO: I'm sorry, the summaries from the
9 March --

10 COMMISSIONER THOMAS: Yeah, I remember --
11 (Multiple speakers.)

12 MR. NAVARRO: -- that was facilitated --

13 COMMISSIONER THOMAS: -- on page 22 of the May 19th
14 agenda, you indicated that you were going to have those
15 summaries from the earlier facilitated meeting where we
16 discussed the Vision Plan.

17 MR. NAVARRO: Yeah, I'll have to go back and check.
18 I -- I don't know that I gave you details. I know it was --
19 it was a large collection of information that -- that wasn't
20 real clear and concise. But I'll -- I'll check and see if
21 that did get to you.

22 COMMISSIONER THOMAS: Well --

23 MR. NAVARRO: I thought some of it did.

24 COMMISSIONER THOMAS: Yeah, I -- this -- you -- you
25 indicated that you'd received the information from the

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1 facilitator and you're going to put that together in a format
2 that would be brought back to the Commission. It would be
3 more useful, and it's the matrix. And it's not really
4 useable at this point, but I'm going to put it together in a
5 more useable vision, and I'll present it to you. That --
6 that's verbatim out of the May 19th. So my -- my thought was
7 that -- that the committee -- subcommittee --

8 MR. NAVARRO: Right.

9 COMMISSIONER THOMAS: -- should have had that three
10 hours of discussion. And the reason I bring that up is we
11 had this very finally balanced joint-use and preservation
12 argument. I thought we did a pretty good job of -- of
13 refining that balance point. And I -- and maybe -- not
14 "maybe," we should have the benefit of that balance work that
15 was done so that we -- we can integrate it.

16 MR. NAVARRO: Absolutely. I -- like I said, I will
17 go back and --

18 COMMISSIONER THOMAS: (Unintelligible.)

19 MR. NAVARRO: -- find out exactly what I did. I
20 did -- I sent them a large amount of information; I just
21 don't remember specifically if that large information was
22 there, but I will check on that for sure.

23 COMMISSIONER McMILLIN: Is it the March --

24 CHAIR BRISSENDEN: February or March, I'm not

25 certain.

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1 COMMISSIONER THOMAS: It says it in the minutes.

2 CHAIR BRISSENDEN: Oh, it was in March? Okay.

3 (Multiple speakers.)

4 COMMISSIONER THOMAS: The facilitator from the March
5 meeting.

6 CHAIR BRISSENDEN: Well, at the very least, the
7 committee should have that information.

8 MR. NAVARRO: Not the draft; the Strategic Plan.

9 COMMISSIONER THOMAS: No. No, there was a -- there
10 was a whole hour's long facilitated meeting where we kind of
11 debated with the entire community and wrote things on the
12 wall and discussed this balancing between use and
13 opportunity.

14 MR. NAVARRO: And -- and I guess, if I can provide a
15 little clarification, Chairman Brissenden, this -- the --
16 where we go from here as far as the Strategic Plan, you're --
17 you're correct. I mean we've got a series of public meetings
18 that we're -- we haven't even laid out in any great detail at
19 this point in time. We've obviously got, you know, select
20 points that we need to work with, you know, the general
21 community. I've got meetings set up with Fish & Wildlife
22 Service staff to go over specific aspects of it. We're going

23 to be putting together a task group to help finalize the --
24 the process itself so we can move forward. So there is a
25 tremendous amount of work left to do.

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1 I mean the -- the January date is going to be a real
2 tough one for us to meet. But there -- there are a series
3 of -- of involvements that we have with the general public as
4 well as with a lot of the -- the partners that we have in --
5 in the program itself.

6 I think we just -- we were focusing on the Vision
7 Statement as being a real key aspect of it that -- that
8 really conveys the idea that there is a shared vision between
9 the Division and the -- and the Commission. And that was
10 kind of the first step that we -- we felt was important to
11 get -- get past before we could -- before we can move on to
12 further things. Although, other things are happening
13 simultaneously.

14 CHAIR BRISSENDEN: I -- I think you've heard my
15 concerns.

16 There is a motion and a second on the -- on the
17 floor.

18 COUNSEL LaFRANCHI: Mr. Chair, can I just -- I was --
19 in the interest of keeping the administrative record
20 straight, what -- maybe we could clarify what that motion is
21 because I've heard kind of two approaches. The motion that I

22 thought was addressed -- and you all have to clarify this for
23 the record --

24 CHAIR BRISSENDEN: Commissioner McMillin, you want to
25 restate your motion?

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1 COUNSEL LaFRANCHI: Yeah, the motion I thought I
2 heard was for the Commission to adopt this as written for the
3 purpose of having -- getting it out there for the public,
4 getting input and bringing it back for a December -- further
5 Commission action on this Vision Statement, which is -- which
6 is one approach. And then there were some other suggestions.
7 So I just wanted to make sure we're clarifying --

8 CHAIR BRISSENDEN: Does that fit with your intent?

9 COMMISSIONER McMILLIN: I didn't understand that.

10 CHAIR BRISSENDEN: Okay. You want to restate that,
11 Counsel?

12 VICE-CHAIR ANDERSON: What he moved and what I
13 seconded was the bold print --

14 COMMISSIONER McMILLIN: Correct. I think my motion
15 is to --

16 VICE-CHAIR ANDERSON: You're asking questions about
17 the context of that?

18 COUNSEL LaFRANCHI: Yeah. I thought that it was a
19 process motion that -- to adopt -- for the Commission --
20 whether the Commission was willing to adopt the bold print as
21 written for the purpose of putting it out there for the

22 public's review, and then -- and other Commissioner review --
23 COMMISSIONER McMILLIN: That's different, I think.
24 (Multiple speakers.)
25 MR. LaFRANCHI: -- and then bringing it back --

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1 COMMISSIONER McMILLIN: Let me take a stab at it.
2 What I would like to do is make a motion that we adopt the
3 draft Vision Statement, which is the bold top -- eight,
4 nine -- ten line items. Then -- then I would like permission
5 to put it on the web site so we can start discussing it
6 with -- the entire document, discussing it with the public
7 and getting their comments back.
8 Then I just want to make a statement. Ed --
9 (Multiple speakers.)
10 CHAIR BRISSENDEN: Is this all -- this is quite a
11 motion you've got going here.
12 COMMISSIONER McMILLIN: Well, that's my motion, is to
13 adopt the Draft Vision Statement.
14 CHAIR BRISSENDEN: Okay. As a Draft Vision
15 Statement.
16 COMMISSIONER McMILLIN: As a Draft Vision Statement.
17 COMMISSIONER WILLARD: Yeah, I think that's the key
18 word, "draft." I think that's what we're all wanting to
19 hear.
20 (Multiple speakers.)

21 CHAIR BRISSENDEN: Okay. That's the motion.

22 (Multiple speakers.)

23 COMMISSIONER WILLARD: Is that we're not -- this
24 isn't now set in stone. This is -- we're adopting it as our
25 draft, which means --

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1 COMMISSIONER McMILLIN: Correct.

2 COMMISSIONER WILLARD: -- that it's -- will probably
3 be changed at some point --

4 CHAIR BRISSENDEN: And we have a motion on the
5 floor --

6 (Multiple speakers.)

7 COMMISSIONER McMILLIN: That's what Judith seconded.

8 CHAIR BRISSENDEN: -- that we re-visited. So
9 you're okay with that? The seconder is okay with that. And
10 I have a comment from Commissioner Priznich.

11 COMMISSIONER PRIZNICH: Thank you.

12 I -- I think it is important -- irrespective of, you
13 know, some of the commentary that was -- that's been made, I
14 think it's important that this Commission move forward in
15 some sense. And I -- I think that -- that is key. This --
16 this Vision Statement can be changed at a later time,
17 especially in the way the motion has been being made. And I
18 think that shows at least some good faith on our part.
19 That's the only commentary.

20 CHAIR BRISSENDEN: Okay. All right. So any other

21 comments?

22 COMMISSIONER McMILLIN: My -- my other comment is to
23 add -- and I -- I would -- I would like to see those March
24 notes. And I apologize for not asking for them. But it
25 would have been nice to have those. And -- and I'm sure a

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1 lot of those thoughts were part of your thought processing in
2 helping us put this together.

3 CHAIR BRISSENDEN: All those in favor?

4 (Commissioners voted.)

5 CHAIR BRISSENDEN: Opposed?

6 (No audible response.)

7 CHAIR BRISSENDEN: So we can have a brief break. And
8 when I come back, I think we're going to eliminate two more
9 items off the agenda. Those being considered are -- the two
10 items I'm considering dropping would be the Program Budget
11 and Staff Support. So we're basically going to be doing
12 Riparian and then going into closed session.

13 (Brief recess.)

14 CHAIR BRISSENDEN: All the Commissioners present.

15 We're going to defer discussion of Division staff support for
16 the (unintelligible), even though that's a rather critical
17 discussion.

18 MS. FINLEY: Can you say that again?

19 COMMISSIONER THOMAS: 6-B will be deferred.

20 CHAIR BRISSENDEN: 6-B -- or Roman Numeral VI, some
21 people's lexicon. And also Program Budget, with an apology
22 to the Governor's Budget folks who are here in force. I want
23 to thank them for their time. And we'll re-visit that
24 hopefully in January to get ahead of the curve with regards
25 to input into the Governor's budget.

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1 COMMISSIONER THOMAS: Sounds -- sounds like we've
2 missed the deadline anyway.

3 CHAIR BRISSENDEN: Yeah, we --

4 COMMISSIONER THOMAS: The deadline was in June.

5 CHAIR BRISSENDEN: This was more of an informative,
6 how does it all work, and where does it all go discussion. I
7 think we need to -- as volunteer Commissioners, probably need
8 to understand on a monthly basis.

9 So that brings us to -- if I have a motion to that
10 effect, then I'll make those two and defer them.

11 COMMISSIONER THOMAS: So moved.

12 COMMISSIONER McMILLIN: Second.

13 CHAIR BRISSENDEN: All -- all those in favor?

14 (Commissioner voted.)

15 CHAIR BRISSENDEN: Opposed?

16 (No audible response.)

17 CHAIR BRISSENDEN: So we're down to discussion of
18 staff work and appropriate action to implement the Desert
19 Riparian Policy adopted by the Commission at its December

20 2005 meeting. And I believe there is some information in the
21 agenda packet with regards to the Division's concerns or
22 perhaps confusions over what does "desert riparian" mean. Is
23 that a fair beginning?

24 And, Rick, you'll be taking this discussion? Daphne?

25 MR. LeFLORE: Yes, I am. Thank you, Chair.

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1 CHAIR BRISSENDEN: Okay.

2 MR. LeFLORE: Rick LeFlore, Superintendent, State
3 Parks Off-Highway Vehicle Division Headquarters. Thank you.

4 We've spent considerable staff time actually
5 researching your policy that was approved December 10th. And
6 primarily the -- the three leads have been Tim LaFranchi,
7 myself, and Paula Hartman from Thomas Reed Associates. And
8 along the way we've engaged the services of Jennifer.
9 Jennifer is ubiquitous in many of these environmental issues.
10 And we've engaged several environmental scientists, staff of
11 Thomas Reed Associates.

12 You have the policy in front of you. I won't -- at
13 this time of the day, I won't be repetitive and actually read
14 it to you because I'm assuming you've had a chance to go back
15 on the -- on the wording that you have. So in that section
16 of the notebook, that's the first page. And then we had an
17 overview on the second page. It's kind of a summation. I'm
18 actually going to come back and actually go over --

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19 basically, we came up with ten areas that -- issue areas that
20 we feel the Commission needs to be aware of that we feel
21 needs a lot more work. We're not here with the intent today
22 to actually end up with the final answer on this, but we are
23 definitely at a -- want to inform you over where we are in
24 the step in the process.

25 So what I'm going to do, I'm going to basically go

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1 over the ten items that have kind of risen to the surface, if
2 you will, and then we will turn it over for Commission
3 discussion.

4 So in our review --

5 COMMISSIONER SPITLER: Rick, can I just ask, is
6 this -- are your ten items written down somewhere?

7 MR. LeFLORE: Yeah, I'm actually reading them to you.
8 I'm leading a discussion.

9 COMMISSIONER SPITLER: I understand that. What I was
10 asking was, are they written down somewhere that we have a
11 copy of so we can follow along?

12 MR. LeFLORE: No. No.

13 COMMISSIONER SPITLER: Okay.

14 MR. LeFLORE: No, I'm basically informing you of what
15 we've come up to date. So...

16 COMMISSIONER THOMAS: Can you do it in writing next
17 time and we'll be a little bit more prepared to respond?

18 MR. LeFLORE: At this particular point, we are

19 considering our efforts a draft effort. There is litigation
20 that overhangs what we are working on here. So this is why
21 this is a verbal discussion at this point.

22 COMMISSIONER THOMAS: Do you want to be in closed
23 session?

24 MR. LeFLORE: I'm not an attorney. I can't answer
25 that.

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1 COMMISSIONER THOMAS: Well, you're the one that said
2 you're in litigation.

3 CHAIR BRISSENDEN: Well, this is a discussion for
4 Riparian Policy. I don't think I --

5 COMMISSIONER THOMAS: Right.

6 CHAIR BRISSENDEN: Yeah.

7 COMMISSIONER THOMAS: That's what I thought.

8 MR. LeFLORE: So are we ready for a discussion of
9 Riparian Policy?

10 CHAIR BRISSENDEN: Yes.

11 MR. LeFLORE: Okay. So what we've come up with, the
12 term "desert riparian" requires definition. One vegetation
13 classification system would need to be adopted to eliminate
14 any ambiguity surrounding the term. There basically is an
15 absence of classification consensus in this way. And as an
16 overview, multiple authoritative sources provide a broad
17 range of definitions for desert riparian. No single source

18 provides an ultimate definition, but we did find in a manual,
19 of "California Vegetation" that we could find a standardized
20 method to key out these vegetation types. The Division could
21 propose a classification system for Commission review and
22 approval. Such a proposal could be developed with
23 appropriate stakeholder input prior to a formal public
24 comment period that would be held if the policy is proposed
25 for adoption into regulation.

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1 Maps: Although some available maps include desert
2 riparian habitats, existing mapping is not comprehensive or
3 consistent enough to allow for application of the policy.
4 There is no single map or set of maps that could be used by
5 either applicants or Division staff to determine whether a
6 trail system, for example, falls within desert riparian.

7 There are other sensitive habitats -- habitats with a
8 hydrological component found within the desert that may not
9 fall under the category of desert riparian, such habitats
10 including desert palm oasis, alkali meadow, alkali desert
11 scrub, and fresh emergent wetland may need to be considered
12 when interpreting and implementing the policy. The extent to
13 which any of these habitats should be addressed by the policy
14 requires clarification.

15 Fourth point: The policy does not mention desert
16 washes, but the Division would need confirmation that desert
17 washes in fact are not included in the policy.

18 Fifth area: It's unclear what specific areas the
19 Commission contemplated for the list of priority desert
20 riparian lands. Unless the Commission can provide such a
21 list, it needs to be developed. Thus, in addition to
22 defining "desert riparian," the Division would need guidance
23 as to prioritization.

24 Item six: The policy does not describe the purpose
25 of the priority desert riparian lands list.

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1 Item seven: The term "extraordinary and demonstrable
2 need" requires further definition. As this term provides the
3 standard against which a project potentially affecting desert
4 riparian areas could be funded, more detail is needed.

5 Item eight: The precise extent of the funding
6 prohibition must be defined. There are two possibly
7 conflicting clauses: One prohibits funding or support of
8 grants or Cooperative Agreements that will, quote, encourage,
9 increase, or maintain, unquote, OHV use in desert riparian
10 botanical areas; the word "maintained" seems to suggest
11 ongoing OHV use in some capacity. The other clause is
12 limited to Grants and Cooperative Agreements that either,
13 quote, develop or re-establish OHV use, unquote, in desert
14 riparian areas. And these are terms that seem not to apply
15 to ongoing OHV uses. Thus, the Division would need
16 clarification as to whether the policy applies to ongoing

17 uses.

18 Nine: The term "desert riparian botanical area"
19 requires definition, and its relationship to desert riparian
20 lands and desert riparian area needs to be clarified.

21 Finally, Item 10: The actual implementation process
22 needs to be developed. For example, once "desert riparian"
23 is defined, would applicants need to state whether requested
24 funds would encourage or facilitate OHV use on lands meeting
25 that classification? Would Division staff need to make this

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1 determination?

2 So that's our ten-point overview that we have -- have
3 had in our review of the Desert Riparian Policy. And, again,
4 we consulted multiple scientific sources on this, went
5 through various Desert Land Use Management Plans that have
6 either been approved or are in the works. And so at this
7 point, unless we have further comment from the table here, I
8 would move the discussion back to you, Chair.

9 CHAIR BRISSENDEN: Well, I would go to any direction
10 at this point. But I think we need to have public comment.
11 So without -- Mike, do you want to make a comment?

12 COMMISSIONER PRIZMICH: I have a question. What are
13 we supposed to be doing here? I mean we have a whole list of
14 items that --

15 CHAIR BRISSENDEN: Well --

16 COMMISSIONER PRIZMICH: Are we supposed to go through
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17 each one, one by one? Is that your plan? Or is that the
18 Division's plan or --

19 CHAIR BRISSENDEN: The proposal we've all just heard
20 for the first time in terms of their concerns and questions.
21 So the -- this stems from an issue that has a conflict
22 between what -- or -- or misunderstanding between the
23 Division and the Commission's direction with regards to the
24 Desert Riparian Policy.

25 So Paul may be able to explain it a bit more, but I

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1 think that we will go to public comment and then have
2 Commissioner comments unless you think that's premature.

3 COMMISSIONER SPITLER: Well, that would be fine. I
4 guess my only question to the Division -- to staff is,
5 what -- what would they like to see out of this discussion?
6 Are you hoping that we'll attempt to answer each of those ten
7 questions? Are you proposing to answer them, or -- what do
8 you want to get out of this discussion?

9 MR. LeFLORE: It's not our expectation that you're
10 going to have the ability to wordsmith the items that were
11 brought before you here. We wanted to bring to your
12 attention the results of our review in hopes that it will
13 inform your discussion over how are we going to go after it.
14 Do you want to appoint a subcommittee that would work with
15 us? So it's really an in-step kind of a scenario at this

16 time.

17 COMMISSIONER SPITLER: Okay. So is -- just so I'm
18 clear on what you're hoping to get out, you want some
19 discussion from us of the items that you just raised
20 and -- and a subcommittee who can keep working on this with
21 you in the future?

22 MR. LeFLORE: We would look for guidance from you in
23 terms of how are we going to actually go back and answer
24 these questions. We're not expecting answers to these
25 questions today by any way, shape or form.

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1 DEPUTY DIRECTOR GREENE: I think as we look at it --
2 commission Spitler, as we look at some 30-plus definitions of
3 "desert riparian" in the work that we've been doing over the
4 past few months, is to try and identify, you know, what --
5 what does "desert riparian" mean? If you look at all 32
6 definitions and -- and put that into a map, it essentially
7 covers most of the southern California desert. Is it the
8 intent of the Commission that you don't want those
9 applicants -- any applications coming in from the southern
10 California desert? Is the list that you would like us to
11 have as we try and look at some of the points that -- that
12 Paul brought up -- I mean, I'm sorry, Rick -- that Rick
13 brought up, what is the purpose of the list, is that then as
14 we look to go to regulation? I think there's just -- as we
15 have uncovered and tried to provide to you just a general

16 reflection of the complexity that we have in front of us, and
17 that we would need at this point in time to look to you for
18 some direction because what we have right now, I think, is
19 a -- is a policy that if we are trying to put it into
20 regulations, it's clearly not implementable at this time.
21 And so what does it look like, and how do we go about now --
22 with the information that we do have, how do we go about
23 trying to meet that and -- objective. And I think that's the
24 confusion because the policy isn't particularly clear as to
25 what that objective really is.

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1 CHAIR BRISSENDEN: Any further comments before I go
2 to the public comment?

3 COMMISSIONER WILLARD: Well, I'm going to have a
4 number of comments and -- and questions primarily just to try
5 and get up to speed on this. I -- I've -- I've read the
6 minutes from the last meeting, but it -- I still am wanting
7 for a lot more input. So I can start chiming away, or we can
8 wait until after public comment.

9 CHAIR BRISSENDEN: I think we'll bring it back to
10 the -- to the Commission after public comment.

11 COMMISSIONER PRIZMICH: Could I just ask one
12 question? Is there a time frame that we're looking at that
13 this has to be accomplished by?

14 CHAIR BRISSENDEN: Well, I think there's some issues

15 obviously for --

16 VICE-CHAIR ANDERSON: Not really.

17 CHAIR BRISSENDEN: I don't think we're going to --

18 DEPUTY DIRECTOR GREENE: Probably around --

19 COMMISSIONER PRIZMICH: Well, I think we should know
20 what the time frame is so we know what our --

21 CHAIR BRISSENDEN: I don't know that we have a time
22 frame other than that there is litigation that involves this
23 as well.

24 COMMISSIONER PRIZMICH: So this is related to --
25 okay.

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1 CHAIR BRISSENDEN: Yeah. That may be more informed
2 when we get into closed session as to what that time
3 frame might be.

4 COMMISSIONER PRIZMICH: It sounded a little bit
5 more -- all right.

6 CHAIR BRISSENDEN: So Dave Pickett, then Ed Waldheim,
7 and Don Amador. We'll start with Dave Pickett.

8 MR. PICKETT: Dave Pickett, District 36, Motorcycle
9 Sports Committee.

10 As I said in the December meeting, I feel this is a
11 punitive action to restrict OHV, and it's agenda driven. It
12 is under litigation, that's my understanding. I think the
13 staff at Division has brought up some excellent points. And
14 I would ask you to reverse this policy until you get all the

15 facts straight and litigation is taken care of.

16 Thank you.

17 CHAIR BRISSENDEN: Thank you.

18 Ed Waldheim.

19 MR. WALDHEIM: Ed Waldheim for CORVA and District 37.

20 As you recall, this was passed when I left -- I was
21 on the Commission and I left -- it was on that Saturday; I
22 had to leave. It was deplorable that it was passed. I asked
23 please not to do something like that, but you guys didn't
24 listen; it was passed anyway -- not you two new ones. You're
25 not guilty; you weren't there. And I think that there's so

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1 much ambiguity in that, and the staff is telling you with
2 that kind of policy, practically you're shutting all of
3 southern California out, period. And if that's what you want
4 to do, then go right ahead and change the name to the
5 Non-Motorized Recreation Commission and be done with it. And
6 we can have the riders ride all over the place since we are
7 not willing to manage and provide the opportunity. I don't
8 think that's what you want to do. You'd better not want to
9 do that.

10 So I think this policy is ill-conceived. It should
11 be done away with. And I'll leave it at that.

12 CHAIR BRISSENDEN: Thank you.

13 Don Amador.

14 MR. AMADOR: Yeah, I mean -- I just want to make a
15 comment -- Don Amador with the Blue Ribbon Coalition -- that
16 I believe this is an ill-conceived policy. It's in conflict,
17 I believe, or -- in an attempt to circumvent federal land
18 management planning processes in the desert.

19 We talked about balance earlier. And it's my opinion
20 that this is the sort of balance, and why I'm asking for it
21 to be more clearly stated in the Vision Statement. In the
22 view of the majority of the Commission, balance means no OHV
23 recreation in most of California. That's why it needs to be
24 clearly stated.

25 And so I caution you against passing policy that

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1 circumvent or bypass federal land management planning
2 processes.

3 Thank you.

4 CHAIR BRISSENDEN: John Stewart.

5 MR. STEWART: Good afternoon, Commissioners. John
6 Stewart, California Association of Four-Wheel Drive and
7 United Four-Wheel Drive Associations.

8 I've looked at this policy quite carefully and
9 bounced it against existing laws. I find that this policy is
10 both in duplication and in conflict with existing laws. As
11 such, it appears to be creating a new law outside the
12 legislative intent of the program and outside the legislative
13 intent of the Commission. To that extent, the definitions in

14 here are ambiguous, lack good clarity, as was presented by
15 the staff report, and most importantly is that when it talks
16 to that list of sensitive areas, that's putting upon the
17 Federal Land Manager something that they do as part of the
18 land management process and, within that process, it is
19 subject to federal law called the National Environmental
20 Policy Act. What this does is actually supercede federal law
21 which, again, it puts it in conflict with existing law and,
22 as such, it is a policy that cannot be maintained.

23 And I urge you to rescind this policy.

24 Thank you.

25 CHAIR BRISSENDEN: Thank you.

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1 Bruce Brazil.

2 MR. BRAZIL: Bruce Brazil, California Enduro Riders
3 Association.

4 And please bear with me on this one. Roughly a year
5 ago there was two days of Commission meetings scheduled. Due
6 to a technicality, the Commission decided to cancel these
7 meetings. This is showing the diligence of our Commission
8 here to follow protocol and procedures. Now we move up to
9 December 10th where this proposal was brought out. It was
10 discussed; it was voted on. But at no time was there any
11 motion on this bill -- or on this proposal. Therefore, the
12 vote is null and void. Possible -- something for legal

13 counsel to give us a ruling on. Yes, someone asked "call for
14 a vote," but there was no motion to vote on. Was it supposed
15 to be to pass it? Was it supposed to be to reject it? Was
16 it supposed to be to table it? Was it supposed to be hold it
17 over until the next meeting as per Mr. Waldheim's specific
18 recommendation? That was not in the meeting.

19 Thank you.

20 CHAIR BRISSENDEN: Thank you.

21 Karen Schambach.

22 MS. SCHAMBACH: Karen Schambach, Committee for
23 Sierra-Nevada Conservation.

24 I thought that the intent of the policy was -- was
25 quite clear, at least it was to me. And I -- I think it's --

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1 it was obviously, you know, an attempt to protect valuable
2 desert riparian areas from damage by off-road vehicles. And
3 I think it's perfectly in line with the intent of this
4 program to balance use and protection. If desert riparian
5 areas can't be protected, then I don't know what this program
6 is about. It may be -- I'm not saying it is, but it may be
7 that the -- the -- that there needs to be a clear definition
8 of "desert riparian," and it sounds like, you know,
9 there's -- there's -- I don't know that they're necessarily
10 conflicting; I think hear that there's different ones that --
11 I don't know if they're conflicting, but it may be -- you
12 know, it -- it's possible it needs clarification, in which

13 case, you know, there -- I think it should be left to --
14 to -- to qualified biologists to do it. I don't think it's
15 something where you would just let the public decide what --
16 what determines a riparian area.

17 State Parks has a definition for "riparian," and I --
18 I'm sure you looked at that. I don't remember that ever
19 being, you know, disputed. So I think that -- that the
20 dissension from this policy is purely political. It's not --
21 they're trying to make a -- a scientific mountain out of a
22 mole hill.

23 And as for the NEPA compliance that was addressed
24 earlier, these are grants, and I don't -- you know, BLM
25 doesn't have to apply for a grant not to develop a riparian

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1 area. I just don't see how NEPA comes into -- into play
2 there. So that's my thoughts.

3 Thank you.

4 CHAIR BRISSENDEN: Thank you.

5 Tom Tammone.

6 MR. TAMMONE: Yeah, again, it all comes down to
7 protection or respecting. The fund again is for motorized
8 recreation. I don't really feel the need to go adding any
9 policies. We've got the NEPAs and CEQAs, the HMPs and the
10 WHPPs. And this blanket policy like this could actually
11 preclude riding in areas where, and by all other means, it

12 would be acceptable. And what it will force us to do would
13 be either close an area or we'd have to cut an additional
14 trail up on the hillside along where the wash or wherever it
15 is that we're riding would have been. What this does, of
16 course, it creates more environmental damage and having to
17 cut an additional trail -- yeah, providing that it's even
18 possible to do it. And now we have another problem: Once
19 you move them out of the washes, now they're visible; now
20 people can see them. So it creates multiple problems where
21 otherwise we wouldn't need to be concerned about it. The --
22 the whole idea is land management not to have blanket
23 policies with loose definitions.

24 Again, this December 10th was very unsupported. I
25 believe only one person even from the environmental community

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1 even spoke for it at the December 10th meeting. On either
2 side of the aisle, I really don't think there's very much
3 interest in it.

4 Thank you.

5 CHAIR BRISSENDEN: Thank you.

6 DEPUTY DIRECTOR GREENE: Chair Brissenden, may I just
7 make a comment for clarification purposes?

8 CHAIR BRISSENDEN: Well, the public comments are
9 closed, so yes, please go ahead.

10 DEPUTY DIRECTOR GREENE: I just want to make sure
11 that -- that -- for the record, I understand that this policy

12 has a lot of -- has a lot of feeling on both sides, but I
13 just want to make it very clear that the Division in this
14 case has been trying to do really good staff work and is at
15 this point in time trying to come back to the Commission to
16 say, "Here is what we have found." And yes, we do need to
17 get some clarification, and we do need to be able to work
18 together, whether or not that looks as though, you know, a
19 dialogue will occur here or whether or not a subcommittee,
20 but we do need some direction because I don't feel
21 comfortable for us making a decision on something that is as
22 clearly as interesting to as many members of the public and
23 the -- and the Commission in particular. We are looking to
24 be able to say to you "Here would be in the process then, and
25 having done that work, this is what we need to do." And so I

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1 think today we're trying to say to you, "Here's what we have
2 found. It is very confusing," but it is not -- it is not
3 political; we're simply trying to get to the end goal that
4 meets what it was the policy that you passed in December.

5 CHAIR BRISSENDEN: Thank you. No, I appreciate the
6 staff work defining the questions and the concerns.

7 With that said, I'll bring it back to the Commission
8 for Commissioners' comments.

9 COMMISSIONER THOMAS: Mr. Chairman.

10 CHAIR BRISSENDEN: Commissioner Thomas.

11 COMMISSIONER THOMAS: I'm reminded by the debate of a
12 couple of agency lawyers when -- when confronted with a
13 request based on some legislation that says "Thou shall do X
14 in the circumstances," but the agency lawyer turned and said,
15 "Well, is that a permissive 'shall' or a mandatory 'shall'?"
16 And, of course, being an agency, not wanting to do the act,
17 they turned and said, "Oh, it's a permissive 'shall', and we
18 don't really want to do it, so we shall not." And that's
19 kind of what is occurring here.

20 When I drafted this policy, I went to my experts,
21 which are Google, and I put the word "desert riparian
22 definition" into Google, and I didn't have any Ph.D.s working
23 for me or anybody, just -- just the computer. And -- and it
24 came up with the State of California Resources Agency
25 definition of "wildlife habitats." And I went down, and I

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1 I looked for "desert riparian," which I printed out and I'll
2 share with the Commission. And sure enough, there was a
3 definition of "desert riparian." And I used the desert
4 riparian definition out of the State of California's
5 Resources Agency web site.

6 So apparently all of the -- all of the experts
7 discussing whether -- how many angels can dance on the head
8 of a pin were unable to find this, so I pass it over to the
9 staff. This is the Desert Riparian Policy. I'll leave it, I
10 guess, to -- to --

11 CHAIR BRISSENDEN: You don't have 20 copies?

12 COMMISSIONER THOMAS: I don't have 20 copies, not
13 having my own machine. But maybe we could put it in the
14 record, and that way the record will reflect that there is a
15 web site with habitat -- and it actually meets a number of
16 objectives of the -- of the staff. It has a map. It has a
17 picture of the typical habitat. It has a description, has a
18 vegetation description, structure, composition,
19 classification, habitat stages, duration of stages,
20 biological setting, wildlife considerations, physical
21 setting, distribution, and literature to support its view.

22 So I would propose that -- to this Commission that we
23 have what might be viewed as a much to do about nothing, and
24 we would ask the Division staff to follow the Secretary of
25 Resources Wildlife Habitat Relationships Habitat

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1 Classification Scheme.

2 Thank you.

3 CHAIR BRISSENDEN: Thank you.

4 Any other comments or --

5 Commissioner Willard.

6 COMMISSIONER WILLARD: A lot of questions.

7 CHAIR BRISSENDEN: Okay.

8 COMMISSIONER SPITLER: Before we do, I'd like to hear
9 staff's response to that.

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CHAIR BRISSENDEN: Okay.

DEPUTY DIRECTOR GREENE: I guess my response would be, Commissioner Thomas, when -- when I raised that point in December, I wish that you had provided that clarity that that was what you were looking at, because I think that to get into a discussion of dueling sources and -- and expert opinions -- again, we're looking for the clarity. That clarity was not provided. I've asked for -- at that meeting I said that I would like to be able to continue the discussion so I understand what does a list look like. "The Commission will develop a list." I don't know what that list looks like. How do we then try to say to our partners, "This is areas that you shall or shall not," whether or not that's permissive or mandatory -- that you shall or shall not apply for a grant based on the fact of here is this definition. We are going to need to provide specificity to these grant

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1 applicants such that they are very clear about what they can
2 or cannot apply for from this Commission. And that's what we
3 requested in December, and that's what we've been working
4 towards, and that's what we had said on many occasions. So
5 I -- I wish, had there been, that you would be very clear,
6 this Commission would be very clear as this is the definition
7 by which you propose that from here on out we can then narrow
8 it down and then start to provide that clarity and then bring
9 it back to you so that we can make sure that -- that we are

10 very clear about that's the expectation.

11 So if you have that and that is what the expectation
12 is of this entire Commission, then clearly that is what we
13 will move forward with and continue to try and provide you
14 back that clarity of what it would actually look like for the
15 grant applicants.

16 MR. LeFLORE: And I wanted to actually specifically
17 go back to the material handed to me. We actually did review
18 the CWHR, and our biologist notes on this are that the
19 biologist actually specifically developed these habitat
20 descriptions primarily to classify and predict habitat value
21 for terrestrial vertebrate -- vertebrate wildlife species.
22 And, therefore, those habitats do not represent a
23 comprehensive classification scheme for the conservation and
24 mapping of California's terrestrial vegetation. So it all
25 the more points to the fact that there are many, many sources

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1 out there that need to be fully reviewed and exhausted before
2 you can actually get to the one working definition that would
3 work for this Commission's purpose.

4 Thank you.

5 CHAIR BRISSENDEN: Thanks for the comments.

6 Commissioner Willard.

7 COMMISSIONER WILLARD: Thank you.

8 I tried to do as much homework as I could on this

9 issue and reviewed the minutes from the last meeting, the
10 staff report prepared for the December meeting, and the
11 information that was provided us in our -- in our binder.
12 And I'm -- I'm still wanting in -- in a number of areas. And
13 so I don't know to ask my fellow Commissioners to try to help
14 me understand -- first off, what was the -- the genesis of
15 this? Is there -- have there been some, you know,
16 inappropriate use of grant funds in the past that you can
17 cite that, ah-ha, this is why we need to have this? To me,
18 this -- it's a policy, and a policy is a very important
19 statement from the Commission to -- to the -- to the
20 community that, you know, this is very important to us. And
21 so what's the rationale for it? That's my first question.

22 Then my -- my second question is, I'm trying to get a
23 better understanding of the impact of this policy. Again,
24 reading the minutes and -- and listening to some of the
25 public comment, it sounds like it -- it could have a

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1 tremendous impact on OHV use, especially in southern
2 California. So I -- I need some more guidance on this.
3 Should I take what's said for face value? And I think this
4 gets back to the definition of "riparian," because it can be
5 very broad where, indeed, it could shut down the entire
6 desert, or perhaps a much, much more narrower scope of
7 definition would protect sensitive habitat that I personally
8 would have no problem in protecting. I -- I agree with the

9 premise of protecting important resources.

10 So I -- I have no concept of the scope of what we're
11 talking about. So I need a lot more information in order for
12 myself to -- to feel like I'm making an informed decision.

13 CHAIR BRISSENDEN: Good questions. I don't know if
14 you want to respond, Commissioner Thomas, or, Commissioner
15 Spitler, to the rationale behind it and what were some of the
16 geneses or the genesis for this.

17 COMMISSIONER SPITLER: I'll -- I'll let Commissioner
18 Thomas respond since it was his policy and his motion.

19 I just want to respond on the rhetoric a little bit
20 that some of the public and other Commissioners seem to be
21 under the impression that this policy somehow can shut down
22 use in any riparian area anywhere. Actually, it can't do
23 that, nor does this Commission have the ability to do that.
24 All this policy does is provide direction for how the State
25 will use its resources in funding federal land management

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1 agencies' activities on public lands. And how those agencies
2 choose to manage their lands is, of course, up to them. And
3 whether they choose to apply for State funding to support
4 those activities is, of course, up to them. And whether or
5 not they allow use in riparian areas is, of course, up to
6 those agencies. This -- this policy just affects how the
7 State will allocate its resources.

8 CHAIR BRISSENDEN: So that explains some of the
9 concern around the rhetoric that -- that seems to get
10 overblown sometimes.

11 COMMISSIONER WILLARD: Well, I -- I understand the
12 point, but in reality, the other agencies rely heavily on our
13 funding, and, without it, there is no use. So --

14 COMMISSIONER SPITLER: That's actually not -- that's
15 actually not quite reality.

16 CHAIR BRISSENDEN: There -- there probably needs a
17 workshop on what -- what impacts our monies have on those
18 particular agencies. But I -- there's -- as I just spoke
19 with the representative of BLM, we're about 1 or 2 percent of
20 some of their recreational opportunities. So we're not a
21 huge impact in terms of what their overall budgets are.
22 But -- but we can influence to some degree through our
23 policies and our grants how they use those funds and perhaps
24 persuade users and the agencies to protect the resources that
25 we're concerned with.

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1 The genesis question.

2 COMMISSIONER THOMAS: Yeah, I can -- I can help along
3 that line.

4 When I first got on the Commission there was some
5 simmering debate over a canyon in the Panamints on the
6 west -- eastern side of California down to the Nevada line
7 about a canyon. And groups would come up and say, "It's got

8 a road." "It doesn't have a road." It's back and forth,
9 back and forth. Environmental groups would say one thing,
10 and the users would say another. And a couple of years ago
11 I -- I went out there finally and took a hiking trip and
12 walked up the canyon, and -- and I was ankle deep in water
13 for about a third of the trip up the canyon. And I remember
14 thinking to myself, "There was once a road here many, many
15 years ago, but it's been so long that we now have a creek."
16 And -- and -- but -- but meanwhile, everyone in the debate
17 was saying, "It's a road. It's a road. And you can't let it
18 go back to nature." And -- and my response was, if the Inyo
19 National Forest is insisting that this creek bottom that I
20 just slogged up for the last four hours is a road, then we've
21 got a problem here. This is not honest and -- and
22 straightforward governance. And, therefore, I guess we're
23 going to have to pass a policy so that we don't end up
24 funding trails in the bottom of creeks, because, in fact,
25 both under the Clean Water Act and under the Fish & Game

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1 Code, those creeks are protected and you can't put roads in
2 the middle of creeks. And it seemed an obvious thing to me.
3 I thought, gosh, I don't know why anybody would ever even
4 start this process and make this debate. But sure enough,
5 there was a debate. So that's -- this is hopefully the end
6 of the debate on that.

7 COMMISSIONER WILLARD: Well, was -- was that road put
8 in with OHV grant money?

9 COMMISSIONER THOMAS: Oh, no. This is an old mining
10 road from the -- you know, the dawn of time.

11 COMMISSIONER WILLARD: So, again, are there any
12 instances where OHV funds were used for grants that -- that
13 just, you know --

14 COMMISSIONER THOMAS: Well, they were proposing to --
15 they were proposing to re-open the road using -- using
16 offsetting money from the Inyo National Forest. And that's
17 what sort of got this (unintelligible). And then there were
18 other -- there were other debates that I'm not as familiar
19 with. I don't have any firsthand knowledge of the facts. I
20 mean I heard all -- you know, for years up here we've been
21 hearing to go back and forth about these desert canyons, you
22 know, "It's a creek," "It's not a creek," "It's a road,"
23 "It's not a road." And I don't know about those others --
24 but I sure know that the creek I walked up was not a road.
25 And -- and my feet and ankles were wet the entire time, and I

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1 came out with wet feet. And I thought, you know, there's got
2 to be a better way of doing business and maybe this is it.
3 So that's the genesis of it.

4 CHAIR BRISSENDEN: Does that help?

5 Other comments, questions from Commissioners?

6 COMMISSIONER McMILLIN: So what's -- what's the next
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7 step on something like this to help staff implement the last
8 line, which is --

9 VICE-CHAIR ANDERSON: I have a question.

10 COMMISSIONER McMILLIN: -- "shall not solicit or
11 approve any grant, Cooperative Agreements without" --

12 CHAIR BRISSENDEN: Well, I think it's --

13 COMMISSIONER McMILLIN: -- "(unintelligible) riparian
14 areas"?

15 CHAIR BRISSENDEN: I think it obviously would be
16 helpful to have the ten points that --

17 (Multiple speakers.)

18 VICE-CHAIR ANDERSON: I have another question that I
19 just thought of.

20 (Multiple speakers.)

21 CHAIR BRISSENDEN: Yeah, Commissioner Anderson.

22 VICE-CHAIR ANDERSON: Yeah, do you have any -- any --
23 any numbers for what you're suggesting is an appropriate next
24 step, not that I want -- what I'm trying to get a handle on,
25 what you're talking about, you know, task groups -- setting

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1 up a task group? What are you talking about in terms of
2 numbers, categories of people, where -- where -- where did
3 you think that was going to go: Staff, Commissioners, users,
4 biologists?

5 DEPUTY DIRECTOR GREENE: I think, Commissioner

6 Anderson, the only thing I suggested was a subcommittee which
7 would then try and figure out what that would look like. I'm
8 not proposing that -- I think right now we're just trying to
9 get from the Commission -- I'm not looking at the public at
10 this point in time. I'm just looking from the Commission
11 what does that look like, because I think we just saw
12 Commissioner Thomas indicate that -- that he was going off of
13 the Resources. We've got -- trying to provide clarity from
14 that. I -- I think that there are a number of issues. So it
15 would be helpful to us if we could perhaps look at working
16 with, you know, one or two Commissioners that -- that we then
17 could say, "Okay. Here's what you're looking at. And here's
18 what you would anticipate as you move forward."

19 COMMISSIONER THOMAS: Yeah, Commissioner Anderson, I
20 would -- would encourage us to just ask the staff to use the
21 dominant rules that are applicable to the State of California
22 and leave it at that. I mean -- you know, one way when you
23 don't like a policy is to study it to death. And this --
24 this is close to the classic bureaucratic response to things
25 that one doesn't like as I've ever seen. I'm -- I'm happy to

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1 work with the staff after they apply the State applicable
2 rule which -- which is on the web site. And if at that time,
3 after they've looked at that and still have a problem, then
4 perhaps we can have another discussion. But there's no point
5 in going fishing for a bunch of conflicting definitions

6 because you don't like the one that the State applies.

7 DEPUTY DIRECTOR GREENE: Commissioner Thomas, with
8 all due respect, I find that extremely offensive to the work
9 that we have been doing over the past few months. To suggest
10 that we have been stalling in some bureaucratic area is just
11 not fair to my staff and is not fair to our commitment to try
12 to work together with this Commission as we move forward.
13 I'm simply saying that we need some help. We need some
14 guidance. We need some constructive dialogue with this
15 Commission. We are not stalling this process.

16 COMMISSIONER THOMAS: You passed 64 pages of
17 regulations in -- in -- in emergency proceedings faster than
18 I have ever seen any agency act. Yet something as simple as
19 this, you need -- you're going to study it to death. If you
20 can put those regulations and -- and -- permanent regulations
21 and temporary regulations in that speed, I think you'll
22 figure it out.

23 DEPUTY DIRECTOR GREENE: Well, then what I would
24 ask --

25 COMMISSIONER THOMAS: This is a very skilled group of

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1 people, and I admire your work.

2 DEPUTY DIRECTOR GREENE: Commissioner Thomas, I still
3 have not received a list of those priority desert riparian
4 areas. You are just suggesting to me today for the first

5 time the definition that you would like, that you are
6 suggesting that we work off of has just been presented to us,
7 and that is fine. If that is what this Commission wants us
8 to work off of, we will. But then we need to go back --
9 and it says here in this policy that the Commission will
10 provide a list. I'm going to need a list. I will work with
11 working towards regulation. But we've worked very hard on
12 our regulations to provide the clarity to the agencies, and
13 we continue to do so. And I will provide that clarity to the
14 agencies provided I get some direction from this Commission.

15 CHAIR BRISSENDEN: Thank you both for your comments.

16 I would say that we need a little more time
17 discussing this, and it's also under litigation. I don't
18 know that we need to go any further given that there is some
19 contentiousness around this.

20 In terms of setting up a subcommittee to work with
21 staff, I tend to think it would drag it out longer. I'm not
22 certain that we would get any further definition given
23 perhaps entrenched positions of some of the Commission and
24 some of the staff.

25 DEPUTY DIRECTOR GREENE: We could give it a chance,

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1 Commissioner. We haven't even given it a chance yet. So we
2 can move quickly. We can try and work together. I mean
3 certainly it's your choice to say it might not work, but, you
4 know, my intention is never to stall. I think you all know

5 me well enough. If anything, I get extremely frustrated by
6 the process sometimes. But, you know, we are asking for some
7 help here.

8 CHAIR BRISSENDEN: Well, I -- I hear that. I know
9 that there was some comment from staff on this particular web
10 site's clarification of "riparian." So you have considered
11 these issues. I am not a desert riparian guy. And I don't
12 think I want to load up the Strategic Plan Committee given
13 the two southern California desert folks might be able to
14 make comment. But if you would raise your hand and we could
15 get something out, you know, in a fairly quick turn-around --
16 although it won't affect this grant cycle, obviously, but it
17 would affect considerations probably starting in January.

18 Go ahead, Commissioner.

19 COMMISSIONER THOMAS: Well, that may be the issue is
20 what grant cycle this is affected by -- or -- or this policy
21 affects. If -- I would be -- why don't you just -- why don't
22 we just have an opportunity for the staff to go look at
23 the -- the Resource Agency's own definition and then come
24 back to us with --

25 CHAIR BRISSENDEN: I think they have.

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1 COMMISSIONER THOMAS: -- another thought.

2 CHAIR BRISSENDEN: Irrespective -- Commissioner
3 Thomas, I've heard reference that they looked at that and

4 that they determined that that was not a complete picture of
5 what they felt they had to look at in terms of these grants.

6 COMMISSIONER THOMAS: Well, I suppose we can do -- we
7 can just proceed on ahead and -- and apply the criteria in
8 our own proceedings. There's no need for -- for -- for
9 additional guidance. Due process is due process. Desert
10 riparian is desert riparian. Why -- why do you need to have
11 to define it further?

12 COMMISSIONER PRIZMICH: Well, if I can --

13 CHAIR BRISSENDEN: Implementation may be an issue,
14 and we may have some conflicts with the staff on it. So -- I
15 mean let me ask Commissioner Anderson on her perspectives on
16 this.

17 VICE-CHAIR ANDERSON: Commissioner Thomas, you may
18 have read that definition, and the staff may have read that
19 definition. I haven't read that definition, and I'm not
20 familiar with the details of it. I am intrigued by -- by the
21 staff's comments about the fact that their definition is not
22 intended to be comprehensive. I don't mind being part of a
23 task group to -- to work on this, but I don't -- I don't want
24 to volunteer for everything. So...

25 COMMISSIONER THOMAS: Well, madam, I can pass you my

1 copy. If you look at the top page of the web site, it says
2 that this is a comprehensive --

3 VICE-CHAIR ANDERSON: I --
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4 COMMISSIONER THOMAS: I mean this is as comprehensive
5 as it --

6 VICE-CHAIR ANDERSON: That's fine.

7 COMMISSIONER THOMAS: I also -- we also didn't have
8 the benefit of the ten points.

9 VICE-CHAIR ANDERSON: I -- I -- I agree.

10 COMMISSIONER THOMAS: You want to not act again, yet
11 again, because -- because inaction is an act. And we are
12 continuing to enact.

13 VICE-CHAIR ANDERSON: No, I -- well --

14 CHAIR BRISSENDEN: Judith, do you want to continue --

15 VICE-CHAIR ANDERSON: Yes, I do.

16 CHAIR BRISSENDEN: I'm going to suggest -- okay.

17 VICE-CHAIR ANDERSON: Yes, I do.

18 In -- in line with Commission Willard's concern, I --
19 I'd like the staff to have some opportunity to examine where
20 they think there may have been grants that would be counter
21 to -- to this definition. And I'm -- I also am fine -- if
22 we -- if we agree to work off of this definition, I don't
23 want us as a Commission to wordsmith; I just want us to agree
24 on which definition we're going to use so that it's clear to
25 all the users which definition we're using and all the

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1 applicants which definition we're using.

2 So I -- I think the kind of clarity in where this --

3 where your -- what your intent was when you passed the motion
4 which definition to use is helpful, but I think in terms
5 of -- we do need -- under the motion, there's a request that
6 the Division establish this list, as the Deputy Director's
7 indicated. And I -- so I think there are some unresolved
8 aspects that we need to work on. And so I'm -- I'm happy to
9 work with whomever you might put on this task force or
10 whatever -- or to work with the staff or whomever, however
11 you decide. I'm flexible.

12 CHAIR BRISSENDEN: Well, it's nice to have one
13 volunteer. I'm loathe, given that we're all volunteers, to
14 designate a second party to the subcommittee. I do think
15 that before we have much more discussion that we have those
16 ten points before us because that makes it very, very
17 difficult to understand all the issues by hearing them. I'm
18 more visual than auditory myself. So I -- I need to read
19 those things.

20 Commissioner McMillin.

21 COMMISSIONER McMILLIN: I have -- I have just an
22 idea. And if this was passed without the definition in
23 place, which maybe the first place I would have gone, not
24 knowing where there was a definition, would be the State web
25 site, but maybe that's -- that's obvious now -- and if you're

1 going to put a committee to work on it, I think anybody who's
2 going to agree to be on that committee might want this to

3 become kind of -- kind of like my Strategic Plan, become a
4 Draft Desert Riparian Policy until the details are filled in
5 or just --

6 CHAIR BRISSENDEN: Well, we have a policy already;
7 it's just a matter of getting a definition and
8 interpretation. And I think that there's perhaps some
9 fairness in the question from the Division. I do have some
10 concerns over the history of our (unintelligible) --

11 COMMISSIONER McMILLIN: Yeah, I have --

12 CHAIR BRISSENDEN: -- the Division, too.

13 COMMISSIONER McMILLIN: I guess we can always, you
14 know, attempt to vote to put it in a draft state until the
15 detail -- until staff's comfortable and the majority of the
16 new Commission maybe is comfortable with it being considered
17 a legitimate criteria for the grant-grading process.

18 CHAIR BRISSENDEN: And I wouldn't encourage a motion
19 at this point because I'm not -- we -- we have a policy in
20 place. But I think the definition certainly should come as
21 direction from the Commission. But without the questions in
22 front of us, it's a little tricky. And it's awkward given
23 that it's also being litigated. So that adds -- adds another
24 little wrinkle to the whole discussion.

25 COMMISSIONER THOMAS: Well, perhaps we should wait

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1 until closed session and -- and see where it is in the

2 litigation process and deal with it after it's resolved
3 itself.

4 CHAIR BRISSENDEN: I have some concerns over time.
5 We're almost 4:00 with some Commissioners needing to catch a
6 plane.

7 So having said all that, I think that if Rick could
8 print out this piece to everyone and on the web site your
9 concern, unless there's some legal counsel that says no, that
10 these questions and definitions are of concern, and that the
11 other pieces of Commissioner Thomas's comment and put them up
12 together and see if they answer some of these questions. It
13 obviously missed this grant cycle, right?

14 DEPUTY DIRECTOR GREENE: I think -- well, this one,
15 yes. But I think it would be particularly helpful as well,
16 Commissioner Thomas, if there are other areas -- I think you
17 alluded to the Furnace Creek area on the Inyo, but if that's,
18 in fact, where you're speaking about --

19 COMMISSIONER THOMAS: No, that's not relevant to this
20 policy. That's a separate matter.

21 DEPUTY DIRECTOR GREENE: Well, the only reason that
22 I'm bringing it up is because within here it says that "the
23 Commission shall maintain a list." And so I was -- if there
24 are items already that are of concern to you already, grant
25 areas, I think it would be helpful to know those so that that

2 process behind the policy so we can at least get an
3 understanding of what those areas have in common -- obviously
4 desert riparian -- but just for us to be able to really look
5 at that and for the grant applicants to get a heads-up.

6 CHAIR BRISSENDEN: Commissioner Anderson.

7 VICE-CHAIR ANDERSON: Certainly in terms of the
8 California Desert, the BLM has identified a number of areas
9 with aquatic resources, as Rick enumerated. Some of them --
10 some of them are identified as ACECs. It's -- that's also
11 kind of their -- their designation of ACECs is somewhat of a
12 political decision, also, on their part. But there certainly
13 are some basic lists which we could review to see whether or
14 not they -- they match what the intent of the policy is. And
15 I think it's appropriate for us to look at that list to see
16 whether or not it does -- whether or not the list reflects
17 the intent of the policy. And that's -- that's a point at
18 which the list comes back and the Commission looks at it and
19 says yes, this is the kind of thing that we're concerned
20 about. These are the areas where we think -- how shall I say
21 this -- that the -- that the Commission is sensitive to the
22 nature of the resource and wants to protect and has chosen
23 this mechanism to that. But I think that we need to review
24 that list to see what it is, what's on it, what's not on it.

25 CHAIR BRISSENDEN: Does the BLM have a list of these

1 areas that are impacted and -- and could be easily identified
2 as concern areas and -- and maybe even point out those to the
3 Commission where you might have used funds in that regard?

4 VICE-CHAIR ANDERSON: Well, if --

5 CHAIR BRISSENDEN: Is that -- is that where you're
6 headed with --

7 VICE-CHAIR ANDERSON: I'm not sure which comes first
8 here. This is kind of a chicken-and-egg question. You know,
9 do you go out looking for riparian areas that might have
10 gotten grants and then say, okay, let's throw them in the
11 list, or do we say, these are the sensitive areas, and then
12 ask, you know, have we ever put any money into these riparian
13 areas? Either pro -- you know, either restoration or -- or
14 re-routing trails or, you know, who knows, maybe designated
15 trails. Don't know. I doubt -- I doubt if it would be --
16 find BLM designating any routes that were riparian areas.

17 CHAIR BRISSENDEN: You doubt but don't know.

18 VICE-CHAIR ANDERSON: I doubt, but don't know,
19 exactly.

20 CHAIR BRISSENDEN: Trust but verify.

21 VICE-CHAIR ANDERSON: Absolutely.

22 CHAIR BRISSENDEN: Is there a list out there, Jim,
23 that you could --

24 MR. WEIGAND: I think --

25 CHAIR BRISSENDEN: Either Jim.

1 MR. KEELER: From my perspective -- and Jim Weigand
2 may have a different one -- I don't know that there -- that,
3 again, depends on the definition you're using at this one
4 time of which areas we're talking about. If we have this
5 definition now in front of us, we could look at that and tell
6 you. But I'm not going to still speculate and stick out a
7 list of things until I have a good definition of what --

8 You have a different answer, Jim?

9 MR. WEIGAND: Yeah. Just -- Jim Weigand --

10 DEPUTY DIRECTOR GREENE: Jim, why don't you come up.

11 CHAIR BRISSENDEN: Can you come to the...

12 MR. WEIGAND: The discussion thus far has focused on
13 the word "riparian," and I would like to begin the discussion
14 with the word "desert." The BLM has public lands in four
15 deserts in California: The Mojave, the Sonora, the Great
16 Basin, and the San Joaquin. And so that -- that would be a
17 consideration to bring up at the very beginning. What is the
18 total geographic scope that the Commission would like to talk
19 about when it brings up "desert riparian."

20 Then within the riparian designation, federal
21 agencies follow the lead of the U.S. Fish & Wildlife Service
22 for delineation of riparian habitat. And for the region of
23 California, that's covered by the -- by the U.S. Fish &
24 Wildlife Service Office in Portland, Oregon. And because of
25 insufficient funding, the delineation of riparian areas in

1 southern Californian deserts is currently incomplete. And,
2 in fact, very little has been -- has actually been
3 delineated, and that being mostly along the Mojave River.

4 There is also a recent effort that the Commission may
5 want to also look into, and that was the Lower Colorado River
6 Multi-Species Management Plan under the lead of -- or under
7 the auspices of the Bureau of Reclamation. And the scope of
8 that area includes considerable BLM land that's under the
9 Colorado River District of BLM, which is managed through the
10 Arizona State Office, but which is in California. So, again,
11 is that an area that you also are including in your scope?

12 So, again, in terms of definition, BLM has no formal
13 federal delineation yet. That is work that has yet to be
14 done. And so if -- you're bringing up a very important issue
15 for us. I mean it is -- it is central. It's central to the
16 State of California, as well as we follow the Department of
17 Water Resources and the Lahontan Regional Water Quality
18 Control Board's guidance in matters of desert waters.

19 So we have many of the same questions, I think. And
20 I only heard these for the first time myself because I've had
21 no significant conversation with the folks from the OHV
22 Division about riparian policy issues coming from the
23 Division side, but many of those questions would be the same
24 ones that I also have.

25 And, again, one of the major ones that I ask you to

1 think about and to be clear about is are you including
2 ephemeral riparian areas, otherwise known as desert washes,
3 as part of the scope of your policy. And if you are, you're
4 bringing up a very thorny issue here, because we have washes
5 that actually exist within washes, and it all depends on the
6 temporal frequency of the rain event where the wash within
7 the wash will occur.

8 And then you also might want to think about -- and,
9 again, these only sort of --

10 COMMISSIONER THOMAS: Before you get theological with
11 us --

12 MR. WEIGAND: Yeah.

13 CHAIR BRISSENDEN: Let him finish.

14 COMMISSIONER THOMAS: -- I would encourage you to --
15 perhaps you can also read the State definition.

16 MR. WEIGAND: Yeah.

17 COMMISSIONER THOMAS: I mean we are the State of
18 California, and this is a State Commission. And if that --
19 if all those problems still exist after you've had the
20 opportunity to go -- we may have to have a continuing
21 conversation.

22 CHAIR BRISSENDEN: But I think he's suggesting that
23 we are bringing up a very critical point that they're
24 struggling with as well.

25 COMMISSIONER THOMAS: Well, there are competing

1 juri sdi cti ons.

2 CHAIR BRI SSENDEN: Sure.

3 COMMI SSIONER THOMAS: But this is not an issue of --
4 we're not asking a Clean Water Act question. We're not
5 asking the State Water Resources Control Board water rights
6 questi on. We're not asking all of those questions that
7 you've raised. We're only asking you to look at the State
8 defi ni ti on on the web site and tell us if it works.

9 MR. WEI GAND: Okay.

10 VICE-CHAIR ANDERSON: Except that I think he was
11 answering -- trying to answer my question about lists.

12 MR. WEI GAND: Yes.

13 COMMI SSIONER THOMAS: Well, what I'm -- all -- all I
14 was responding to is that -- that all the multiple criteria
15 that you could make lists out of don't need to be considered
16 because we're not there. We're on a definition that is
17 bi ol ogi cal based. And after he has an opportunity as an
18 ecol ogi st to read it, he might come back and say, gosh, what
19 a great idea, Commi ssi oner Anderson. I would go with that.

20 VICE-CHAIR ANDERSON: Okay.

21 MR. WEI GAND: Is there any other information I can
22 gi ve you?

23 CHAIR BRI SSENDEN: No. If you can -- and Judi th can
24 get together for about four days and come up with a
25 defi ni ti on, that would be wonderful, from all the sites.

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1 MR. WEIGAND: Sure. I'd be glad to --

2 CHAIR BRISSENDEN: Four hours would be good, Jim.

3 MR. WEIGAND: Thank you.

4 CHAIR BRISSENDEN: And thank you, everyone. I can
5 obviously understand what the staff was going through now
6 because I --

7 COMMISSIONER WILLARD: If I could, Chair, since we
8 have BLM here, could I ask a question or two?

9 CHAIR BRISSENDEN: Certainly.

10 COMMISSIONER WILLARD: Thank you.

11 CHAIR BRISSENDEN: And then I would like to bring it
12 back, and I think we can go to the closed session.

13 (Multiple speakers.)

14 COMMISSIONER WILLARD: Maybe instead of me
15 speculating on the correctness of some of the other
16 commentary I've heard, does this policy -- will this policy
17 have an impact on future grants, specifically do you normally
18 through the course of your business in your maintenance and
19 improvements and restoration projects, do you deal directly,
20 indirectly encourage, increase, or maintain off-road vehicle
21 use through a bed, bank, or channel or an existing desert
22 riparian mechanical area?

23 MR. WEIGAND: There are designated OHV routes that
24 cross perennial streams in California Desert District and in
25 the Great Basin Desert in California. However, for the most

1 part, it's been the unwritten policy of BLM not to apply for
2 restoration projects in riparian areas, you know, from the
3 OHV Commission and Division. The one exception to that thus
4 far has been for the Dos Palmas area of Critical
5 Environmental Concern in Central Riverside County east of the
6 Coachella Canal. That's the only place where there's
7 a (unintelligible) -- where there's an off-road connection
8 where they've done restoration.

9 COMMISSIONER WILLARD: Can you give me a sense of the
10 scope of land area that we might be talking about that might
11 be impacted or the number of trails that this policy would
12 impact?

13 MR. WEIGAND: Again, until we have a very firm sense
14 of delineation, it would be hard -- I would -- riparian
15 wetland lands comprised of less than 2 percent of the total
16 desert area, and that would be including things like palm
17 oases and springs and including all ownerships, so -- but
18 that -- once we have a definition that we can apply to a, you
19 know, GIS, then we can actually get that figure for you. And
20 I think that would be something that we could help the
21 Commission with in terms of a Policy Impact Analysis.

22 CHAIR BRISSENDEN: Thank you. Any other comments or
23 questions at this time?

24 Commissioner Priznich.

25 COMMISSIONER PRIZNICH: Yeah, I must say, I was a

1 little bit skeptical at the initial onset of this discussion,
2 but I do see the -- the difficulty and the importance of it
3 now. So I'm -- I'm glad that came up. And I -- and I -- I
4 think Hal Thomas sees that -- that there is some -- some
5 difficulty in the definition, although he may want his
6 definition --

7 (Multiple speakers.)

8 COMMISSIONER PRIZMICH: -- and that's understandable.

9 COMMISSIONER THOMAS: No, I -- it's not very
10 complicated if you have three -- well, it's not that -- you
11 may not like it, but it's -- you may not like the scope and
12 where it ends up. I don't blame you, actually, because it
13 has impacts. But it's -- it's not a technical --

14 COMMISSIONER PRIZMICH: The fact that it does have
15 impacts is important, I think.

16 COMMISSIONER THOMAS: Right.

17 COMMISSIONER PRIZMICH: And we need to nail that down.

18 COMMISSIONER THOMAS: But that's not a definitional
19 problem. That's a -- that's a result of our --

20 COMMISSIONER PRIZMICH: Well, I'm not --

21 (Multiple speakers.)

22 CHAIR BRISSENDEN: Can we -- rather than beating
23 around the desert bush here, I would like to take Jim
24 Weigand's offer and Judith's offer and have them come back
25 with -- after they've reviewed their concerns from the --

1 from the staff and give us a real thorough --

2 VICE-CHAIR ANDERSON: Can you -- can you also direct
3 that we work with the staff. I think that --

4 (Multiple speakers.)

5 CHAIR BRISSENDEN: I think I was suggesting that.

6 VICE-CHAIR ANDERSON: Okay.

7 CHAIR BRISSENDEN: I may not have said it directly,
8 but -- and then please have something by -- the December
9 meeting?

10 VICE-CHAIR ANDERSON: Okay.

11 CHAIR BRISSENDEN: Since we're well past this round,
12 but we can hit the next round with proper definition and
13 perhaps fulfill the definition of need for this particular
14 policy as well. Is that fair?

15 COMMISSIONER McMILLIN: So that it's understood, it's
16 not going to be brought up in October, November, and then in
17 our December meetings we're looking at grants? We're not
18 going to go back to staff saying, "Did you consider this?"

19 CHAIR BRISSENDEN: No, because I don't think -- it
20 was not defined to the point where it was to the applicant's
21 attention as to whether or not we would consider it. So I
22 don't think it's fair to go backwards at this point.

23 COMMISSIONER THOMAS: Were the applications filed
24 after December 10th or the courts --

25 DEPUTY DIRECTOR GREENE: They were filed after

1 December 10th. But, again, not having a list, not knowing --
2 the Division have -- didn't have the ability to tell them not
3 to apply, as was indicated in the policy. So without clear
4 direction --

5 COMMISSIONER THOMAS: The policy doesn't say they're
6 not barred from applying; they're just barred from funding.
7 Fund or support doesn't mean barred from --

8 DEPUTY DIRECTOR GREENE: No, but that's not --

9 COMMISSIONER THOMAS: And there's no conditional
10 nature of -- there's no conditional nature of the -- the list
11 is not a condition of the policy. The policy says X -- X
12 will occur, and then it says, and, by the way, you'll have a
13 list. There's no condition or linkage.

14 DEPUTY DIRECTOR GREENE: When -- I think,
15 Commissioner Thomas, just for our clarification purposes,
16 when it says "The Division shall not solicit or approve
17 any" -- approval would be even having it go through the
18 scoring process. So that's -- it's somewhat difficult for
19 us. Do we turn it back as a fatal flaw because it's in
20 violation of the Desert Riparian Policy? These are some of
21 the things that we're faced with.

22 COMMISSIONER THOMAS: Well, you didn't have a problem
23 last time you rejected 45-plus applications. I'm sure you'll
24 be able to figure it out this time.

25 CHAIR BRISSENDEN: Let's contain the tone here.

1 I'd like to go -- unless there's further substantive
2 comment, I would like to go into executive session for
3 discussion of potential litigation.

4 VICE-CHAIR ANDERSON: Do we adjourn this session
5 first?

6 CHAIR BRISSENDEN: That's a good idea.

7 Any motion to adjourn, or shall I just decree it?

8 COMMISSIONER THOMAS: So moved.

9 MR. LaFRANCHI: Mr. Chairman, what you would need to
10 do is go to executive session, come out of executive
11 session --

12 CHAIR BRISSENDEN: And then adjourn, right.

13 MR. LaFRANCHI: -- and announce what you came up with
14 and then adjourn, yes.

15 CHAIR BRISSENDEN: I guess there's one minor
16 housekeeping thing that I do off line, and that is staff --
17 staff is trying to get dates for the grant --

18 DEPUTY DIRECTOR GREENE: I think we're okay.

19 CHAIR BRISSENDEN: You're okay?

20 DEPUTY DIRECTOR GREENE: We've made some progress.
21 Thank you.

22 CHAIR BRISSENDEN: Okay. So do we have a good room
23 to go to?

24 VICE-CHAIR ANDERSON: I have one other question on
25 staff. What happens -- there was a proposal to move the

1 meeting: Where is that?

2 CHAIR BRISSENDEN: That's what they're working on.

3 DEPUTY DIRECTOR GREENE: We were trying to get
4 clarification without doing a back and forth. So we'll --
5 we'll try and solidify that Monday or Tuesday.

6 CHAIR BRISSENDEN: So my understanding is we're
7 staying in this room. So thank you for taking a rest break.

8 (Executive Closed Session.)

9 CHAIR BRISSENDEN: We're coming back into session,
10 and we gave Counsel direction. And we'll move to adjourn.

11 (Meeting adjourned at 4:38 p.m.)

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