

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

February 25, 2012

DoubleTree by Hilton
720 Las Flores Road
Livermore, California 94551

IN ATTENDANCE:

OHMVR COMMISSIONERS:

| | |
|--------------------|---------------------------|
| Eric Lueder, Chair | Brad Franklin, Vice Chair |
| Breene Kerr | Diane Perez |
| Kane Silverberg | Paul Slavik |
| Stan Van Velsor | Gary Willard |

CALIFORNIA State Parks OHMVR STAFF:

Phil Jenkins, Chief, OHMVR Division
Tim La Franchi, Legal Counsel, OHMVR Division

OTHER OHMVR STAFF AND REGISTERED VISITORS

1 **AGENDA ITEM I - CALL TO ORDER**

2 Chair Lueder called the meeting to order at 9:02 a.m.

3 CHAIR LUEDER: Good morning, everybody. I'd
4 like to welcome everybody to the meeting of the
5 California Off-Highway Motor Vehicle Recreation
6 Commission, February 25th, 2012. And we'll start it off
7 with the Pledge of Allegiance. And I'll go ahead and
8 lead that.

9 **AGENDA ITEM I(A) - PLEDGE OF ALLEGIANCE**

10 Chair Lueder led the meeting attendees in the Pledge of
11 Allegiance.

12 **AGENDA ITEM I(B) - ROLL CALL**

13 Eight Commission Members were present at time of roll
14 call.

15 **AGENDA ITEM II - APPROVAL OF AGENDA**

16 CHAIR LUEDER: Item 2, Approval of the Agenda.
17 Are there any comments on the agenda?
18 All right. Do I have a motion to approve?

19 UNIDENTIFIED SPEAKER: So moved.

20 CHAIR LUEDER: Do I hear a second?

21 COMMISSIONER WILLARD: I'll second.

22 CHAIR LUEDER: All in favor?

23 (Commissioners simultaneously voted.)

24 CHAIR LUEDER: All right. Pass.

25 ///

1 **AGENDA ITEM III - APPROVAL OF SUMMARY MINUTES**

2 CHAIR LUEDER: And Approval of the Summary
3 Minutes of December 1st, 2011.

4 Are there any comments on the minutes? And
5 these are the Summary Minutes.

6 Hearing none, do I have a motion to approve
7 those minutes?

8 COMMISSIONER KERR: I'll move for approval.

9 COMMISSIONER SLAVIK: I'll second it.

10 COMMISSION LUEDER: All right. All in favor?

11 (Commissioners simultaneously voted.)

12 CHAIR LUEDER: All right.

13 **AGENDA ITEM IV - REPORTS - COMMISSIONERS'**

14 Okay. We're moving into Item No. 4, Reports.

15 Item A, Commissioners' Reports.

16 Commissioner Kerr, do you have any reports for
17 us?

18 COMMISSIONER KERR: No, not at this time.

19 CHAIR LUEDER: Thank you.

20 COMMISSIONER KERR: Just...

21 CHAIR LUEDER: Commissioner Slavik?

22 COMMISSIONER SLAVIK: I should say that I've
23 been approached by people in the public in southern
24 California about BLM's permit-issuing process, that it
25 still seems to be very onerous on the local clubs there

1 in the south and people saying there's a lot of
2 cancellations of events and very difficult for the clubs
3 to get their events processed or even beginning to get
4 processed. So they're getting pretty frustrated.

5 CHAIR LUEDER: All right. Perhaps during our
6 BLM report we can speak with the BLM representative
7 about that.

8 Commissioner Willard, any reports?

9 COMMISSIONER WILLARD: Not at this time.

10 CHAIR LUEDER: All right. Thank you.

11 Commissioner Franklin?

12 COMMISSIONER FRANKLIN: No, sir.

13 CHAIR LUEDER: Commissioner Perez?

14 COMMISSIONER PEREZ: No, not at this time.

15 CHAIR LUEDER: Commissioner Silverberg?

16 COMMISSIONER SILVERBERG: No report today.

17 CHAIR LUEDER: And --

18 COMMISSIONER VAN VELSOR: No.

19 CHAIR LUEDER: -- Commissioner Van Velsor?

20 Thank you.

21 I do have a brief report. I'm also a member of
22 the Bureau of Land Management Resource Advisory Council
23 for Northwest California. And we had a meeting a couple
24 of weeks ago up at the Redding field office where we
25 toured some of the non-motorized trail system up there.

1 And I just want to commend BLM for working with a lot of
2 partners in the Redding area to put together a trail
3 system where you can travel from downtown Redding,
4 basically, all the way up to Shasta Dam either on a dirt
5 trail or on a completely paved trail and then loop back.
6 So it's quite an impressive partnership. They also have
7 done a lot of stream restoration on Clear Creek -- the
8 other Clear Creek -- up there, and it's greatly enhanced
9 the spawning of the salmon up there. So, in any case,
10 some great work up there. Of course, they also have the
11 Shasta-Chappie OHV area, which I didn't get a chance to
12 go and tour, but I know that there's a lot of
13 partnerships on that as well. So that's all I have to
14 report.

15 And we'll move into Item B, Chief's report.

16 **AGENDA ITEM IV(B) - REPORT - Chief'S**

17 CHIEF JENKINS: Good morning, Commissioners.

18 I want to thank everybody for being here today.
19 I recognize that this meeting we had a little bit of a
20 later notice than typical for the location. So I do
21 appreciate everybody working with us on that. There's
22 been a few things going on in the state in the Division,
23 some changes in the way we operate. So we're just
24 trying to keep everything moving forward efficiently.

25 I wanted to start this morning by going

1 through -- we have a little slide show that we're going
2 to show in a second here about the Commission tour that
3 we did yesterday out at Carnegie. Just before we start
4 the slide show, I do want to mention once again, we told
5 the folks out at Carnegie that we were going to be
6 coming with a Commission tour and touring through their
7 park only, what, two, three weeks ahead of time which is
8 very short notice for what we normally do when we go out
9 for Commission tours, whether they're to federal lands
10 or county lands or one of our SVRAs. And so there's an
11 up side and a down side to that. The up side is they
12 didn't have too long to worry about things before we got
13 there because we pretty much saw what they have to
14 present. Sometimes if you have all that lead-up time
15 going to a meeting, then folks are trying to -- let's
16 make it look better than it is so that -- we want to
17 show our best face. What we saw on the tour yesterday
18 is pretty much what you get when you go to the park
19 because they literally just knew shortly before we
20 arrived that we would be out there. So the staff did a
21 great job, I think, in trying to accommodate everybody.
22 It was the largest Commission tour as far as attendance
23 that I've been on in my seven years in the Division. So
24 we really appreciate all of you that were able to make
25 it from the community, from the various stakeholders

1 groups because that's what makes those tours worth while
2 is when people get out there and see what we're doing
3 and, you know, suggest better ways to do it. That's
4 what the whole purpose of those tours is, is to get out
5 of rooms like this and get out on the ground, see what's
6 actually going on and have these frank discussions about
7 how that goes.

8 So that being said, why don't we start the --
9 it's a very short, about two-and-a-half-minute slide
10 show on what we saw yesterday.

11 (Slide show presentation.)

12 CHIEF JENKINS: Okay. And thank you, Debbie,
13 for putting that together.

14 Debbie works hard to make those match up with
15 the music. So they fit in right on time. So that was
16 right there.

17 (Applause.)

18 CHIEF JENKINS: So you can see it was -- for
19 those of you that weren't able to make it, it was a very
20 interesting tour where we went from one end of the park
21 to the other and looked at all the areas that are
22 currently being operated, as well as taking some time to
23 go over to the properties that are not open at this
24 time, had a little discussion about the General Plan
25 process coming up. So we'll go into more detail on

1 that. There's a future -- just a little bit later in
2 the meeting, Superintendent Bob Williamson and his staff
3 are going to give a much more in-depth presentation
4 about where we are with a lot of the issues in Carnegie.
5 So we'll hold that thought for a bit until that point in
6 the agenda.

7 I want to give you a few updates of some
8 highlights, other things going on in the SVRAs. But I
9 don't really want to move on until I just mention a lot
10 of the stuff that we have seen -- so there were things
11 that we saw out in the park that are yet to be done,
12 challenges that we have ahead of us as well as a lot of
13 things -- I think a whole lot of things that we saw in
14 the park yesterday where there's some excellent,
15 outstanding programs going on and interpretation in
16 providing good recreational value for the visitors in
17 looking at how we address environmental concerns and do
18 corrective measures out there. And a lot of the things
19 that you saw are the result of a combination of
20 outstanding work from the staff, a lot of dedication
21 from the staff. But also, you know, I just have to say
22 Daphne Green, who -- you know, our recently
23 departed Deputy Director of the program, all of those
24 things that are going on out there have been supported
25 over the last seven or eight years and are the outgrowth

1 of efforts that she helped fund, that she envisioned,
2 that we put in the Strategic Plan. So that just can't
3 go without saying. We have to thank Daphne for a lot of
4 the successes that we're seeing out there.

5 (Applause.)

6 CHIEF JENKINS: And I'll tell you, when I found
7 out this meeting was coming up and we're going to
8 Carnegie, I really was wishing Daphne was here. So --
9 it's always hard when there's any kind of change in
10 leadership.

11 So moving on to some of the other SVRAs and some
12 of the things going on. One of the things that came up
13 yesterday that were late, and Superintendent Jeff
14 Gaffney, I think, is going to come up and help me on
15 this part --

16 Are you here, Jeff? Come on up to the front.

17 One of the things that we discussed yesterday in
18 passing through some of the properties was the
19 possibility, particularly on those Tesla-Alameda
20 parcels, about other forms of recreation going
21 concurrently. So that if we go into that General Plan
22 process and look at what can be done in that historic
23 area and various areas like that, and how would that fit
24 with providing OHV opportunity, as well as addressing
25 some of those things.

1 At Hollister Hills SVRA right now,
2 Superintendent Gaffney is working with the local
3 parks -- and we'll let him describe it, but there's some
4 legislatively mandated buffer lands around the edges of
5 that property, and then there's some other buffer lands
6 that we've put in because of sound issues to try to make
7 sure that we're containing our activities there. And
8 rather than just have that land sit vacant,
9 Superintendent Gaffney's been addressing ways to make
10 that more available to the public in other ways.

11 So, Jeff, you want to describe that?

12 MR. GAFFNEY: Good morning, Commissioners.

13 And just kind of tying back in to what Phil
14 said, interestingly enough, it was the Commission from
15 2001 which Daphne was the Chair of at the time that sort
16 of started this whole process to get us here where we've
17 actually been able to open up the Wrens and Hovner
18 motorized properties. And then as a piece of that, we
19 also identified those areas that Phil mentioned in
20 regards to non-motorized recreation. So we have been
21 working very closely with the county, with stakeholders.
22 We've done a lot of outreach. We've spent the last six
23 months having meetings with the San Benito County Parks
24 & Rec Commission identifying needs within the community.
25 We also worked with the Hollister Hills Off-Road

1 Association -- or cooperating association. And together
2 we have identified trail corridors. We started the CEQA
3 process. We just finished the Mitigated Negative
4 Declaration on February 17th, and we're hoping to do
5 trail construction coming here in the spring depending
6 on moisture in the soil. And we're still working out a
7 few pieces and parts to it having had a lot of great
8 input that came through as we went through the CEQA
9 comment period time. We had a lot of neighbors that had
10 interests. We've been working with them.

11 But this is one of those great opportunities
12 where we have the first State Vehicular Recreation Area
13 that now is, again, doing something that's a first.
14 We're providing recreation of a non-motorized type that
15 actually even the people who come and enjoy the
16 motorized recreation are going to come out and enjoy it.
17 They've been stakeholders in this as well. They're very
18 interested in having us -- they already have in the past
19 been using our nature area for mountain-biking as it is.
20 We found that it became so popular, actually, there that
21 we started a round of parking for the motorized folks.
22 And so given that this is Off-Highway Vehicle Trust Fund
23 money, we wanted to be thoughtful about that. So this
24 was a great opportunity.

25 Once again, like I said, we have worked very

1 closely with our partners in the community, with all of
2 the interested stakeholders. We're very excited about
3 this. There's a lot of information. I know it's a long
4 meeting today, so I don't want to take up a lot of time.
5 And I'd be more than willing to entertain any questions.

6 I also wanted to mention something else that
7 Daphne requested before she left. We're just
8 finishing -- probably within the next two months we're
9 going to have an electric charging station, actually, at
10 Hollister Hills as well for electric motorcycles and for
11 electric cars. So...

12 CHIEF JENKINS: Thank you.

13 COMMISSIONER SILVERBERG: I have a question for
14 Mr. Gaffney.

15 MR. GAFFNEY: Yes, sir.

16 COMMISSIONER SILVERBERG: How are you going to
17 fund this?

18 MR. GAFFNEY: The funding for this has been in
19 partnership with San Benito County, and then we are
20 using some of our staff, and we're going to be using
21 this as a training opportunity because trail
22 construction and maintenance is something with -- at
23 Hollister, for example, we have 300 miles of motorized
24 trails. So we're constantly having a need to train
25 staff on how to maintain and sign sustainable trail

1 systems. And so this is that perfect opportunity where
2 we get to bring in people who are new to our actual
3 workforce and have them learn how to do trail
4 maintenance. And so we'll be doing that in cooperation
5 with volunteers. We've actually -- as per our General
6 Development Plan Amendment that occurred, the one that
7 was approved by this Commission in 2001, it identified
8 if you're going to do this, if you're going to do
9 non-motorized, you should have a good solid workforce of
10 volunteers. We've got over 300 volunteers at the park,
11 and we have -- as a part of this outreach the last six
12 months, we've had a ton of people interested in signing
13 up as volunteers for equestrian patrol, mountain bike
14 patrol, and people that are going to come out and do a
15 lot of the work on a volunteer basis.

16 So yes, to your question, some of the funding
17 will be coming from Off-Highway Vehicle Trust Fund
18 money.

19 CHAIR LUEDER: Commissioner Slavik.

20 COMMISSIONER SLAVIK: I have a follow-up
21 question to that.

22 I'm totally supportive of non-motorized
23 recreation activities within the park where it's
24 appropriate. But I think those folks ought to pay their
25 fair share somehow. I'm sure that if you penciled out

1 the cost of providing that recreation, it would be
2 significant. And I'm wondering if we thought anything
3 about an entrance fee that's based on, you know,
4 non-motorized recreation activities rather than the
5 recreation folks that are already paying their fair
6 share.

7 MR. GAFFNEY: We've looked at a lot of different
8 options, even donations. We actually have another
9 program that we started at Hollister a couple of years
10 ago called The Rider Rewards Program which has brought
11 people who come to the park regularly, we give them a
12 discount card for free that they then go back to
13 businesses in town, and those businesses have lined
14 up -- not just the motorcycle shops, not just the
15 restaurants, but, for example, the bike shops have lined
16 up, some of the hotels. And so this is truly a
17 partnership. And it is new, and so I may make some
18 mistakes -- we may make some mistakes, but I feel like
19 there's enough interest from the business community --
20 and their sponsorship will be part of this. They are
21 very invested in this. The wine tourism activity in
22 San Benito County is on the rise. And so they're really
23 looking at methods for which to attract people to that
24 county. And that county's been hit very hard by the
25 economy, by the downturn in the economy.

1 CHIEF JENKINS: And I just want to add, just
2 directly, Paul, to your point, there's two things that
3 we're very aware of as we're moving into this. One is
4 that the statute requires that we make maximum use of
5 properties for OHV recreation. So, you know, that's the
6 one balance that we do, that we're not taking any lands
7 that would be more appropriate and available for OHV
8 recreation and convert it into non-motorized. These are
9 lands that we were not going to be able to use at all
10 for the non-motorized. The second part is the issue
11 about the funding. If we look at this over time, one
12 way, you know, to analyze it is we are trying to get
13 grant monies that we're not using a lot of our resources
14 to develop these facilities. Once they're developed and
15 in place, and there will be fees charged for what's
16 going to be a fee area -- we're looking at the new
17 entrance area over there so that they can come in
18 through their own gate -- all of those fees, from then
19 on into forever come back into the OHV Trust Fund. So
20 at the end of the day, this will end up in additional
21 revenues for the OHV Trust Fund over a period of years.
22 A little bit of investment up front; from then on, all
23 those fees from the non-motorized recreation, since
24 we're collecting them at one of the SVRAs, goes straight
25 back into the Trust Fund and are available for

1 supporting motorized recreation.

2 MR. GAFFNEY: And the Hollister Hills Off-road
3 Association, as I've said, they've been on board with
4 this from day one. They recognize that it is a new and
5 novel idea, and they are very much right at the
6 forefront. And so they will have the motorized
7 community's interests. But first and foremost, this is,
8 you know, looked at by them and the other folks that are
9 stakeholders in motorized as a gift to that community,
10 to thanking that community for allowing them to have a
11 beautiful place like Hollister Hills in that county.

12 CHAIR LUEDER: Commissioner Kerr.

13 COMMISSIONER KERR: Yeah, I just want to say I'm
14 very supportive of this effort. And I think it's a
15 pilot program, obviously some things to be learned.
16 Everybody sounds a little nervous about it, but I think
17 it's great. And, you know, like that's been pointed
18 out, the entrance fees could eventually become a larger
19 part of our revenue. At some point we may raise those
20 fees, you know, if necessary to operate the Division.
21 And this provides us with a better facility. And, you
22 know, broader support in the community for our SVRA
23 areas is a good thing. And the bike community --
24 bicycle community, which I'm somewhat familiar with due
25 to my other activities, they're very vocal, they're very

1 politically connected, and they're good people to have
2 as your allies when you run into situations where you
3 need friends. So I think this is a great idea.

4 CHAIR LUEDER: I have one question. The federal
5 Recreational Trails Program, as I understand, 70 percent
6 of that funding goes to non-motorized projects. So is
7 that funding that's possibly available for some of these
8 types of projects?

9 MR. GAFFNEY: Yes. And we're cautious, given
10 the financial difficulties throughout, you know, the
11 State of California and the United States. We're
12 cautious to push forward with those funding sources
13 right now. But the Off-Road Association, in particular,
14 has looked into those, and those are available and we
15 are interested. And I'm trying to commit as few dollar
16 resources as I can from the Trust Fund and partner, as I
17 said, with everybody that we are able to. So that is
18 something they definitely have looked at.

19 And the important part about this is that we're
20 going to get some awesome training opportunities for
21 people to go out and do trail construction. And so
22 that's a really big part of it. It's actually a benefit
23 to us. And, once again, the people that come out to
24 Hollister Hills, they like to have a place where they
25 can even just go for a hike sometimes. They may not

1 want to be out there riding the entire time. So this is
2 an added benefit, and it's land that would never have
3 been used for motorized use anyway. So I'm very
4 cautious about committing permanent dollars to it. And
5 I think I've designed a plan that will allow it to be
6 sustainable and maintained over the long term without a
7 lot of Trust Fund dollars committed to it. So I am
8 very, very worried about that. And as always with
9 anything with the OHV Trust Fund or anything, I get it
10 from both sides. And that's perfectly fine. That's
11 what I signed up for.

12 CHAIR LUEDER: Okay. And are you partnering
13 with the International Mountain Bike Association, IMBA?

14 MR. GAFFNEY: We have had them -- we have had
15 IMBA involved in a couple of our outreach meetings, and
16 we have -- in particular, there's a bike shop, Off The
17 Chain, in Hollister, who is very involved with our
18 organization, and he's very involved with this project.
19 He's one of our stakeholders.

20 CHAIR LUEDER: Okay. Great.

21 Any other questions?

22 Commissioner Silverberg.

23 COMMISSIONER SILVERBERG: No, I just have a
24 comment for Mr. Gaffney.

25 I can tell that you have a lot of passion behind

1 what you're doing out there with the SVRA and Hollister.
2 And I think your commitment to it is going to make it a
3 real shining star in San Benito County. And we just
4 really appreciate your efforts.

5 MR. GAFFNEY: Thank you.

6 Thank you, Commissioners.

7 CHAIR LUEDER: All right. Thank you,
8 Mr. Gaffney.

9 CHIEF JENKINS: Okay. Continuing on, I thought
10 it would be interesting to note -- you may want to be
11 watching on television for this -- if you ever watch the
12 television series "Off-Road Overhaul," which I wasn't
13 aware of until it came to the park and started shooting,
14 they're doing a lot of the shooting right now out at --

15 COMMISSIONER KERR: (Unintelligible.)

16 CHIEF JENKINS: Yeah, I just recently got my
17 satellite installed. I've been on no TV for six years.
18 So it's a new world.

19 So they're filming their series out at Hungry
20 Valley SVRA. And so if you watch that show, I think
21 virtually all -- Jeff already walked away, but another
22 one of Jeff's parks -- I think virtually all episodes
23 they choose somebody, and they overhaul their own
24 four-wheel drive vehicle and fix it up really nice, and
25 then you see the shots of them taking it out to the park

1 at Hungry Valley. So look for that.

2 The Ocatillo Wells just recently held their
3 Geology Days Festival. They've been very creative over
4 the last several years in developing new interpretive
5 programs to take their park visitors that are there and
6 show them more areas of the park, help them understand a
7 greater understanding of the park. If you recall, we've
8 talked to you in the past about they started the Geo
9 Cashing Program that they do every year there. So this
10 is just another in the step on that journey of expanding
11 the opportunities for the folks there in the park. This
12 one featured the geology.

13 So out there in the southern desert, the geology
14 is pretty fascinating when you really start looking at
15 it in detail. So they've got a festival where they had
16 field trips, they had special booths, they had
17 geologists that gave talks throughout the park. Had
18 pretty good attendance, about 5,000 people that day just
19 participating in this event. So for the first time out
20 of the gate, that was a pretty big success. If it's
21 anything like the Geo Cashing event, it almost doubled
22 the second year. So it could turn into quite a popular
23 event out there at Ocatillo Wells.

24 Prairie City, a little update there. For those
25 of you that go out to Prairie City at all, there's been

1 work going on for the last couple years on improving the
2 four-by-four obstacle course area. That project is
3 nearing completion. It was kind of a three-phase
4 project. And so the first phase and the second phase
5 were focused largely on that kind of footprint of the
6 four-by-four area. I believe -- and if Bob's in the
7 room, you're going to have to correct me if I'm wrong --
8 this last phase is going to include a larger loop that
9 goes through the park so that you'll have just more
10 place to go, more obstacles, a longer route, and you're
11 not just kind of put into one corner of the park. So
12 that's going to be pretty exciting to see that come to
13 fruition.

14 Also out at Prairie City, just recently we had
15 some continuing training. We talked to you, I believe
16 at the last meeting, about the Recreational Off-Highway
17 Vehicle Association which is developing training for
18 operators of side-by-side vehicles, the recreational
19 off-highway vehicles. In order to get a program going
20 like that, you need instructors. And in order to get
21 instructors, you need Chief instructors. And so we've
22 been going through a series of trainings out there. The
23 Environmental Training Center facility there at Prairie
24 City, we had one of our recent meetings of the education
25 group out there. So we've been making good use of that.

1 That's where we have set up where they do this ROVA
2 training. It's critical, I think -- these vehicles are
3 really becoming much more popular. They're one of the
4 fastest growing segments, I think, of the OHV sales.
5 And so making sure that people are aware of the most --
6 the safest way to operate those -- we've been seeing
7 accidents on some of those vehicles. I think those
8 accidents are getting a lot of publicity. When you look
9 at them statistically, it's really not that high. But
10 nevertheless, you know, our goal is always as few
11 accidents as possible, and this ROVA association is
12 working towards that end.

13 Actually, Commissioner Franklin, I think you
14 were out there that day. I don't know if you want to
15 say something about the training.

16 COMMISSIONER FRANKLIN: Certainly.

17 First off -- turned off the mike -- thank you
18 for your hospitality out there. And as you said, you
19 know, ROVA has been in the forefront of safety training
20 and developing a program for side-by-side vehicles.
21 Currently we have an online component. It's free of
22 charge. Anybody can go on rova.org and take an online
23 driver's training course. And then we -- second phase
24 of that is to develop an actual hands-on operator's
25 course. And obviously, as you said, it takes a long

1 time to do these things, and there's proofs of concepts
2 and trainers and master trainers and things like that.
3 And the ROVA board, which is -- I'm a better member of,
4 we had to go out and, you know, sign off on the course
5 and participate in it ourselves, which was very good.
6 We blessed the course. It has the typical driver's
7 training similar to ATVs, and then there is an on-trail
8 component based on the availability of the surrounding
9 environment at a particular SVRA or riding area
10 throughout the country. Whether it's trees and mountain
11 riding or sand or water crossings, it will be
12 tailor-made for that.

13 After our proof of concept and approval, we went
14 into the master trainer component the very next week.
15 So we've got some master trainers. Then that filters
16 down to local trainers. And it will be rolled out to
17 the public first of April. So we're pretty pleased with
18 that.

19 And, again, thank you very much for your
20 hospitality.

21 CHIEF JENKINS: It was great to have you guys
22 out there. And it's interesting about that training as
23 well, there's been discussion over the years about the
24 ATV safety training program, which right now is a
25 four-hour training block. And there has been discussion

1 over time about breaking that up and maybe having a
2 shorter, perhaps two-hour hands-on training block,
3 couple, with some online training. This ROVA training
4 is set up just that way with the online training first
5 and then going and spending time out with hands-on
6 operating the vehicle. So it's going to be interesting
7 to watch this develop and see if that does prove out to
8 be a model that we can adopt and then look for approval
9 down the line of training.

10 CHAIR LUEDER: Chief, Commissioner Perez has a
11 question.

12 COMMISSIONER PEREZ: My question is this ROVA
13 training -- is this mike working -- it's for adults.
14 And is there any consideration about youth and children
15 riding some of these side-by-sides? Have you taken time
16 to considerate it?

17 COMMISSIONER FRANKLIN: Are you asking if the
18 training is tailored for adults or children? It's
19 tailored for adults. Adults are the intended operators
20 of these vehicles. Children should not be driving an
21 ROV.

22 COMMISSIONER PEREZ: Right. I do understand
23 that children do drive at times. And so what
24 information are you providing in this training for
25 parents and adults?

1 COMMISSIONER FFRANKLIN: The training in it is,
2 again, tailored for adults. And all of the marketing
3 materials and information materials and owners materials
4 repeatedly caution, warn and educate the intended
5 operators of these vehicles and the unintended
6 consequences of having somebody under age and
7 under-skilled operate them.

8 COMMISSIONER PEREZ: I'm assuming it requires a
9 driver's license to operate.

10 COMMISSIONER FRANKLIN: Manufacturers suggest
11 that operators be 16 and have a driver's license.

12 CHAIR LUEDER: Commissioner Kerr.

13 COMMISSIONER KERR: Well, I have a question
14 about Prairie City, but -- well, let's finish this
15 topic. Obviously Yamaha would never say anything other
16 than what you just said. So is it --

17 COMMISSIONER FRANKLIN: Well, I would say no
18 ROVA member would train --

19 COMMISSIONER KERR: Is it -- do we require
20 people to have licenses to operate these like at Pismo
21 or whatever or...

22 CHIEF JENKINS: No, the -- so if you go back to
23 the Vehicle Code, so the sections of the Vehicle Code
24 that deal with off-highway vehicles address green
25 sticker, red sticker vehicles. These side-by-side

1 vehicles are green-sticker vehicles, and as such you
2 don't have to have a driver's license to operate them.

3 As far as the age requirements, the
4 manufacturers do have a series of what they suggest is
5 safe operation of the vehicles. What we have currently
6 at our disposal in the Vehicle Code to make sure that
7 folks that are operating them can do it safely is they
8 have to be able to reach and operate all the controls
9 and use, you know, the safety components that are in the
10 vehicle. So the way that we typically interpret that
11 out in the field is they need to be able to sit back in
12 the seat, they need to be able to reach all the pedals
13 with their feet, they need to be able to reach all the,
14 you know, controls up on the steering wheel and whatnot.
15 So that pretty much limits you to, you know, larger
16 youth.

17 COMMISSIONER KERR: Yeah. So if I had a
18 12-year-old that could reach the pedals on my pickup
19 truck, they could drive it around there, too, right?

20 Chief: Currently the way the law's written,
21 once -- you're pickup truck, even though it's a licensed
22 highway vehicle, when you're off highway, by law it
23 becomes an off-highway vehicle, and that would be
24 allowed.

25 COMMISSIONER KERR: So, I don't know, maybe that

1 needs a little more study.

2 I just -- before we leave Prairie City, I was
3 just looking at the home page for the Hang Town
4 Motocross, and for the last meeting I did ask some
5 questions about, you know, how the park itself benefits
6 from the motocross. I realize that there's a local
7 charity that does a lot of good things. And I just
8 wanted to make sure that we were actively pursuing, you
9 know, these as parallel funding sources for our
10 facilities' upgrade and maintenance at our parks. And,
11 you know, I had asked about how things were going
12 relative to Hang Town and Prairie City. So I don't know
13 if you have any information on that or you want to defer
14 that to our next meeting.

15 CHIEF JENKINS: Yeah, if we could defer that to
16 the meeting. In prep for this meeting, I just
17 completely overlooked that. So my apologies,
18 Commissioner. At the next meeting we will have the
19 superintendent come out and give an update on that. I
20 know that the Dirt Diggers North that work on that event
21 do make a number -- have made a number of improvements
22 to the park over the years for which we've been
23 extremely grateful because they do feel that they
24 need -- just voluntarily they like to invest in the area
25 where they ride. We'll give you more -- a fuller report

1 on that at the next meeting.

2 CHAIR LUEDER: All right. Please continue.

3 CHIEF JENKINS: All right. Where was I. So
4 Ocatillo Wells, there's also -- I thought I would at
5 least address this and see if you wanted to talk about
6 it any further. A letter was written -- we had sent it
7 out some weeks prior to the meeting -- from a rider down
8 at -- about Ocatillo Wells who had raised some concerns
9 about whether or not Ocatillo Wells could be legally
10 operating open areas because of the part of the Public
11 Resources Code that says you have to maintain and
12 continuously maintain areas and trails. So that letter
13 was sent to the Commissioners at large. And so when we
14 received that, we just forwarded that to all of you. We
15 have been looking at the concerns that were raised by
16 the author in that, been looking at it very carefully.
17 And we feel that all the concerns that he raised are
18 being addressed by the park appropriately. One of the
19 things in there or the concerns that the author raised
20 was that it could only be in trails area, that open
21 areas by definition, if you read that section in the
22 Public Resources Code, wouldn't be allowed. The section
23 in question reads, "The OHMVR Division shall promptly
24 repair and continuously maintain areas and trails,
25 anticipate and prevent accelerated unnatural erosion,

1 and restore lands damaged by erosion to the extent
2 possible." The key there is that it talks about areas
3 and trails. And the way that we've always worked with
4 that code and the way it's always been interpreted is
5 that we should maintain open areas and we should
6 maintain trails. And those of you that were on the
7 Commission tour yesterday saw that combination of some
8 open areas, some trails, how were we addressing that.
9 And, you know, our goal in all of these situations for
10 all of our areas that we maintain and that we fund with
11 grant funding is that the environment is healthy as a
12 whole. And so where you might have erosion in one area,
13 we're looking at both trying to stop it at its source,
14 but most importantly what's leaving the park, what's
15 happening down in the watersheds, where it's being
16 transported. So I think that's the case at Ocatillo
17 Wells where you have this mix of open areas because much
18 of the landscape down there is very flat, very
19 hard-to-define designated trail when you're just looking
20 at a hardpan that is, you know, acres and acres in
21 extent.

22 Now, with that being said, I don't know if there
23 were any specific concerns on that letter.

24 CHAIR LUEDER: Yes, Commissioner Van Velsor.

25 COMMISSIONER VAN VELSOR: Yeah, I did want to

1 just add a few things.

2 And I guess first referring in addition to the
3 Public Resources Code, the soil standard, which is also
4 guidelines that we need to follow from the standpoint of
5 managing the resources. And let me just read an
6 important component of the soils standards that says,
7 "Off-highway vehicle recreation facilities shall be
8 maintained for sustainable long-term prescribed use
9 without generating soil loss that exceeds restorability
10 and without causing erosion or sedimentation which
11 significantly affects resource values beyond the
12 facilities." And so the area, I think, that I'm most
13 concerned with here is the ability to restore. And I
14 thought yesterday's tour was a really good example of
15 how areas can be restored very effectively in a pretty
16 short period of time. But the desert environment in
17 Ocatillo is much less forgiving than the ecosystems that
18 we're dealing with up at Carnegie. And when desert
19 areas are disturbed, they don't recover well for
20 decades, and it's very difficult to do -- for humans to
21 restore those areas because of the lack of vegetation
22 and because of the lack of precipitation. The natural
23 crust on desert soils when disturbed, then it becomes
24 very difficult to restore that.

25 So a concern I have with open riding is that

1 when you create a new trail, you are damaging the desert
2 resource beyond restorability. And I think that's where
3 the author of the letter is coming from, that we have a
4 situation in a very difficult environment to manage,
5 that with an open riding situation, it's hard. You
6 know, in my interpretation, it goes beyond the ability
7 of us to maintain that area within the soil standard
8 guidelines. And so, you know, effective monitoring is
9 key. But once we determine that there's soil loss with
10 our monitoring in a desert environment, it's too late
11 because you can't bring it back oftentimes. You can't
12 restore those areas effectively. And I think that's
13 where, I think, the author was coming from, and that's
14 where, for me, I think we need to look more seriously at
15 whether or not, in fact, we are doing what we should be
16 doing in order to meet the standards that we are
17 required to meet with the Public Resources Code and the
18 soil standard.

19 CHIEF JENKINS: The -- all good points. And
20 like Carnegie -- and I'm not using these -- I know
21 yesterday at times -- I was being quite serious, but in
22 sort of a flippant way that, you know, let's hold that
23 discussion until the General Plan. I don't mean to be
24 flippant about that at all because I know these General
25 Plan discussions are very serious. These issues that

1 we're discussing are very serious. In this case, when I
2 say let's bring that up at the General Plan, I'm not
3 trying to put you off. We are struggling with those
4 issues daily out in the desert. We have engaged with
5 UC Davis to go down and do a review of our entire
6 environmental monitoring programs down there -- habitat
7 monitoring programs. The key there is so if you're
8 driving out in those open areas, and how does that
9 affect the environment as a whole? And so we are trying
10 to address it from that perspective. It's a very
11 complex issue for all of us. Perhaps a meeting in the
12 future, and we can put it on as a specific item and then
13 really delve into it much more deeply. But I do want
14 you to know we are taking these concerns in this letter
15 very seriously. We're looking into them. That is
16 feeding into the discussion that's going on down in the
17 desert for the General Plan revision that's going on the
18 Ocatillo Wells. So that General Plan is actually ahead
19 of the Carnegie General Plan. So you, as a Commission,
20 will be looking at that general plan. In the
21 not-to-distant future, we'll be going out to the desert,
22 and we can, once again, tour through the park and look
23 at these issues as we're standing there and looking at
24 the ground and have this discussion in a much more
25 informed way, I think.

1 COMMISSIONER VAN VELSOR: Yeah, I think that
2 would be a good idea. And I would encourage, because of
3 the progress that is being made in the General Plan,
4 that we get down there as a Commission soon because I
5 think we really need to have input in the early stages
6 of the General Plan considering that we do actually
7 approve that. And I believe on-the-ground experience
8 with it is certainly necessary. So I encourage that.

9 CHAIR LUEDER: All right. So noted.

10 Commissioner Willard.

11 COMMISSIONER WILLARD: Yes. Since the -- is
12 that on. Yeah, since the letter was addressed to the
13 Commission, you know, we may want to respond to it and
14 just let the author know that we've received it and that
15 we've discussed it at this meeting, and that staff is
16 diligently following up on the issues raised.

17 CHAIR LUEDER: I'd be happy to do that, unless
18 anybody has any concerns.

19 CHIEF JENKINS: Okay. So if you want to put
20 together a letter and get it to us, we'll make sure it
21 gets forwarded to the author and the Governor.

22 CHIEF JENKINS: Absolutely.

23 I just want to make a comment that I've been to
24 Ocatillo Wells several times, and I've found generally
25 the management is pretty responsive to issues, and they

1 have taken action in a lot of cases where there has been
2 a problem to take an area off line and work on
3 restoration and protect it. So I do know that some of
4 those restoration projects that we saw yesterday also
5 occur at Ocatillo. And I look forward to getting a full
6 tour of the property with all the Commissioners. And,
7 also, you know, we border Anza-Borrego, and there is
8 motorized use of that property as well, which is managed
9 by State Parks. The difference there is that you have
10 to have a street-licensed vehicle but you can drive your
11 vehicle up the sand washes for many, many miles
12 throughout that park. So I'd be interested to see how
13 they are handling that situation as well.

14 So thank you.

15 CHIEF JENKINS: Okay. Moving on in the report
16 then. Just a word about the Division-wide Natural
17 Resource Program. There was recently a meeting of all
18 the resource professionals in State Parks. It was held
19 out at Marconi Conference Center, and they invited OHV
20 Division environmental scientists to attend that meeting
21 and make a series of presentations on the programs that
22 we do within the Division. It was very well-received.
23 There are times when those that aren't working directly
24 in a program just aren't sure how far we go in some of
25 these issues. And it was a great opportunity for our

1 environmental resource professionals before their peers
2 and really show some of the programs that we're doing,
3 featuring that habitat monitoring system that I spoke of
4 that we've been working with UC Davis to improve and
5 perfect over the last couple of years. It really has
6 become -- and this became clear as we were demonstrating
7 it to the other professionals in the department, it's
8 becoming the standard of how you can really look at your
9 entire environment and get kind of a check on are the
10 activities that we're performing causing a degradation
11 of that or maintaining it or, in some cases, improving
12 it, and how do you measure that. So that was a great
13 kind of validation of what we're doing in some of those
14 programs.

15 Also, it's notable that one of the programs that
16 they featured was an employee that we have in the
17 division that works with the fish there, you know, the
18 ichthyology -- love saying that word without stumbling
19 on it; I got it out there -- the works on those issues
20 at Oceano Dunes where we have the creek coming out onto
21 the beach and a lot of vehicles crossing there. And
22 Doug Rischbieter is our environmental scientist that
23 works on those issues, and his presentation was very
24 well-received. It turns out that he is perhaps the
25 foremost authority in State Parks on these issues. And

1 we're very fortunate to have him in the Division. So
2 it's one of those meetings where programs kind of came
3 out of the dark. We really day-lighted some of the
4 stuff we're doing. And I think the rest of the
5 Department is looking at that and in some cases is now a
6 model of how they can improve some of their own systems.

7 COMMISSIONER VAN VELSOR: Chair Lueder?

8 CHAIR LUEDER: Yes.

9 COMMISSIONER VAN VELSOR: I would like to
10 request that a presentation of a similar nature be given
11 to the Commission. I think it would be very interesting
12 to hear that and just become more knowledgeable in the
13 monitoring program. Because we talk about monitoring,
14 but unless you actually see the nuts and bolts of it,
15 it's not really clear what that means. So I think it
16 would be excellent to have that.

17 CHAIR LUEDER: Yes, Commissioner Kerr.

18 COMMISSIONER KERR: Well, when we were down at
19 Pismo, you know, we did see this gentleman's fine work.
20 And I recommend that the next time we get an
21 opportunity, you attend. Because, you know, that park
22 is almost half sort of set aside for environmental
23 restoration for habitat maintenance. And this guy
24 appears to be somewhat full time down there trying to
25 keep track of all these birds and fish and everything

1 else. So, yeah, we're doing quite a job down there.
2 And maybe it's in the minutes or in the video that was
3 taken from that tour.

4 COMMISSIONER VAN VELSOR: Follow up?

5 CHAIR LUEDER: Yes.

6 COMMISSIONER VAN VELSOR: I think that that is
7 worthwhile, and I will review those minutes. However,
8 monitoring is much more complex, and there's a variety
9 of different aspects to monitoring than just one species
10 of fish. And monitoring is becoming more and more
11 important in land management agencies because of our
12 need to manage adaptively. And in order to manage
13 adaptively, you have to have information, and you have
14 to have information at critical times, and you have to
15 understand what you're actually learning so that you can
16 make change in an adaptive way in time so that you meet
17 the needs of the particular environment that you're
18 working with. And so I think it's important, I think
19 there's value in understanding how monitoring links in
20 to informing management in a land-management situation.
21 And so I see the value of us as Commissioners
22 understanding how that process takes place.

23 CHAIR LUEDER: All right. Duly noted. And we
24 will work with staff on that.

25 And, of course, Chief, we do have experts in the

1 monitoring of various --

2 CHIEF JENKINS: Yeah. And so they would love
3 the opportunity to come and talk to you about what
4 they're doing because this is a program where several
5 years ago we determined that the monitoring we were
6 doing was not resulting in necessarily the actions that
7 we wanted to solve some problems. And so what we did at
8 the time was to go back and go to UC Davis and say, We
9 want you to come in and audit our monitoring program.
10 And so they did. They did a complete top-to-bottom look
11 at all the data we've collected over all the years, how
12 we use that data for decision making, and they said, You
13 know, you could do better with your connection with what
14 you see on the ground and how that informs managers. So
15 everything we're doing now has been re-tooled. We're
16 building this new monitoring program where it is exactly
17 as you described. It is a comprehensive program, and
18 the goal is -- and this Commission has asked in the
19 past -- it used to be a common thing about monitoring
20 for some of the grants. They would say, We want
21 management actions that you've taken as a result of your
22 monitoring. That's exactly where we're going with this
23 program, where the monitoring is designed to feed
24 information to the decision-makers so that we can do a
25 better job of managing the parks. So look forward to

1 that opportunity.

2 COMMISSIONER VAN VELSOR: Great.

3 CHAIR LUEDER: All right. Let's move on.

4 CHIEF JENKINS: It's also worth noting just
5 recently, in the last couple of weeks, we concluded a
6 lawsuit that had been going on for a number of years.
7 We had seven years ago, just to give you a little
8 background on this -- and this is on the over-snow
9 vehicle program that grooms trails for snowmobiles up in
10 the mountain areas. Seven years ago, that was part of
11 the Grants Program. So if a forest -- someone in the
12 U.S. Forest Service areas that has groomed trails wanted
13 some funding to continue grooming those trails, they
14 would come in to the Grants Program and apply for grants
15 and compete against that larger pool of grant applicants
16 for funding. Seven years ago, we switched that program
17 over to be funded from the operations part of the
18 program and began working with the forests directly
19 because this was -- the feeling at the time, and this
20 was before my time -- or, actually, it was the first
21 year I was here in the Division that they were just
22 getting this put in place, that would provide a little
23 more continuity for this part of the program. It was
24 switched so that we'd come out of the operations fund
25 and we'd enter into challenged cost-share agreements,

1 contracts with the various forests to do this program.
2 After several of years of that, we began looking at it a
3 little bit differently. Previously when it had been
4 grant by grant, forest by forest, you would do your
5 environmental documentation on each grant separately.
6 We looked at the fact that we were doing this as a
7 larger program with a comprehensive state-wide program
8 and felt it was more appropriate to do the environmental
9 documentation as a program -- entire program. So
10 roughly three years ago -- two years ago, actually, we
11 did a comprehensive Environmental Impact Report on the
12 entire snow-grooming program. That resulted in a
13 lawsuit where some folks came forward and felt like we
14 had been deficient in that EIR in several specific
15 areas. And so we've been in a legal back and forth on
16 that for several -- or since that time. Just this --
17 what was it, two weeks ago, I think -- two weeks ago,
18 that action was concluded, and the court found that on
19 every count State Parks had done our environmental
20 documentation appropriately. And so that lawsuit is now
21 in the past. And we're continuing with the program and
22 making sure that we do everything by the numbers on
23 that. So we shouldn't have any more legal challenges on
24 that.

25 COMMISSIONER WILLARD: Any appeal coming?

1 CHIEF JENKINS: There's 60 days for an appeal.
2 And so it's far too early to speculate on that.

3 One last thing.

4 And, Debbie, do you have a clip of the
5 non-resident permit?

6 If you come into California from out of state
7 and you want to operate your off-highway vehicle, you,
8 of course, won't have a green or a red sticker. And so
9 if your state doesn't have an OHV Program, then you need
10 to have some sort of authorization to operate the
11 vehicle here in California. So we have the non-resident
12 permits. Up until very recently, if you wanted to get a
13 non-resident permit so you could operate your vehicle in
14 California, we had a list on line of the vendors and we
15 worked with vendors up and down the state that would
16 sell those. But there were times when folks would come
17 in and they wouldn't be near any of those vendors, and
18 so they just didn't have access to these permits. So
19 just in the last month, we have put those available on
20 line. And so you can go to -- if you go to our page,
21 this is the first page you'll see. You can click on
22 that and go to the next screen, and there's a very
23 simple system on line where you can buy your
24 non-resident permit. It gives you a little menu of
25 choices to go through. You can pay with your credit

1 card. And it can be mailed to you within -- I think two
2 days we can -- they get those out. So this should make
3 it far easier for folks coming in with just a very
4 little planning ahead of time to get those and have them
5 in their hands before they come into California. So
6 it's one of those where our IT folks found a way to get
7 that accomplished. Something that seems at times very
8 simple for private industry; you try to do that in State
9 service, and something as simple as putting something on
10 line on a credit card can be a little challenging. So
11 thanks to the staff that worked on getting through those
12 bugs.

13 Two final issues -- oh, first of all, I did want
14 to mention this is the 40th anniversary of the OHV
15 Program in California. It was actually authorized --
16 40th anniversary of its authorization would have been
17 last year -- 40th anniversary of our actual
18 implementation of the program is this year. So we're
19 going to be planning a series of things through the
20 second half of the year as we move into the year that
21 are going to feature some background and history on the
22 program; we're going to feature the roots of the program
23 of that balance between providing OHV recreation and
24 environmental sustainability. And so at the next
25 meeting we should have some really interesting stuff to

1 show you. We hope to use this as an educational tool to
2 really reemphasize the roots of the program. I just
3 wanted to make that little note.

4 CHAIR LUEDER: Commissioner Slavik.

5 COMMISSIONER SLAVIK: I was involved in the 25th
6 anniversary. I don't know if there's anybody in State
7 Parks that was there.

8 CHIEF JENKINS: I was.

9 COMMISSIONER SLAVIK: I don't remember you
10 there.

11 CHIEF JENKINS: I was a ranger at Oceano Dunes.
12 You probably just -- you weren't paying attention to me.
13 I was a peon.

14 COMMISSIONER SLAVIK: At any rate, I think
15 we've -- State Parks in their infinite wisdom wasn't
16 really interested in making a big deal out of that
17 anniversary. When the private sector got involved, it
18 changed it pretty dramatically. And I think we maybe
19 ought to have some discussion about that, on how we can
20 really make, you know, this anniversary something that
21 people in California can get involved in and understand
22 the significance of. And I'd like to be a part of that,
23 if possible.

24 CHIEF JENKINS: We have a small group that we're
25 putting together at the Division, including folks from

1 the SVRAs and folks from the Division. If you felt that
2 a subcommittee to work with that group would be
3 appropriate, that would be a great opportunity for us to
4 work with you.

5 CHAIR LUEDER: Yeah, I think that would be
6 great. Let's see. I'm not sure where we can fit that
7 into our schedule. Can we appoint a subcommittee if it
8 hasn't been noticed as a business item? Okay. So
9 anybody wishing to be involved in that subcommittee?

10 Commissioner Slavik.

11 COMMISSIONER SLAVIK: Just from an historical
12 perspective, Brad has connections with the industry.

13 COMMISSIONER FRANKLIN: I'd be happy to help
14 out.

15 CHAIR LUEDER: Okay. So I'd like to appoint
16 Commissioners Slavik and Franklin to be a part of the
17 40th anniversary work group -- unless anybody has any
18 objections?

19 All right. Chief, please continue.

20 CHIEF JENKINS: On a sadder note, many of you
21 might have been aware back in the turn of the New Year,
22 National Parks Service Ranger Margaret Anderson was
23 killed in the line of duty at Mt. Rainier National Park
24 on New Year's Day. That -- anytime we lose somebody in
25 the law enforcement community, of course, it hits close

1 to home, and when it's a Park professional, it really
2 hit close to home for a lot of our State Parks folks.
3 We have a desire for a lot of our -- officers wanted to
4 go up and attend the memorial service. And getting
5 out-of-state travel authorized and finding ways to get
6 permitted so we could go up there in uniform officially
7 representing State Parks, once again, with all the
8 various travel restrictions going on right now, was
9 quite challenging. Some members of the OHV community
10 stepped forward and made it possible to get tickets
11 through Southwest Airlines. The folks at Southwest
12 Airlines were extremely helpful with us once we got that
13 connection from the OHV community members to Southwest
14 Airlines. And as a result, we were able to have from
15 State Parks, both from the OHV Division and from the
16 operations side of State Parks some representation up
17 there at that memorial service. So -- and it was thanks
18 to the efforts of members of the OHV constituents that
19 we were able to do that. So for those that were
20 involved with that, a huge, huge thank you from the
21 Department, and also to Southwest Airlines who, I think,
22 comped those tickets for those officers who went up to
23 that event.

24 Not quite that serious but also of great concern
25 to us, there was a flier out on the front table, if you

1 get a chance to look at that, one of our life guards at
2 Oceano Dunes, Ethan Hadley -- and you may recall at a
3 recent meeting we mentioned him not by name but just as
4 one of the life guards that was involved in a very large
5 rescue at Oceano Dunes where there was a lot of young
6 boys that were pulled out in a pretty significant rip
7 tide. The life guards went in and were able to rescue
8 every one of them or bring them in. And that was one of
9 those serious rescues where, you know, sometimes we do
10 preventive rescues, we'll call them, where it's like
11 somebody's about to get into trouble and you rescue
12 them. This is one of those where it wasn't preventive;
13 it was they were on their way out and gone. And our
14 life guard service there at Oceano Dunes was able to
15 successfully rescue all of them. Ethan Hadley was one
16 of those life guards.

17 Go to the next shot.

18 Ethan was working recently up on the Nipomo Mesa
19 helping a friend clear some trees, and one of the trees
20 fell. And this is Ethan here. One of those trees fell
21 and hit him -- fell on him. And he was in the hospital
22 in a coma for a number of days. And I understand he's
23 coming out of that now, but he's having a very difficult
24 time. Ethan is one of our seasonal employees, which
25 means he doesn't have as much coverage as the permanent

1 employees do for medical costs and for all of those
2 sorts of support. So there is an effort to provide some
3 support for Ethan. A lot of our own employees, of
4 course, are pitching in. But the flier indicates a
5 website that people can go to with various things you
6 can do if you want to support Ethan as he goes through
7 his recovery.

8 Those were all of the general program updates
9 that I had. Now, there's a number of specific reports.
10 I don't know if you want to take a break before we go
11 into those.

12 COMMISSIONER VAN VELSOR: Can I ask a question?

13 CHAIR LUEDER: Yes. Commissioner Van Velsor.

14 COMMISSIONER VAN VELSOR: Is there workmen's
15 comp or something to cover that type of thing? It was
16 on the job where he was hurt?

17 CHIEF JENKINS: No. This was on his off-duty
18 time. He was helping a friend clear some trees. And so
19 he's just one of our employees who got hurt off duty and
20 is having a very tough time. The seasonal employees in
21 State Parks have to go through this period of that
22 seasonal time based on where you're working, you're
23 looking for that permanent job. And so when you're not
24 working, you have very little coverage as a seasonal
25 employee. And so that's why we're trying to help him

1 out.

2 CHAIR LUEDER: I'd like to go ahead and get the
3 Item No. 2, General Plans, update, see where we are on
4 time.

5 CHIEF JENKINS: Okay. Dan Canfield is going to
6 give us a quick update on General Plans.

7 COMMISSIONER KERR: I had a question.

8 CHAIR LUEDER: Commissioner Kerr.

9 COMMISSIONER KERR: So before we leave the
10 Chief's reports, last when we were down at Heber Dunes,
11 you know, we approved the General Plan and you're -- I
12 guess you're building a building down -- you know,
13 there's quite a bit of building going on down there.
14 And I had asked about the nature of the sort of
15 sustainable and environmental oversight on that building
16 project as represented by the LEED standards that at the
17 time I was told you were following. And I understand
18 there's been some pushback on whether or not this is
19 going to be a LEED-certified facility. And I just feel
20 like this -- one of the main values of this park, as I
21 see it, is as a model for an urban park and perhaps to
22 be duplicated in other areas maybe. And so I'm very
23 concerned that the buildings be LEED certified. So I
24 just want to know where we are on that.

25 CHIEF JENKINS: So subsequent to that meeting, I

1 went back and checked. I think I spoke at the last
2 meeting saying that it was my understanding that they
3 were working towards LEED certification on those. Based
4 on your comments, I went back for further investigation
5 on that. They are working for a lot of the
6 LEED-qualification-type construction on that. So as far
7 as being environmentally sustainable, using solar
8 technology, using a passive technology so that you can
9 reduce your heating and cooling costs for the
10 facilities, et cetera. But doing all of those things,
11 when I went and checked with our Service Center who does
12 the -- oversees the construction, they said they weren't
13 actually going through the checklist for the LEED
14 certification. I do have a copy of the LEED checklist
15 if you'd like to see that that I brought down. They
16 said that the -- there is -- on the mandate that the
17 Governor had put out, that buildings -- new building
18 construction needs to meet at a minimum LEED Silver
19 Standard, turns out only applies to buildings of 10,000
20 square feet or greater. These were smaller buildings
21 than that. So we've been continuing to work with the
22 Service Center. They said it's not too far into the
23 program to try to take the work that they're doing and
24 then go through the administrative process to make sure
25 that the -- we get that LEED certification. So we're

1 kind of midstream on trying to change from doing the
2 LEED-certified-type work but not going through all of
3 the administrative process to get the certification to
4 changing over to how much extra expense is going to be
5 involved in meeting those so that we can officially say
6 it's LEED certified. We're working towards that. Don't
7 have the final --

8 COMMISSIONER KERR: You know, I just want to --
9 I know some of the members of the Commission may be
10 aware of this already, I have done a number of
11 LEED-certified buildings. I can tell you, frankly, that
12 it's definitely worth it. That when you get done with
13 the building, the commissioning process, the creation of
14 extensive operation manuals for the facility -- I mean
15 I've even LEED -- I'm just about to get a LEED
16 certification on an equestrian center that was built in
17 the town of Los Altos Hills. So I can tell you when we
18 went back through and we dealt with the LEED issues in
19 order to get our certification that there were a number
20 of things that came up that we've, you know, realized
21 different systems weren't working or they weren't
22 properly documented. And so the LEED certification is a
23 management tool that allows some -- the State or this
24 Commission to ensure that, you know, they're getting a
25 quality building that's built in a sustainable manner.

1 And I think that the Governor's mandate intended for
2 facilities like this to be LEED certified. And if you
3 take the total amount of square footage that you're
4 going to be building there, it's probably way over
5 10,000 square feet, right? And so I don't know how we
6 can affect this decision, but I strongly urge the
7 Commission to pursue this.

8 CHAIR LUEDER: Commissioner Willard.

9 COMMISSIONER WILLARD: You know, it's -- so it's
10 my understanding that the buildings are going to be
11 built to the LEED certification standards. But perhaps
12 the issue is whether or not we actually go through the
13 process of getting the actual certificate from LEED,
14 which is a for-profit independent entity that does the
15 certification.

16 CHIEF JENKINS: Well, the Commissioner does have
17 a good point, that while we're trying to incorporate
18 energy-saving techniques, LEED-type things, that is,
19 often not going all the way to reaching that bar to
20 actual LEED certification where you have to ensure that
21 your sourcing materials are from sustainable areas. So
22 there's a lot of stuff that feeds into that more than
23 just incorporation of energy-saving design. It's a
24 larger picture. And so certainly it's something that we
25 can continue to look at doing here.

1 COMMISSIONER WILLARD: Yeah, I guess my concern
2 is that I'm all for having sustainable buildings, and I
3 think that's the mandate anyway from the State. And I
4 think that they should be built 100 percent to the LEED
5 standard. But in a smaller, you know, public building
6 like this, I'm just wondering -- because there is a cost
7 associated with getting the certification.

8 CHAIR LUEDER: Commissioner -- Breene, do you
9 know how much that --

10 COMMISSIONER KERR: Yeah, but there's a benefit.
11 I would say the cost is probably a minimum of \$20,000
12 and it -- but there's -- a lot of that money goes into
13 commissioning, fixing problems that you find, and
14 adequately documenting the building and providing that
15 information for, you know, future maintenance and future
16 people that, you know, come into the park. And maybe
17 you get a new director or you get a new supervisor. I
18 mean I don't want to belabor this point too much, but
19 the USGBC -- United States Green Building Council -- is
20 not, to my knowledge, you know, a commercial enterprise.
21 It's -- this is a -- anyway, this is management
22 technique. I've had my headaches with it. I've had my
23 concerns and complaints about them, but overall it -- it
24 allows -- these guys are going to be building this
25 building. We're not going to be out there watching

1 them. So this is a management technique to make sure
2 that they're doing the right thing. That's why almost
3 every public building that I've ever been associated
4 with has been, you know, built under some kind of LEED
5 standards. And what will happen here is they'll start
6 not meeting the LEED standards because, you know, it's
7 either LEED or it's not. So that's all I'll say about
8 it.

9 CHAIR LUEDER: All right. I think the consensus
10 is to keep pushing forward -- at least what I'm hearing
11 is to try and do our best to get those LEED
12 certifications reasonable --

13 CHIEF JENKINS: I'll have a more definitive
14 update on this issue at your next meeting.

15 CHAIR LUEDER: Great.

16 CHIEF JENKINS: And I'd be happy to give you
17 that.

18 CHAIR LUEDER: All right. Thank you.

19 MR. CANFIELD: Good morning, Commissioners. I'm
20 Dan Canfield, OHMVR Division, Acting Planning Manager.
21 I'm going to provide a brief report on the status of the
22 SVRA General Plans. You can find this report behind
23 Tab 3 in your binder. It's also made available to the
24 public on the back table.

25 Several of the State Vehicular Recreation Areas

1 or SVRAs are in the process of initiating or updating
2 their Park General Plans. You may be asking what is a
3 Park General Plan and why is it important, why are we
4 talking about it. Well, a Park General Plan provides
5 long-term guidance for the development and management of
6 park units like SVRAs. Park General Plans are required
7 before we do major cap-outlay projects or before we
8 expand parks with new land acquisitions, and those are
9 both things that we like to do at SVRAs, develop
10 facilities and expand the land. That's why these Park
11 General Plans are so crucial.

12 The General Plans evaluate things like proposed
13 land use, recreation, resource management, facility
14 development and concessions. They're an excellent tool
15 for park managers and park enthusiasts alike. Also, and
16 equally important, Park General Plans are directed by
17 State law. Public Resource Code 5002.2 provides
18 direction on the preparation of Park General Plans. And
19 the Division fully intends to comply with this law.

20 Back in 2007, the Division conducted a review of
21 all the SVRA General Plans. At that point, it was
22 determined that six of the SVRAs needed to initiate or
23 update their General Plans. The Division worked with
24 the Department of Finance to secure funding for these
25 general-planning efforts. And once preliminary funding

1 was obtained, the Division worked with the Department of
2 General Services to obtain or to secure a qualified
3 contractor. A table identifying the status of the SVRA
4 General Plans was included in the 2011 Program Report.
5 We've taken that table and updated it to reflect the
6 changes that have occurred since the 2011 report was
7 published. That is Attachment 1 of your report and is
8 also projected on the screen. I'd like to take a moment
9 and go down that list and then highlight some of the new
10 developments.

11 The list is sorted alphabetically, but
12 conveniently enough, Carnegie is first on the list,
13 which is nice since the tour yesterday was at Carnegie
14 and we're in the general area. But the Carnegie General
15 Plan Update is currently underway. A contractor is in
16 place, and preliminary data is currently being gathered.
17 I would like to encourage all interested parties to
18 participate in these general-planning efforts. And, in
19 fact, I would certainly welcome if any member of the
20 public would like to provide their contact information
21 to me or other staff members who will make sure you get
22 added to the interested parties list so you can be
23 updated on this General Plan process and as it proceeds
24 through the process.

25 Later in 2012 a website will be launched that

1 will also provide updates to the public on the status of
2 the general-planning efforts as well as upcoming events.
3 We will also be doing visitor surveys as we move forward
4 in the General Plan process. That's kind of a highlight
5 of Carnegie.

6 Next on the list, Clay Pit SVRA.

7 COMMIMSSIONER SLAVIK: Dan?

8 MR. CANFIELD: Yes.

9 COMMISSIONER SLAVIK: Just had a question. Your
10 comment about the general public in this room being able
11 to participate in this process, is there a way they
12 can -- the wider general public can know about this and
13 get involved?

14 MR. CANFIELD: The General Plan processes
15 include a lot of opportunities for public involvement,
16 including, I mentioned, there will be a website that
17 folks will be able to come to and receive information on
18 the general-planning process. There will be events at
19 the facility itself encouraging public facilitation as
20 we work through the process. There should be ample
21 opportunities. And, again, anyone interested, spread
22 the word, and let's get a big group established so we
23 can get the best possible General Plan for this
24 facility.

25 CHIEF JENKINS: And we maintain -- sorry if I

1 walked in on -- I think this is -- walked into the
2 middle of this, but we maintain a list at the Division
3 of people who want to receive notifications for various
4 actions that we do. One of our lists is to notify us
5 every time you do some -- any kind of public comment
6 process. And so if people want to make sure that
7 they're always aware of what's going on at the Division,
8 they can send us their contact information. And then
9 anytime we go into this type of a general public --
10 looking for comments from the public, we send out a
11 message to everybody on that contact list. And so that
12 way people can be assured of always having that heads-up
13 that something's going on that they might want to
14 comment on.

15 COMMISSIONER SLAVIK: I guess I'm thinking of
16 Tweets and stuff like that.

17 CHIEF JENKINS: You're way ahead of us.

18 MR. CANFIELD: Yeah, I'll do my best to get
19 onboard the Tweets.

20 Clay Pit SVRA, the proposed General Plan and
21 Draft Environmental Impact Report is currently available
22 for public review and comment for Clay Pit SVRA. This
23 is a 45-day comment period that's going to run through
24 March 24th. I've included in the report, that's
25 Attachment 2 -- is the formal notice that discusses how

1 the public can get involved, review the proposed General
2 Plan and make comments. I would also encourage all
3 interested parties to do so. That was Clay Pit.

4 Next on the list, Heber Dunes SVRA. You may
5 remember that General Plan was adopted back in December
6 of 2011.

7 Hollister Hills SVRA, the General Plan is
8 current.

9 Hungry Valley SVRA, a General Plan Update is
10 needed to accommodate the addition of some proposed
11 acquisitions. That's going to be a future project that
12 we'll be discussing at future Commission meetings. I'll
13 be back up here discussing that once we get that ball
14 rolling.

15 Oceano Dunes SVRA, General Plan is current.

16 I'm going to skip slightly out of order, if
17 you're following along on the list, Prairie City SVRA,
18 the General Plan needs to be updated from the Sacramento
19 County Master Plan. That's going to be another future
20 project that I'll coming back to future Commission
21 meetings and discussing with you.

22 That leaves Ocatillo Wells SVRA. The
23 general-planning process for Ocatillo Wells is underway.
24 As Chief Jenkins mentioned, they're a little bit ahead
25 of the Carnegie process. In fact, just this last

1 weekend, public workshops were held for the Ocatillo
2 Wells General Plan. The purpose of these workshops were
3 to facilitate public involvement in the general-planning
4 process, to share information that's been gathered so
5 far, and to collect input from the public on draft goals
6 that would be included in the General Plan.

7 I've also included in the report, it's
8 Attachment 3, a flier titled "Help Plan Ocatillo Wells
9 SVRA" which was made available to the participants. In
10 addition to the flier, I think we have a short video
11 that we'd like to show you that discusses some more
12 about the Ocatillo Wells General Plan.

13 (Video presentation.)

14 MR. CANFIELD: I'd like to end on a high note,
15 so that ends my report.

16 (Applause.)

17 CHAIR LUEDER: All right.

18 Commissioner Willard has a question.

19 COMMISSIONER WILLARD: Yeah. And thank you for
20 the report. Just one quick question. I see that there
21 are three or four General Plans that are currently
22 underway. And as you know, this Commission is sort of
23 the final stop for final approval. Just trying to get
24 an idea of our upcoming workload. Can you give me an
25 idea roughly -- I'm not looking for a specific date,

1 but, you know, third quarter of 2013, that type of
2 thing, as to when we might be, you know, seeing these
3 documents?

4 MR. CANFIELD: Well, most immediately will be
5 the Clay Pit General Plan, which is currently out to
6 public review and comment. So that will be the first
7 one that will be brought before this Commission for
8 review. Following -- and --

9 COMMISSIONER WILLARD: Any idea when --

10 MR. CANFIELD: Later in this year.

11 COMMISSIONER WILLARD: You know, those are --
12 okay.

13 MR. CANFIELD: And then following would be, in
14 order, Ocatillo Wells would be the next as it works
15 through the process, and then Carnegie following along,
16 which will be the end of 2013. The General Plan process
17 is a very fluid process. And as the video indicated and
18 as law dictates, we don't go into a General Plan process
19 with an idea what the end's going to be. And so it's
20 hard to have a firm timeline for that very reason.
21 They're very fluid. And we want to make sure that we
22 gather all the appropriate data on habitat and
23 recreation and resources, the facilities, and the entire
24 spectrum needs to be evaluated. So -- but we do have a
25 dedicated staff and contractors that are working to

1 expect them as quickly as possible. But they are very
2 time-consuming, and staff time-consuming efforts.

3 COMMISSIONER WILLARD: So you think Ocatillo
4 will come before us the next year sometime?

5 MR. CANFIELD: That would be my guess. I'll be
6 at the next meeting with another update, and I'll have
7 more information.

8 COMMISSIONER WILLARD: Thank you.

9 CHIEF JENKINS: I think the way to say that, if
10 it stays on its current schedule, it should come to you
11 next year.

12 CHAIR LUEDER: Commissioner Kerr.

13 COMMISSIONER KERR: So, you know, I know you
14 guys were out there yesterday. I was out at Carnegie
15 on -- I guess it was Sunday during the holiday weekend
16 and the place was packed. And certainly there's an
17 urgent need to move forward with some facility
18 improvements at Carnegie. I know you're doing some
19 great work with environmental restoration as well and
20 we've got these other properties that we've had for
21 years. So I don't know how we can inject a little sense
22 of urgency into creating this General Plan for Carnegie.
23 But, you know, frankly, waiting until 2013 is not really
24 a good answer for me. And I don't -- I don't
25 understand, you know, what -- is it a money issue? You

1 know what I'm talking -- I realize the Environmental
2 Impact Statement -- it's a big thing to come up with,
3 but I mean the people of this part of the State have
4 been waiting a long time to have Carnegie adequately
5 built out. And it's certainly changed since I was last
6 there a couple years ago. But I think we need to
7 expedite this a little bit. I don't know if anybody
8 else feels that way, but...

9 COMMISSIONER WILLARD: Well, yeah.

10 (Applause.)

11 COMMISSIONER WILLARD: While it would be great
12 to expedite it, I think you also have to keep in mind
13 that the process has to be done as thoroughly and as
14 correct as possible in order to stand up to any
15 challenge. You don't want to go through the process
16 quickly, leave something that wasn't quite done right,
17 and then leave yourself exposed for someone to come
18 along later and challenge you, and then -- you know,
19 then you're mired in a longer-term battle before you
20 actually get to where you want to be.

21 CHAIR LUEDER: Chief, did you have a comment?

22 CHIEF JENKINS: I was going to say, if it would
23 help, what we could provide you with at the next meeting
24 is a more detailed timeline. There's a lot of work
25 that's going on currently. So it's not like the

1 Carnegie General Plan is idling somewhere. We've got a
2 tremendous amount of resources, a tremendous amount of
3 funding dedicated to that. We have a contractor that
4 has some staff that are virtually focusing full time on
5 the issue. Once we start into the public comment
6 period, then your timelines are pretty set. And you
7 can't push that process too quickly because you have to
8 engage with the public, you have to incorporate those
9 things, do your re-writes, re-engage with the public,
10 see if you got it right. So we're coming up to that
11 time frame where we're going to start hitting those
12 landmarks that are pretty set as far as how quickly you
13 can push that process.

14 That being said, we will make every effort to
15 move this just as quickly as we can. Because we
16 recognize the people have been waiting a long time for
17 this General Plan, that there's been several false
18 starts in the past. We're sensitive to that. We're
19 going to be pushing it as hard as we can. But
20 Commissioner Willard makes great sense. It's like the
21 first time I ordered a really good beer, they said, "Do
22 you want it fast or you want it now?" And they poured
23 it up and set it on the back bar until foam settled
24 down. I wanted it right. If we get this plan wrong,
25 then it's not the fastest way. If we get it wrong,

1 we'll be tied up in lawsuits and wrangling -- legal
2 wrangling until we do get it right. So we're trying to
3 strike that balance between moving as quickly as we
4 possibly can while hitting all of the important points
5 and doing it correctly.

6 COMMISSIONER SLAVIK: Well, like the example you
7 brought up at Hollister yesterday, how long it took for
8 those two properties. Example of Hollister that the
9 Chief brought up yesterday, that one property was 23
10 years before we could actually get a wheel on it, right,
11 or something like that.

12 CHIEF JENKINS: Yeah. And that one that we
13 brought up at the meeting yesterday, and one of the
14 things that we said then, I'll reiterate for everybody
15 here is that one did take an inordinately long time to
16 get to the final product. When we got towards those
17 final couple years of getting that done, we had learned
18 a lot of lessons. We're taking those lessons learned
19 and bringing that forward to this effort that we're in
20 at Carnegie. We think that we have a planning team now
21 and we have experienced staff now that have figured out
22 how to get around a lot of those blockades that tend to
23 hold us up for long periods of time. I have every hope,
24 every assurance from our staff that we're going to be
25 able to move this process forward in a timely manner.

1 So, you know, time will tell, but that's our -- that's
2 our belief at this time that we're going to be able to
3 move this in a timely manner.

4 CHAIR LUEDER: Okay. Commissioner Van Velsor.

5 COMMISSIONER VAN VELSOR: Yes, I have a comment
6 and a question.

7 Land-planning processes that incorporate a
8 diversity of stakeholders generally take longer, but you
9 have more buy-in at the end of the process and, in
10 general, I think you have a better plan because you have
11 a lot of different perspectives involved in the process
12 of developing it, making recommendations and so forth.
13 And so my sense from the conversation we had yesterday
14 at Carnegie was there's a real desire to get as many
15 stakeholders involved in this as possible so that you
16 have that buy-in.

17 And my question, and I'm not clear on where
18 the -- or what role Commissioners play in the
19 general-planning process other than just approving it.
20 Is there a formal way for Commissioners to engage, or do
21 we just engage as individuals?

22 CHIEF JENKINS: Well, certainly yesterday's
23 tour, today's discussion about that park is part of that
24 giving you all as a Commission a chance to engage. And
25 everything that we're hearing yesterday from you all,

1 everything that you're discussing today, all of that
2 goes into this kind of developmental process where we
3 can put something out for the public to respond to. So
4 this really is one of the first steps. And as you had
5 indicated earlier, getting to Ocatillo Wells fairly
6 soon, while that General Plan is still, you know,
7 approaching that final period is also important.

8 So yes, this -- there is a role early on in the
9 process. That's what we're doing today.

10 COMMISSIONER VAN VELSOR: Okay.

11 CHAIR LUEDER: Last quick comment, question: Is
12 that video that we just saw available on the web
13 currently or is it going to be?

14 MR. CANFIELD: Yes, that -- there's a website
15 dedicated to the Ocatillo Wells planning efforts. It's
16 planocatillowells.com. That video is viewable from that
17 website as well as the information about the workshops
18 status. And we'll have a similar website created for
19 the Carnegie efforts as we proceed through that process.

20 CHIEF JENKINS: Earlier there was a comment
21 about Tweets. We actually do have FaceBook sites and I
22 think Twitter sites for a lot of the SVRAs. So if you
23 go to the State site, there's a link onto the Facebook
24 site, and in some cases a link onto Twitter sites. I
25 believe that this video is in the Facebook site that

1 links off of our home page. So...

2 CHAIR LUEDER: All right. Great. Thank you,
3 Dan.

4 MR. CANFIELD: Thank you.

5 CHAIR LUEDER: So we're due for a break. Before
6 the break, I want to remind everybody in the audience
7 that we have comment cards right outside. So maybe
8 during the break if anybody hasn't filled out one of
9 these yet, please fill out one. The green cards are for
10 items on the agenda today. So anything that's on the
11 agenda -- and there's copies of the agenda out
12 there -- fill out a green card. Items that are not on
13 the agenda at all, there's no discussion of it on the
14 agenda, it's just an odd item that you want to talk
15 about, the blue card is for that. So please fill those
16 out and give them to the front table here. And we will
17 come back in 15 minutes at 10:50. Thank you.

18 (Brief recess.)

19 **ITEM IV - REPORTS - Chief'S REPORT (Continued)**

20 CHAIR LUEDER: So at this time we're going to
21 continue on with the Grants Program Update.

22 MR. LONG: Good morning, Commissioners. Thank
23 you. My name is Kelly Long. I'm with the Grants and
24 Cooperative Agreements Program operated by the Division.
25 I would like to give a brief overview about what is

1 going on with the Grants Program currently.

2 And my first step, I would go ahead and remind
3 the Commissioners and everyone else that the Grants
4 Program this year will be distributing up to a maximum
5 of \$21 million through the Grants Program. You may
6 recall this is a reduction of approximately 19 percent
7 from previous years. The last couple years we only had
8 \$26 million available. And, again, the funds available
9 in the program are distributed according to the Public
10 Resources Code.

11 Actually, if we could go back to the agenda
12 there. Sorry. You'll notice the operations and
13 maintenance -- excuse me -- receives 50 percent of the
14 funding; in this case, it's \$10.5 million; 25 percent of
15 the available funding is earmarked for restoration,
16 which is 5.2 million of that original 21. Law
17 enforcement will receive 4.2 million, and the Education
18 and Safety Programs are competing for \$1.05 million this
19 year.

20 So since the Commission was last updated on the
21 Grants Program, there have been two important events.
22 I'm sorry, I see you guys looking around. This -- the
23 update is also included in Tab 3 in your agenda. I'm
24 not sure how many yellow pages back behind that is.

25 So two important events have occurred since we

1 were last here. First, there were proposed revisions to
2 the regulations, and I'm happy to announce that the
3 proposed revisions to the regulations were approved by
4 the Office of Administrative Law on December 20th. This
5 was a very lengthy process. We actually started in
6 August and worked through a number of public comment
7 periods. We received some comments along the way and
8 responded to them and worked with the Office of
9 Administrative Law to get a satisfactory package.
10 Those -- like -- as I mentioned, the regulations were
11 approved on December 20th, and they had an effective
12 date of January 9th of 2012. Which brings me to the
13 second important point for the Grants Program,
14 January 9th marked the kick-off of the current Grants
15 Program cycle. January 9th our online grant
16 application, commonly known as OLGA, went live.
17 Applicants -- potential applicants were able to access
18 it via the internet. And also that week, the Grants
19 Program staff conducted two outreach workshops with
20 potential applicants to the program. Workshops were
21 conducted in Ontario and in Sacramento. And as usual,
22 they were pretty well attended. Approximately -- almost
23 200 people combined in the two workshops. And we were
24 able to introduce some new applicants and sort of
25 reconnect with some of the more familiar applicants and

1 just get the ball rolling for the new cycle.

2 As you might imagine, Grant staff has been
3 fairly busy since that early January working with
4 potential applicants, making sure everybody's able to
5 access OLGA. And we have a couple important dates
6 coming up that I'd like to point out. On March 5th,
7 which is in my opinion, from a Grants administrator's
8 eyes, right around the corner, preliminary applications
9 will be due for this grant cycle. What that means is
10 everybody who wishes to compete for the funds this year
11 will have to have their preliminary applications
12 submitted on the online grant application system. At
13 that point, from March 6th through April 2nd, we enter
14 into the preliminary -- or, I'm sorry, the public review
15 and comment period. Applications are due on a Monday.
16 On that Tuesday, all of the preliminary applications are
17 available on the website for the public to go on, make
18 comments to the applicant and to the Division,
19 recommendations, suggestions to the applicant, that sort
20 of thing, in hopes of identifying problems or creating a
21 better application for the applicants. That will
22 continue, like I said, through April 2nd. And then up
23 until May 7th, applicants will have an opportunity to
24 revise their applications based on the comments that
25 they've received. On May 7th, the final application is

1 due. At that point, the Division will be reviewing the
2 applications through the month of May, and -- excuse
3 me -- we will be scoring the applications according to
4 the scoring criteria contained in the regulations, and
5 we will be making a recommended funding list available
6 on our website on June 4th. That is called the Intent
7 to Award. That will be posted online. And then pending
8 a 30-day appeal period, we anticipate the final awards
9 for funding being made available on July 6th, 2012.

10 That is the Grants Program in a nutshell. Happy
11 to answer any questions.

12 CHAIR LUEDER: I do have a question. I notice
13 on the restoration we have the additional 1.1 million.
14 Is this the last year of that additional funding, or
15 does that continue for a number of years?

16 MR. LONG: The additional 1.1 -- sorry. The
17 additional 1.1 million was included in the budget for
18 the previous year, and I am unclear -- not sure as to
19 the status on moving forward on that -- the additional
20 funding.

21 CHIEF JENKINS: That \$1.1 million is in this
22 grant cycle. The proposed budget that we're going to be
23 commenting on in just a moment, they did not put that
24 additional \$1.1 million in the budget for the next grant
25 cycle. Right now, I think that was a result of when

1 they were pulling all that money for loans out of the
2 OHV Trust Fund at the time not knowing how much money
3 was going to be reverting and pulled the balance down
4 near zero for a time during that process. And so they
5 began that -- sometimes it takes a while for things to
6 get into the hopper, but they pulled out the
7 \$1.1 million bump until they knew that there was
8 adequate money in the Trust Fund to cover that. So the
9 proposed Governor's budget that's out there for the
10 '13/'14 -- 1213 -- for 1213 does not currently have that
11 \$1 million bump and that \$1.1 million bump in it.

12 CHAIR LUEDER: Okay. But my understanding was,
13 is that was just a limited time additional to the
14 Restoration Program, and that that would eventually
15 expire.

16 CHIEF JENKINS: Yeah, that was based on when
17 they changed over through SB 742, the way a lot of the
18 break-out of the monies went. There was still remaining
19 money in the old Conservation Enforcement Services
20 account. So that \$1.1 million is available up until
21 it's expended. That \$1.1 million per year is available
22 each year until it's expended. And the law gives us the
23 option each year to put that in or not. Even though
24 it's not in the budget for this coming year, we're still
25 tracking how much money is available. It can't be used

1 for anything but that.

2 CHAIR LUEDER: Right.

3 CHIEF JENKINS: So it will eventually be used
4 for restoration; it's just not in the Governor's budget
5 for this year.

6 CHAIR LUEDER: Okay. Thank you.

7 Any other comments on the Grants Program?

8 Yes, Commissioner Kerr.

9 COMMISSIONER KERR: I thought there was a little
10 piece for land acquisition in this. You didn't mention
11 that.

12 MR. LONG: Yes.

13 COMMISSIONER KERR: Where's that fit?

14 MR. LONG: The acquisition is actually included
15 in the operations and maintenance. So upwards -- a
16 maximum of 10 percent of the operation and maintenance
17 funds are available for acquisition. So a total of
18 1.05 million.

19 CHAIR LUEDER: All right. Great. Thank you
20 very much.

21 MR. LONG: Thank you.

22 **AGENDA ITEM 4(B)(4) - REPORT - Chief's**

23 MS. MOWREY: Good morning, Commissioners. My
24 name is Maria Mowrey. I'm the Administrative Chief for
25 the OHMVR Division. I will be giving you a budget

1 update today.

2 In your binders you will see behind Tab 3 after
3 the Grants Report the Fund Condition Statement.

4 Debbie, could you do it to the next page. I
5 think it was backwards. There you go.

6 So at the top you will see that -- we'll be
7 discussing the OHV Trust Fund.

8 COMMISSIONER KERR: We're trying to follow along
9 with this.

10 MS. MOWREY: Yes. So probably in your binders,
11 I think it was copied backwards. You'll want to look at
12 it -- OHV Trust Fund is on the second page.

13 COMMISSIONER WILLARD: I don't have one.

14 MS. MOWREY: Okay. Sorry about that,
15 Mr. Willard. If you want to follow along on the screen.
16 We also have copies in the back of the room for the
17 public.

18 So the Fund Condition Statement is part of the
19 Governor's Proposed 1213 Budget. It gives a summary of
20 the OHV Trust Fund, revenues and expenditures. It will
21 show the actuals for 2010, the estimates for 2011, and
22 the proposed budget for 2012. The first line you'll see
23 is the beginning -- beginning balance for the fund for
24 those three fiscal years. And you will see the opening
25 balance dropping over the last few years from \$140

1 million to \$67 million in 1213.

2 And the next section shows Trust Fund revenues.
3 Most of those funds come from registration fees, gate
4 fees, and fuel tax transfers. One item of note is the
5 reduced transfers from the Motor Vehicle Fuel Account.
6 Beginning in 2011, \$10 million of fuel taxes were being
7 transferred to the General Fund instead of the OHV Trust
8 Fund.

9 The next section after revenues is the
10 expenditure section. The reduction of the fuel tax
11 transfers results in the reduction of State operations
12 and local assistance in amount of \$5 million
13 respectively.

14 Finally, you'll see at the end the fund balance
15 is also dropping from 131 million to 42 million. As you
16 can see, the Governor's budget is essentially the same.
17 The main difference in the three years is the reduction
18 of the \$10 million from the Motor Vehicle Fuel account.
19 This is just a proposed budget. In May the Governor
20 will have his May budget revised, and any changes to
21 this budget we'll be discussing at the June Commission
22 meeting.

23 And that concludes my report.

24 CHAIR LUEDER: All right. Just one quick
25 question. So we've got the \$10 million reduction on

1 this fiscal year, which also is carrying over to the
2 next fiscal year. Five million of that was the Grants
3 Programs --

4 MS. MOWREY: Correct.

5 CHAIR LUEDER: -- which amounts to approximately
6 a 20 percent cut.

7 On the operations side, the 5 million, how is
8 that -- just briefly in a general sense, how is that
9 affecting the Division?

10 MS. MOWREY: We have started looking at the 1213
11 budget for the SVRAs, and right now it look -- it's a
12 \$5 million cut. It's looking like a 10 percent cut at
13 the -- at the Districts, and a 20 percent cut at
14 Division.

15 CHIEF JENKINS: So essentially what we did with
16 that was we felt that the most important thing that we
17 do is provide the service out on the ground. And so
18 rather than taking just an across-the-board cut to our
19 entire field operation, meaning headquarters and the
20 SVRAs, we weighted it towards the headquarters. And so
21 we're taking most of our cuts out of administrative
22 costs, administrative overhead, every place we could
23 possibly find cuts up at headquarters so we could get
24 every dollar we can out on the ground and keep that out
25 in the SVRAs where the real work of the Division is

1 being done as far as providing for direct service to the
2 public.

3 CHAIR LUEDER: Okay. Great.

4 Commissioner Van Velsor.

5 COMMISSIONER VAN VELSOR: Is it necessary to cut
6 staff?

7 CHIEF JENKINS: We're not cutting any -- that's
8 a "yes" and "no." We are having to eliminate some
9 positions. The way that we're doing it is by natural
10 attrition. In other words, there's been a hiring freeze
11 in place for the Department for some time now. So we
12 have a number of vacancies that we've been carrying.
13 Our cuts -- the 10 percent, roughly, cuts that the
14 Districts are taking, we're trying to manage that so
15 that we don't lay off any people that are currently
16 working. So, essentially, we're maintaining our
17 workforce where it is right now. Where people have left
18 over the last several years, we have not had the ability
19 to rehire; we're just maintaining that level. And so
20 we're not losing any current positions or any current
21 bodies, current working people, but we will be having to
22 eliminate positions, yes.

23 CHAIR LUEDER: Commission Kerr.

24 COMMISSIONER KERR: Okay. So that was a pretty
25 quick overview. I'd just like to get into the numbers a

1 little bit more here. So we still have revenues of
2 \$75,000 -- or 75 million, excuse me, a year, right?

3 CHIEF JENKINS: Those are projected revenues, at
4 the time, yeah.

5 COMMISSIONER KERR: Yeah. And that's a
6 combination of mostly a reduced gas tax transfer and the
7 other -- now, why does the -- I don't understand why the
8 General Fund balance is dropping so precipitously. You
9 know, we don't -- granted, we've -- our revenues are
10 down by 10 million, but like when you go from 2012 to
11 2013, you know, you're dropping like over -- over 50 --
12 no, it's actually over \$60 million. What's going on
13 here?

14 CHIEF JENKINS: If you look at the line on the
15 expense -- so the top half and you combine the bottom
16 half expense, if you look at the line for capital outlay
17 on the expenses column, you'll see them both, '11, '12
18 and then 1213, we have in the neighborhood of
19 \$25 million capital outlay going on. And so a lot of
20 that reserve that's been there in the fund is being
21 allocated out for capital improvement, one-time costs.
22 So...

23 COMMISSIONER KERR: Okay. For example, we've
24 got Heber Dunes --

25 CHIEF JENKINS: Yeah, but there's a complete

1 description -- we didn't bring it today. We could get
2 it for later in the meeting, if you want us to --

3 COMMISSIONER KERR: How about just the high
4 points.

5 CHIEF JENKINS: We're doing capital improvement
6 in -- boy, you're asking me to talk off the top of my
7 head, and always gets me in trouble. But each of those
8 we have various --

9 COMMISSIONER KERR: Well, you know, it is
10 \$60 million. So, you know --

11 CHIEF JENKINS: No, we have -- and a lot of
12 these we've reported to you on in the past. So none of
13 the things that are in there should be brand-new to you
14 all. We've talked about improvements to the trail and
15 infrastructure at Hollister Hills. We've talked about
16 the Heber Dunes infrastructure; that's in here. There's
17 a big pot of money being used for general-planning
18 processes. There's infrastructure going on at Carnegie
19 where we're doing a lot of the work in the creek bed
20 that's planned for future work there. That money had to
21 be set aside. I mean there's a long list of actual
22 capital improvement we can show you right in the budget.
23 Every one of them is in the budget by name and by how
24 much money.

25 COMMISSIONER KERR: And these have all been

1 approved by Finance?

2 CHIEF JENKINS: Yes, they have.

3 COMMISSIONER KERR: Okay. So getting to
4 Carnegie, which I'm sure a lot of people in this room
5 are interested in, are you allowed to do capital
6 improvements under the expired General Plan?

7 CHIEF JENKINS: Yeah, so if the capital
8 improvement that's being suggested is addressed by the
9 existing General Plan, for instance -- is Bob out there?
10 Yeah, like the Road Reconstruction Project is a good
11 example. One of the projects that's currently out there
12 as part of this pot of money that's being spent was for
13 road reconstruction and improvement of the sediment
14 basins. That was one that when we took it to the
15 Department of Finance, they looked at our current
16 General Plan and they -- we talked to them about any
17 potential changes in the future, and it was felt that no
18 matter what the outcome of a future general-planning
19 process for that park --

20 COMMISSIONER KERR: They're still going to want
21 to do that.

22 (Multiple speakers.)

23 COMMISSIONER KERRR: And the camping facilities,
24 anything -- I mean how much are we actually spending at
25 Carnegie under this plan outline in this document? So

1 you've got 60 million going somewhere. How much is
2 going to Carnegie?

3 CHIEF JENKINS: I would have to -- I can get
4 that for you later in the meeting because we've got the
5 numbers -- I don't have them in my head right now.

6 COMMISSIONER KERR: Is there anything that we
7 can kind of hang our hat on here that somebody might
8 notice when they come into the park? I mean, you know,
9 it's great that they're restoring the habitat. I think
10 that's a -- is there any facility improvements that the
11 users would take note of?

12 CHIEF JENKINS: None of these are directly
13 related to infrastructure improvements, buildings and
14 things of that nature. These are mostly projects that
15 are in process moving towards the future. The Corral
16 Hollow Creek Project is going to be a very large one.
17 That's one of them that's included in this amount. We
18 can get some specifics for you --

19 (Multiple speakers.)

20 COMMISSIONER KERR: So Corral Hollow, was that
21 the one where the -- all the tailings were down in
22 the -- what's that one?

23 MR. WILLIAMSON: As part of the Cleanup and
24 Abatement Order and some of the issues that are going
25 on, we're doing work on the Corral Hollow Creek and

1 doing some realignment on it, reconstructing the
2 functioning streambed as part of this --

3 (Multiple speakers.)

4 COMMISSIONER KERR: This is where you're going
5 to go and dig it up a little bit and --

6 MR. WILLIAMSON: Yes.

7 CHIEF JENKINS: Yeah. So you noticed all the
8 fencing as we went through the park --

9 COMMISSIONER KERR: Right.

10 CHIEF JENKINS: -- yesterday. That is out on
11 the far edges of the existing floodplain, if you will.

12 COMMISSIONER KERR: Right.

13 CHIEF JENKINS: The project that we're doing
14 will channelize much like what you saw off of Mitchell
15 Ravine where they put the channel back down, pulled that
16 stuff out, put it on the shoulders. We should be able
17 to open up some new areas once they're no longer part of
18 the floodplain. So it will result in actual moving that
19 fence closer to the centerline of that stream. And
20 because the riparian area will be more --

21 COMMISSIONER KERR: Are we being asked to
22 approve this budget, or are you just kind of informing
23 us?

24 CHIEF JENKINS: Right now this is the proposed
25 Governor's budget.

1 COMMISSIONER KERR: Uh-huh.

2 CHIEF JENKINS: So we're just giving you
3 information on this right now. You know, the whole
4 process is going to ensue where the Legislature weighs
5 in, the Governor revises his budget. This is just a
6 heads-up of what's coming. After the May revise, there
7 will be a lot more detail.

8 CHAIR LUEDER: I just think -- I'm a little
9 concerned about depleting the -- our resources in this
10 way and not ending up with any user -- new user
11 facilities. I think our purpose -- the first meeting of
12 the year we're supposed to have an update on the budget.

13 COMMISSIONER KERR: Okay.

14 CHAIR LUEDER: It's not an agenda item for
15 business as far as, you know, considering any actions of
16 the Commission. So I think if we have concerns, we can
17 talk with staff. This is the first draft of the budget.
18 We'll have time to come back and discuss it at great
19 length if we decide to in April.

20 Commissioner Willard.

21 COMMISSIONER WILLARD: Yeah, I mean -- so I'm
22 concerned because, you know, in each of these three
23 years, we've been running a deficit, you know,
24 15 million, 65 million, 25 million. We can't keep that
25 up. What's going to be done to ensure the long-term

1 viability of the Trust Fund? --

2 CHIEF JENKINS: When you look at the budget,
3 there's actually two things to pay attention to: One is
4 ongoing costs. So right now the downsizing of the
5 staffing that I discussed a moment ago, that has to do
6 with ongoing costs; in other words, costs that we get
7 every year. And so those costs can't exceed our annual
8 income. So if we have an annual income right now of
9 around \$75 million and our ongoing operating costs, the
10 ones that we're married to from now to the future,
11 exceeds 75 million, then we would be going in the red
12 every year, and that's unsustainable. So that's exactly
13 what you're talking about. On the other hand, there is
14 money that builds up in the account over time. So if
15 projects aren't completed, the money reverts, or if we
16 just don't budget out all the \$75 million each year,
17 that money accumulates in the account. The use of that
18 money is several fold. The two main things are capital
19 outlay, which is what a lot of these projects are, and
20 acquisitions. Included in that money that you're seeing
21 there, the 25 million each year, is money for
22 opportunity to purchase. So when we're buying
23 landholdings that's adjacent to existing SVRAs, we use
24 that money for that. The money that's in reserve down
25 at the bottom of the page, the \$40 million, roughly,

1 that's in reserve, that's available for acquisition of
2 new SVRAs.

3 Just a quick overview, Maria just handed me a
4 sheet. Some of the projects that are included in that
5 \$25 million, besides the Carnegie road reconstruction,
6 which was just mentioned, there's a rehabilitation and
7 infrastructure at Hollister Hills that I had mentioned;
8 there is a project going on at Oceano Dunes which is
9 improving their equipment storage because they were
10 getting a lot of impacts from salt air on the equipment,
11 so we're building some equipment storage barns for their
12 heavy equipment out there. We're also building a
13 visitors center at Oceano Dunes; so that project is
14 included. And then the Heber Dunes initial development,
15 so we have planned some money for structures at Heber
16 Dunes. You've approved that General Plan, so now that
17 process is moving forward to pay for those buildings
18 that meet the requirements of that plan.

19 COMMISSIONER WILLARD: You know, all that said,
20 it still looks like that, you know, there is this
21 potential for ongoing deficits. And where I'm going
22 with this is we have a loan that's due next year. Any
23 chance of getting some payback on that to ensure the
24 viability of the program?

25 CHIEF JENKINS: Getting that money back would be

1 critical to doing future acquisitions or capital outlay.
2 So the potential for running into deficits certainly
3 exists in that these capital outlays are discretionary,
4 if you will. In other words, if we don't have the
5 money, we just don't plan the capital outlay. That
6 being said, we can't not do capital outlay and have a
7 sustainable program.

8 COMMISSIONER WILLARD: Correct.

9 CHIEF JENKINS: So working at our limit with
10 that \$10 million reduction, we can pay the daily bills,
11 we can pay the staff, we can do the daily maintenance
12 that we do. What we won't have the ability to do as we
13 continue to shrink that reserve is we won't be able to
14 do the big projects, for instance, the one we just
15 mentioned at Carnegie. That's one of those that comes
16 around and you've got to do it; you can't operate the
17 park without making sure the roads and sediment basins
18 are sustainable. Those types of costs are going to be
19 coming up for other units in this system. And so at
20 some point we're going to need that money back in order
21 to keep our current program sustainable into the future.

22 COMMISSIONER WILLARD: Yeah, and I think staff
23 ought to be using our financial condition as a primary
24 rationale for getting paid, you know, at least some of
25 our money back.

1 COMMISSIONER KERR: So do you summarize the
2 operating expenses on this document somewhere? It's got
3 a lot of numbers on here. What are your operating
4 expenses?

5 MS. MOWREY: The operating expenses are the
6 State operations. So under Expenses, last year was
7 51 million, and this coming year, 54 million.

8 CHIEF JENKINS: So those, essentially, are
9 everything except for the Grants Program. That
10 operations cost includes overhead for the Grants Program
11 and all those associated costs. We have another chart
12 where we try to break that down, this really basic
13 overview chart, into a much more detailed breakdown so
14 that you can track on it. We didn't anticipate that you
15 were going to want that level of detail at this
16 meeting --

17 (Multiple speakers.)

18 COMMISSIONER KERR: Well, let me just summarize
19 what you said. Maybe the other Commissioners have some
20 questions. So you have operating expenses of
21 55 million, thereabouts. You have -- let's see, your
22 revenue, that's 75 million. So you've got 20 million
23 difference between your operating expenses and your
24 income.

25 COMMISSIONER WILLARD: Well, you've got the

1 Grants Program.

2 COMMISSIONER KERR: No, that's what I was going
3 to ask.

4 Now, is the Grants Program -- what piece of the
5 pie are we required to put into grants: Half of the 20
6 million or --

7 CHIEF JENKINS: We're allowed to put up to half
8 of the money into the Grants Program.

9 COMMISSIONER KERR: Half of what?

10 CHIEF JENKINS: Half of our total income each
11 year.

12 COMMISSIONER KERR: Half of our total income or
13 half of our sort of gross profit, if you will, to put it
14 in a -- in other words, you have a gross profit of
15 20 million, you know, operating expenses and revenues.
16 You're saying that you could put up to half of the
17 75 million into grants?

18 CHIEF JENKINS: That's correct. We're allowed
19 to put --

20 COMMISSIONER KERR: Wouldn't that be ridiculous?
21 Wouldn't that be unsustainable?

22 CHIEF JENKINS: The way -- like I said, we have
23 a chart that would make this a lot easier to explain.
24 We're allowed to put up to half of our annual revenue,
25 so that is the \$75 million, into the Grants Program

1 every year.

2 COMMISSIONER KERR: How much are we required to
3 put in?

4 CHIEF JENKINS: We're not required to put
5 anything in there. In order to meet our mandate, we're
6 directed to work with the other agencies around the
7 State that provide recreation -- OHV recreation.
8 There's no minimum amount stipulated. It's assumed that
9 we're going to be doing the Grants Program in the basic
10 legislation for the program. We're allowed to put up to
11 half of the resources there. When you -- the reason
12 that \$21 million is the number rather than half of 75,
13 which would be --

14 COMMISSIONER KERR: Well, how about half of 20?
15 Because, you know, you're on a -- you're not saving any
16 money for Division acquisition of property or other --
17 or --

18 COMMISSIONER WILLARD: Well, but the problem
19 that the Grants Program -- the Grants Program serves a
20 very important need. I mean it funds a lot of
21 municipalities. And without that money, those
22 municipalities are going to have problems, especially
23 law enforcement. And, again, that's another reason why
24 we need to get our money back so we can continue --

25 (Multiple speakers.)

1 COMMISSIONER KERR: Then we have nothing left
2 for capital expenditures. If we've got \$20 million
3 going into the Grants Program, we've got 55 million
4 going into operating expenses, we've got nothing.

5 CHIEF JENKINS: So as we move into the future,
6 if that continues on that trend, what we would need to
7 do would be to look at a reduction in both programs.
8 Commissioner Willard brings up a good point. The
9 federal programs over time have come to depend on
10 support from the OHV Trust Fund to be viable. When you
11 take into consideration that the bulk of the actual
12 land -- surface land that's available for OHV recreation
13 in California is controlled by BLM and U.S. Forest
14 Service and then to a small extent to the county parks
15 and other municipalities, not supporting those things
16 would have a much more detrimental effect than it would
17 be worth pulling large amounts of money out of the
18 Grants Program. So we collectively have that balance
19 continually in front of us of supporting the State
20 Vehicular Recreation Areas, which are dedicated -- long
21 term dedicated to this form of recreation, and also
22 supporting this larger land base of federal programs.
23 It is a difficult decision of where that line is, and
24 certainly we're always open for better ideas and
25 suggestions of how to move forward.

1 COMMISSIONER WILLARD: Yeah. For instance, the
2 U.S. Forest Service is the largest recipient of grant
3 funds. You know, you cut them way back, and you're
4 going to end up seeing trails closed in the forest.

5 COMMISSIONER WILLARD: That's what they're
6 probably going to end up doing.

7 CHAIR LUEDER: So I think SB 742 put some
8 guidelines for Division to follow on the Grants Program
9 and how it's supposed to run. And I think perhaps off
10 line we could get some --

11 COMMISSIONER KERR: I appreciate the discussion.
12 I think it will be valuable in our discussion with the
13 State legislators for everybody on the Board. But I
14 think what I'm looking at here is if we don't -- if we
15 don't get some of these budget issues fixed, we're going
16 to just have to focus on our own parks and try to keep
17 them running.

18 COMMISSIONER WILLARD: Well, yeah. And the fix
19 is getting our money back. That's what I'm focusing on.

20 COMMISSIONER KERR: Well, you know, we're
21 spending all this money on environmental restoration and
22 stuff and just depleting this fund like crazy. I mean
23 I'm all for it, but I think it's a matter of concern.

24 CHAIR LUEDER: Commissioner Slavik.

25 COMMISSIONER SLAVIK: Has there been

1 consideration to the ongoing gas price increase and how
2 that's going to impact our budget down the road here
3 shortly?

4 CHIEF JENKINS: The revenue that we get -- the
5 fuel tax revenue that we get isn't tied directly to the
6 cost of a gallon of gas. It's just gallons of gas
7 equals X amount of money. That being said, when the gas
8 prices go up, people buy less fuel, and when people are
9 buying less fuel, our revenues go down. So there is an
10 indirect impact when the price of gasoline goes up so
11 high. If we don't get more per gallon, people buy less
12 so we actually get less revenue.

13 COMMISSIONER SLAVIK: And maybe less recreation
14 is occurring.

15 CHIEF JENKINS: We have seen a drop in
16 visitation to State Parks, not just State Vehicular
17 Recreation Areas, but all State Parks across the board.
18 In our 2011 report, there's a really informative graph
19 that shows the decline in visitation throughout the
20 system. It is endemic because people are choosing not
21 to travel so far.

22 COMMISSIONER SLAVIK: I mean my question was,
23 are we planning for that?

24 CHIEF JENKINS: We are. We are. We're trying
25 to address internally as we're looking at our

1 projections for how we're going to support the SVRAs and
2 the Grants Program moving forward. We're constantly
3 doing scenarios to figure out -- worse-case scenario,
4 how do we move forward.

5 COMMISSIONER SLAVIK: Is that the reason of the
6 \$67,000 proposed budget shows those numbers --
7 \$67 million? I'm sorry.

8 CHIEF JENKINS: She always switched numbers --

9 COMMISSIONER SLAVIK: The Governor's proposed
10 budget is so significantly reduced. Is there some
11 feature in there that's taking into account that
12 revenues are going to go down and visitation is going to
13 go down?

14 CHIEF JENKINS: No, I think the reduction that
15 you're seeing there is simply a function of that
16 \$10 million that was redirected.

17 CHAIR LUEDER: All right. Thank you for that
18 budget update.

19 We're way overdue for public open time. And so
20 we're going to move into public open time. And, once
21 again, those are the blue cards, items not on the
22 agenda. So if you want to talk about an item on the
23 agenda, please, this is not the time for that. This is
24 stuff off the agenda.

25 So first we have Diane Mead, followed by Kevin

1 Abernathy.

2 Diane. All right. Thank you.

3 So everybody will have three minutes. There's
4 lights up there on the podium. When it goes red, your
5 time is up. And if you keep talking, I'm going to raise
6 my hand and then I'm going to cut you off. It's nothing
7 personal, but we've got to get through this.

8 So, Diane, thank you.

9 MS. MEAD: I'm Diana Mead. I'm representing
10 CORVA and a lot of these people behind us today.

11 Would like very much to discuss the idea that
12 one of the things that CORVA is trying to do is protect
13 the land for the people not from the people. And for
14 those who wish that the OHV community would go away, I'm
15 here to tell you that they're not going to go away.
16 People will recreate off road. And I have to tell you
17 that I'm one of those people that dances the line
18 because not only am I an active advocate for the
19 off-road community and my son is a professional hill
20 climber, but I am also a liberal Democrat and I have a
21 real tough road to hoe.

22 But what I need for you guys to understand is
23 this should not be a partisan issue. If we make sure we
24 have managed, safe places to recreate, we cannot disturb
25 the portion of society that seems to find us offensive

1 and we can manage this well. It's what we want. It's
2 what we need, and it's what we're asking for. And I'm
3 asking you respectfully, Commissioners, to help us
4 protect this Trust Fund so that we can continue to do
5 what we're doing well and represent these folks behind
6 me.

7 Thank you very much.

8 (Applause.)

9 CHAIR LUEDER: Thank you.

10 Kevin Abernathy, followed by Tom Tammone.

11 MR. ABERNATHY: Good morning, Commissioners. My
12 name is Kevin Abernathy. And I'm new to this process
13 and here today to kind of see the inner workings of
14 things that are going on. I appreciate the work that
15 you guys have all been doing and trying to understand --
16 better understand the dynamics.

17 The reason that I am here is -- has to do with
18 the Travel Management Program that has been implemented
19 in the National Forest. I was stopped two weeks ago and
20 told by a ranger that I was traveling illegally. And he
21 was a very, very nice gentleman, and we had a nice
22 conversation. But when he pointed out on the map the
23 areas that were open and the areas that we had used to
24 access where he found us, which was at an intersection,
25 basically the old adage of "you can't get here from

1 there" became the joke of the day. And I was -- I was
2 ultimately utterly dismayed at the fact that he did
3 point out some of the areas that were able to be ridden
4 in but you had no access to get to those areas from
5 anywhere in the geographical area that we were at.

6 So this -- this ranger basically made the
7 comment that, you know, I'm here to hand you a map and
8 tell you that you can't be here, but I really can't
9 enforce anything. And I came back to the standpoint
10 that we've -- we've put even law enforcement, to a large
11 extent, in a real peculiar situation that they have to
12 stop people that are on motorized or non-motorized
13 vehicles or -- or some sort of means of transportation
14 and bring this up in the middle of the forest with no
15 solutions whatsoever. And the interesting part was, was
16 we asked him what roads we could take to get out of
17 where we were, and there was not one visibly marked road
18 in the intersection that we were in. And he said,
19 That's the reason that -- I'll -- I'll leave you with
20 this. He said, "I'm headed in this direction. You guys
21 can ride at three other directions. Have a great ride.
22 Have a great day. And hopefully I won't see you again."
23 So I wanted to leave the Commission with that.

24 And so from my personal standpoint, as Pamela
25 and others know, I represent the California Air Industry

1 on regulatory issues and on the Federal and State side,
2 and I am telling everybody that I know that as an
3 off-road enthusiast to get involved in this. I mean
4 this goes way back to as a -- as a child riding up in
5 Clarks Fork Area, I mean as we all know that the areas
6 and the ability for us to enjoy the great outdoors in
7 whatever means or mechanism that we choose to enjoy that
8 in has been taken away at an alarming rate. And I think
9 where we're headed today is -- is even more -- more --
10 more told that we -- we really need to actually get
11 involved.

12 So thank you for allowing me the public comment.
13 And keep up the good work. Thank you.

14 CHAIR LUEDER: Mr. Abernathy, excuse me, I don't
15 know if you'd like to tell us what forest that was on.
16 You don't have to if you don't want to, but --

17 MR. ABERNATHY: We were in the Greeley Hill
18 area.

19 CHAIR LUEDER: Okay.

20 MR. ABERNATHY: Yeah, we'd been told that -- I
21 actually have a place in Long Barn, and we'd gotten
22 rumor that Deer Crandall Hole Creek, that whole area was
23 closed. So we actually tried to be good stewards,
24 excuse me, and we moved south as the snow pack, or lack
25 thereof this year. And so we were -- actually had -- we

1 were doing the second half of our 100-mile dual -- dual
2 sport ride out of the Greeley Hill area. And --

3 COMMISSIONER WILLARD: And what forest was that
4 again?

5 MR. ABERNATHY: I believe the Stanislaus.

6 COMMISSIONER WILLARD: Oh, the Stanislaus.

7 MR. ABERNATHY: Yeah.

8 CHAIR LUEDER: All right. Thank you.

9 Tom Tammone, followed by Dean Stanford.

10 MR. TAMMONE: Good morning. This is Tom
11 Tammone.

12 I was going to ask that the Commission revisit
13 an issue that was visited about three years ago in
14 regards to the minimum number of commissioners we need
15 to have a meeting. Looking at the transcripts from
16 the -- the last meeting, the previous Deputy Director
17 brought up that on the -- March 15th is going to be the
18 drop-dead day for three seated Commissioners to either
19 be reappointed or evidently they are going to be off the
20 Commission for at least a year. So my concern is we
21 have eight seated commissioners now. The last meeting
22 we had five show up at the meeting. At our present
23 Commission policy, that's the very minimum we need to
24 have a meeting. Now, if that drops to five, I think
25 it's rather unlikely we're going to be getting every

1 single one of those five Commissioners to show up to a
2 meeting -- so we could have a meeting. So I'm going to
3 ask that legal counsel and the Commission reconsider
4 this and, you know, take into consideration the number
5 of actual seated commissions -- we need to have a --
6 possibly a majority of those rather than nine, which we
7 haven't had for quite some time.

8 You know, as far as the -- the budget, all I can
9 say about that, this laptop sticking out in my hand is
10 warm for a reason. Everybody knows how I feel about
11 that, looking at transcripts from past meetings.

12 But, you know, going back to my flight training,
13 always have a Plan B. And I think we may want to take a
14 look at making do with five seated commissioners and no
15 Deputy Director for some time. So -- I don't like
16 saying that, but it's just the reality of the situation.

17 Thank you.

18 CHAIR LUEDER: Thank you, Tom.

19 Dean Stanford, followed by Dave Duffin.

20 MR. STANFORD: Hello. I'm Dean Stanford.

21 I just want to say thanks to the Commission for
22 showing support and interest in the -- the urban
23 electric OHV park. I proposed the City of San Jose to
24 be included in the 2,600 acre restoration around the
25 water treatment plant at the bottom of San Francisco

1 Bay. And thanks to staff for sending somebody to one of
2 the public comment meetings.

3 I have a couple updates. The EIR Draft is due
4 out, it says, early 2012. There's 143 acres of flexible
5 space that could house a -- the main park. And I
6 propose trails all around the property including a
7 mile-or-so trail on a pond out on San Francisco Bay.
8 And there's also 180 acres of open space reserved for
9 burrowing owls that I'd like to convince them that a
10 managed trail system can be compatible in that area,
11 also. Unfortunately, the flexible space won't be
12 restored for many years, several years, five to six.
13 But other open space may be used for an interim park or
14 a trail system. And I'd like to see an official letter
15 of interest to San Jose, the Environmental Division, of
16 interest in an interim or a park in the future.

17 And I guess that's about it for now. No offense
18 to Phil, but I miss Daphne being here.

19 Thanks.

20 CHAIR LUEDER: Thank you, Dean.

21 (Applause.)

22 CHAIR LUEDER: Dave Duffin, followed by Dave
23 Pickett.

24 MR. DUFFIN: Commissioners, thank you very much.

25 I would like to ask the people that are in this

1 room that can get their hands around the idea that
2 Carnegie is really not an environmental danger to
3 California to please stand up for a minute.

4 And I'd like the same that are standing up,
5 while you're standing up, to give a round of applause to
6 the people who put a badge on and go to work every day
7 who cannot be guaranteed that they'll come back home.

8 So anyway, that's my balance. We want to
9 protect the park for use, and we also want to express
10 our appreciation and respect for the people that put
11 that badge on. Being Irish, I have a lot of relatives
12 that are in law enforcement. And being a former Marine,
13 I know what happens when you walk down a street or a
14 path in the jungle with a weapon; you may not come back.
15 So we appreciate the work of all the people that are in
16 the system.

17 I'd like to talk about canaries and turtles.
18 Honest. There's a coal -- or there was a coal mine at
19 Carnegie. And when you went into a coal mine, you
20 always brought a canary with you. The reason for
21 bringing the canary in was to let you know that if
22 something was going to be going wrong that canary would
23 not be in the cage chirping; it would be laying down,
24 and that would be a signal to get out. Now, of course,
25 we don't have coal mines at Carnegie anymore. But I

1 think we're getting some warning signs about what could
2 happen to the park and even into the OHV system. We're
3 looking at these budget matters, and these are
4 incredibly intrinsically important. The ridership has
5 gone down. The revenues have gone down. You know, you
6 have to say to yourself: Sustainability? You know,
7 we're talking about environmental sustainability, but
8 now we have to talk about financial sustainability. So
9 somehow the ladies and gentlemen that are up here have
10 got to make some incredibly strong decisions for the
11 future. It's a tough one, a really tough one. Our
12 organization, Carnegie Forever, 13,000 people, we
13 have -- three of our board of directors are here. One
14 of them could not attend; his daughter's at a race. So
15 we're here to support what's going on, and we can get
16 information out to 13,000 people that's critical. We'd
17 also like to have a meeting in the future with a smaller
18 group of people about Carnegie. I talked to Phil about
19 that, and he said his ears are open; he'd like to hear
20 some more about that. So a more informal kind of a
21 working situation.

22 So let's see. I think I'm down to turtles. A
23 cowboy down in Texas told me one time that if you ever
24 see a turtle sitting on a fence post, you know that
25 something's wrong. The amount of money that is being

1 spent on the creek in Carnegie that doesn't run is
2 difficult for me to understand.

3 CHAIR LUEDER: We'll have more time to talk
4 about Carnegie later. Thanks.

5 (Applause.)

6 CHAIR LUEDER: Dave Pickett, followed by Karen
7 Schaumbach.

8 MR. PICKETT: Good morning. Good morning,
9 Commissioners. Dave Pickett, District 36 Motorcycle
10 Sports Committee.

11 This is a tough public comment because
12 everything I want to talk about's already on the agenda.
13 So I'll try to skirt it as tightly as I can. It has to
14 do with the budget but not the content of the budget.
15 So I don't think we have a revenue problem. I don't
16 think we have a spending problem. I think we have a
17 State of California theft problem. With this
18 \$10-million take that is occurring, that breaks down to
19 like \$200,000 a week every week during the course of a
20 year. Now, on prior meetings I mentioned that what the
21 State owed us was over \$200 million, which is \$100,000 a
22 week. They've taken this every week for 40 years. So
23 does this mean they're now taking \$300,000 a month from
24 us? I think we need a serious investigation into this.
25 This is wrong. This is trust-fund money. And the word

1 "trust" is gone. And it's not anybody sitting in front
2 of me's fault. But as Commissioner Kerr talked about a
3 minute ago, we need to look deeper into this. And why
4 is our money being taken at this level? I heard earlier
5 that we had a lawsuit that was defeated. The question I
6 have to pose is, is the attorney general, who we pay on
7 an annual basis, going after legal fees that cost the
8 Trust Fund through their representation? That's a
9 question; I can't answer it.

10 Finally, I miss our Deputy Director. I want her
11 back. She has been a fabulous leader for the last seven
12 and a half years. And I listen to all the legal
13 compliance that is now in effect that goes forward to
14 protect this program long into the future, that wasn't
15 there just not that many years back. And to lose
16 somebody of that caliber with the team she has built,
17 the loyalty from the people, especially those in this
18 room -- continue to press to get this person back as our
19 leader. She's earned it.

20 Thank you very much.

21 (Applause.)

22 CHAIR LUEDER: Karen Schaumbach.

23 MS. SCHAUMBACH: Can I sit here?

24 CHAIR LUEDER: Followed by Bruce Brazil.

25 MS. SCHAUMBACH: Good morning. Karen

1 Schaumbach, Public Employees for Environmental
2 Responsibility.

3 I'm providing the Commissioners with some photos
4 that I took last March at Ocatillo Wells. And I'm
5 providing these as context for my comments which have to
6 do with the idea of open riding.

7 I believe that as the -- the rider from Ocatillo
8 Wells, or whoever sent the letter to the Commissioners,
9 that you can't comply with the Public Resources Code
10 while you have open riding. These particular pictures
11 are actually taken in a portion of Ocatillo Wells that
12 has -- is supposed to be managed as designated routes
13 only. But as you can see, there's riding everywhere.
14 The impacts of that are -- some of them you'll see
15 the -- you know, the dust. You know, the more -- the
16 more disturbed desert land you have, the higher the dust
17 that you're going to have. Vegetation -- you can see
18 the one guy with the -- the big flag -- thinks it's
19 patriotic, I guess, to run over vegetation. It's just
20 not compatible, and it's not sustainable. And I don't
21 think that we have to wait for a General Plan to -- at
22 least in this particular park, this portion where it's
23 supposed to be designated routes only, you don't have to
24 wait for a General Plan update to start enforcing
25 existing rules. That park has a lot of arc sites. How

1 do you protect arc sites when people can drive anywhere
2 they want? The -- the park brochure advertises open
3 camping anywhere in the park. Well, how is that
4 compatible with the areas that are supposedly restricted
5 to designated routes? You can see that there's people,
6 you know, with big RVs, and they're driving off the
7 designated routes to park. And they're given the
8 impression that that's okay. I'm not blaming them. I
9 didn't see a ranger the whole time I was out there. So
10 there's nobody even trying to enforce that.

11 I guess that's pretty much -- pretty much it.
12 But I would like to see all the parks and a policy in
13 general looking at whether you can have open riding and
14 sustainability. Carnegie is another example. The hill
15 climbs there, you know, if you're talking about the
16 amount of money spent on restoration, how does it make
17 sense to spend however much it takes to restore a
18 hillside and then allow riding on it again? I mean if
19 you're going to, you know, open a hillside, then it
20 should be on a designated route. And otherwise, you're
21 just throwing good money after bad.

22 Thank you.

23 COMMISSIONER VAN VELSOR: Question. Question.
24 Chair Lueder?

25 CHAIR LUEDER: Yes.

1 COMMISSIONER VAN VELSOR: Down here.

2 CHAIR LUEDER: I'm sorry, we don't generally
3 have questions during public comment. But I'll allow
4 it.

5 COMMISSIONER VAN VELSOR: Well, I just wanted to
6 ask, you mentioned arc sites. And what's your
7 understanding of the situation with arc sites at
8 Ocatillo Wells?

9 MS. SCHAUMBACH: Well, my understanding is there
10 are several hundred arc sites in Ocatillo Wells. Some
11 of them are -- are known; some of them are suspected
12 and, you know, uncertain. But yeah, there's several arc
13 sites. It's a very, very rich -- not just in arc sites
14 but in paleo sites too, fossil sites. A friend of
15 mine -- well, this wasn't -- it wasn't Ocatillo Wells,
16 it was next store in Anza-Borrego, just sent home --
17 sent me a picture of a million-year-old footprint of --
18 of a cat. And those -- there's similar sites throughout
19 Ocatillo Wells as well. And -- and those aren't being
20 protected. You can't have, you know, people riding
21 wherever they want because intentional, you know, or
22 not -- and I think it's probably most of the time, you
23 know, unintentional because these things aren't obvious
24 to somebody who's -- who's driving by at, you know, 20
25 or 30 miles an hour.

1 COMMISSIONER VAN VELSOR: Okay. Thanks.

2 MS. SCHAUMBACH: But -- but some of it is -- I
3 mean that guy riding over the -- the shrub is -- you
4 know, it's intentional.

5 CHAIR LUEDER: All right. Thank you.

6 COMMISSIONER VAN VELSOR: Thanks.

7 MS. SCHAUMBACH: Thank you.

8 CHAIR LUEDER: Bruce Brazil, followed by Troy
9 Scott.

10 MR. BRAZIL: Good morning. Bruce Brazil,
11 representing the California Enduro Riders Association.

12 First, I'd like to thank so many members of the
13 public for coming out today. This is probably one of
14 the biggest turnouts I've seen on a Saturday for the
15 Commission meeting since I've been attending the
16 meetings, which has been several years. So thank you,
17 folks, for coming out on your Saturday.

18 My other comments kind of follows up on Tom
19 Tammone's concerns about the Commission membership. And
20 that's how many of you are really going to make that --
21 whose term is about -- or has expired, how many of you
22 are up for re-appointment? How many of you have been
23 asked by the body of the government that appointed you
24 to stay in your positions? I know myself and other
25 members of the public would be interested in hearing

1 that today. At the next scheduled Commission meeting,
2 your terms would have been gone. So hopefully we'll be
3 seeing all of you up here in the future. And I'm just
4 wondering if there's any sort of updates on the filling
5 of the Deputy Director's position, also.

6 Thank you very much.

7 CHAIR LUEDER: Thank you, Bruce.

8 Troy Scott.

9 MR. SCOTT: Hello. Good morning. I just wanted
10 to ask a simple question from you folks. How many of
11 you ride motorcycles? If you could just raise your
12 hand.

13 All right. And how many in this room race or
14 ride?

15 I just want to illustrate the out of balance
16 that appears to be in place when we're talking about
17 Carnegie and the potential loss of it. A lot of
18 taxpayers, a lot of recreational folks really depend on
19 that park. And that's really what I wanted to make the
20 point on.

21 Thank you.

22 (Applause.)

23 CHAIR LUEDER: All right. I think that
24 concludes the public comment period.

25 Commissioner Kerr.

1 COMMISSIONER KERR: Yeah, I was just wondering
2 if we could take a moment to address this issue of
3 getting a quorum at our next meeting. And I know that
4 it's not, strictly speaking, agendized, but this may be
5 approaching the threshold of an emergency that would
6 justify us taking this up later in the meeting.

7 CHAIR LUEDER: Certainly.

8 As my understanding is, is that there's nine
9 seats. So we need a quorum of five. There's three
10 Commissioners that are appointed by the Governor that
11 are expired: Commissioner Slavik, Commissioner
12 Franklin, and Commissioner Silverberg. There is one
13 open seat that the Governor has not re-appointed, and
14 these three Commissioners either have to be re-appointed
15 by March 15th or they cannot serve again for another
16 year. So I think the hope is is that the Governor will
17 make a decision shortly, and we'll fill up our
18 Commission.

19 COMMISSIONER KERR: And I hope to have that --
20 share that hope. However, this is the last meeting
21 before our next meeting, and our next meeting will be
22 after that March 15th time certain has passed. So I'd
23 like to ask if the Commission will consider bringing up
24 an emergency item. I'm not clear whether we can affect
25 the quorum requirements here. You know, who sets the

1 quorum requirements? Can the Commission modify them?
2 If that was on the agenda, could we be doing that? And
3 if we could, then I'd like to request that we add this
4 as an emergency item.

5 MR. LA FRANCHI: The quorum requirements are set
6 by law. The Commission could not change the
7 requirement. It's one more than half. So the five
8 members is fixed in law. So the Commission would not be
9 able to affect that. What the Commission -- you know,
10 individual members might be able to lobby somehow for --

11 CHAIR LUEDER: Commissioner Slavik.

12 COMMISSIONER SLAVIK: I'd like to answer Bruce
13 Brazil's question, and I think probably a lot of other
14 people's in here. The three of us that are the
15 Governor's appointees have all re-applied for the
16 Commission seats, and we've all had interviews with the
17 Deputy Director at the Governor's office. I can say the
18 interviews probably went as well as we would have
19 thought. I'm kind of speaking for the rest of us. I
20 think if anybody here is interested in continuing the
21 commission as it stands with the questions that have
22 already been brought up, it would behoove you to write
23 the Governor's office. I mean if you want to get
24 involved and you want to see things continue the way
25 they are, and that goes for Deputy Greene's -- Deputy

1 Director Greene's status, too. So we all need to speak
2 up and -- otherwise, you might as well as go away.

3 CHAIR LUEDER: Okay. Any other Commissioners
4 have a comment on that? No?

5 Okay. So let's see. I'd like to get through
6 one more report before lunch. So the next item is the
7 legislative update. Could we get that, please.

8 **ITEM IV(B)(5) - LEGISLATIVE UPDATE - Chief'S**

9 MS. GILL: Good morning, Commissioners, members
10 of the public. Tricia, with the Off-Highway Motor
11 Vehicle Recreation Division.

12 I am here today to present what I have come to
13 believe is the most highly anticipated of all the staff
14 reports of the Off-Highway Vehicle Commission. I'd
15 hoped to filibuster my way out of this presentation, but
16 to no avail. And as Steven Colbert recently said, After
17 nearly 15 minutes of soul searching, I've heard the call
18 and I'm here again today to present the Legislative
19 Update.

20 Now, I imagine some of you have an insatiable
21 appetite for long-winded oral reports, or perhaps you
22 have a real glutton for punishment. But I give you my
23 word I'm going to shoot for a brief report. But in case
24 it does go long, I hope you checked off all the boxes on
25 your civic duty Vasquez card because I'm certain this

1 report will prove to be one of the driest, most balanced
2 and duller reports you'll hear today.

3 So without further to do -- further ado, if
4 you're not already there, the Legislative Report is
5 located behind the Budget Fund Statement. I'm going to
6 summarize and highlight for you State and federal bills
7 the Division is currently tracking. Specifically --
8 specifically today I'm going to give you a brief summary
9 of the four State bills recently introduced related to
10 State Parks, and then I will review with you some of the
11 federal bills we are tracking. You'll note I provided
12 an update on State bills carried over from the last
13 legislation update, so I'm going to review those again
14 today.

15 As you know, the California Legislature recently
16 returned from their recess on January 4th. The last day
17 to introduce bills was yesterday, February 24th. So as
18 you can imagine, there was a lot of bill activity in the
19 last few weeks.

20 The first bill I'm going to briefly review is
21 AB 1589. This bill was introduced by Huffman, Chesbro
22 and Dickinson. This bill will be addressed later today
23 under Business Item C, so I'm just going to be very
24 brief. This bill requires the Department to be more
25 transparent on how it evaluates and selects specific

1 parks for closure and places a cap of 25 State Park
2 units on the number of park closures allowed from 2012
3 to 2016 without legislative approval. This bill also
4 provides various mechanisms to raise money to support
5 State Parks and provide ongoing funding for operations
6 and maintenance of the parks.

7 The next bill I am going to summarize is SB 825.
8 Currently, State Parks may issue publications providing
9 information regarding its activities, powers, duties and
10 functions. All monies generated from the sale of these
11 publications must be deposited into the General Fund.
12 This bill would require revenues from publication sales
13 be deposited into the State Parks & Recreation Fund
14 instead of the General Fund. The State Parks &
15 Recreation Fund primarily receives revenues from fees
16 charged at parks. The fund is used for the operation
17 of parks.

18 The next bill, SB 974, this bill would require
19 the Department by July 1 to conduct a review to
20 re-examine the list of park closures in State announced
21 by Department in May 2011.

22 SB 1073, existing law requires the Department,
23 prior to the development of any new facilities and any
24 previously classified unit of the State Park system to
25 be -- to prepare a General Plan or advise an existing

1 plan for the unit. This bill would require the
2 Department to revise instead any relevant existing plan
3 for the unit. Now, with this bill, I'm still looking
4 this over in more detail. We are unclear exactly the
5 author's intent behind this bill and whether it will
6 have an effect on OHMVR Division. But perhaps it
7 wouldn't in regards to our general-planning process. It
8 may have an effect on that process, but it's too early
9 to tell. And we'll be sure to keep you posted as the
10 bill advances to committee.

11 SB 1078, this bill would create a plan to
12 develop long-term funding for State Parks utilizing
13 money already owed to the State through the State Lands
14 Commission from delinquent rents and undervalued State
15 land leases. In August 2011, the California State
16 Auditor released a report on State Lands Commission
17 indicating a failure to collect rent or renew --
18 renegotiate undervalued leases worth billions of
19 dollars. This bill would fund the State Lands
20 Commission to collect past-due monies through a General
21 Fund loan that would be paid back via the overdue
22 collections. This bill provides a loan of \$1 million
23 from the General Fund to develop and implement a
24 Collection Plan. The loan would be repaid with the
25 first 1 million created. The bill would also require

1 additional revenues collected by the State Lands
2 Commission to be deposited into a new Delinquent Rent
3 Collection account in the General Fund. From that
4 account, the second million dollars collected would be
5 allocated to State Parks to study ways to increase park
6 revenues.

7 That concludes the summaries for the State Park
8 bills. You'll note there were other updates in your
9 report, and those were items that I'd given you an
10 update on as of the December Commission meeting. If you
11 have any questions in more detail regarding those bills,
12 I'm happy to speak to you about those off line.

13 It's also important to note these bills that I
14 just reviewed with you were only recently introduced,
15 within the last few weeks, in fact. Accordingly, there
16 are no committee analyses, and there are no Department
17 analyses -- State Parks analyses. Because it's still
18 very early in the process, in all likelihood these bills
19 will change, and the authors and committees will make
20 adjustments. And in all likelihood we'll see changes
21 over the next few months. But generally analyses are
22 done after they are assigned to committee. So at this
23 point, we don't know if any of these bills will have an
24 effect on the OHMVR Division. And as soon as we learn
25 more information, we'll keep you posted.

1 So next up I would like to address a couple
2 federal bills we are tracking. And for -- in
3 consideration of our time, I'm only going to go over a
4 couple bills with you. And, again, I'm happy to discuss
5 those off line.

6 But before I do that, I can already see some
7 eyes glossing over up there. So I know it's hard to
8 make a legislation report interesting, and I'm doing my
9 best. Already you guys have seen a wonderfully produced
10 video on Ocatillo Wells General Plan process. And after
11 this, you're going to see a report -- a very interesting
12 report from the LE Team discussing their new technology,
13 and then a great report from our Carnegie staff later.
14 So these acts are hard to proceed, and they're hard to
15 follow.

16 So at this point, not to be outdone by my fellow
17 presenters, I would like to spice up this presentation a
18 bit and share with you a very enlightening video, one
19 some of you may have seen, and one very relevant to this
20 report.

21 So, Debbie, if you can show a little bit of this
22 video, and it will help you understand the legislative
23 process.

24 (Video presentation.)

25 MS. GILL: So I'm stopping -- I stopped the -- I

1 asked Debbie to stop the video there for three reasons:
2 One, I don't want your eyes to gloss over again because
3 this is a long cartoon, but it's very informative and --
4 but Phil only gave me a minute to show the video. So
5 I'm showing -- I'm stopping it here -- actually, the
6 reason why I'm stopping it here is most of the federal
7 bills that we're looking at today are in committee. So
8 I stopped it here. And at the next Commission meeting,
9 we'll finish up the video because hopefully they'll be
10 done at that time. So we'll have Debbie pull the Power
11 Point back up.

12 As indicated in your report, there are many --
13 there's been little movement on the federal bills
14 carried over from the December 1 Commission meeting
15 update. That said, you may recall -- I added a few
16 federal bills to the December 1 Legislative Update.
17 Unfortunately, I was not at the December 1 meeting. So
18 I want to give you a brief overview of a couple of the
19 bills that I included in that particular report. These
20 federal bills can be convoluted, so they warrant for
21 further explanation to understand the connection to the
22 OHMVR Division.

23 The two in particular that I will review from
24 that last meeting is HR 1996. That's the Government
25 Litigation Savings Act. The companion bill was Senate

1 Bill 1061. And HR 2852, Senate Bill 1524, the action
2 plan for the Public Lands and Education Act.

3 Before I summarize those bills, you'll note two
4 new bills added to this report. That's HR 7 and S 1813.
5 These bills provide or don't provide, as the case may
6 be, for the Recreational Trails Program. HR 7
7 authorizes funds for Federal Highway Public
8 Transportation and Motor Carrier Safety Programs. But
9 in particular to the Division, HR 7 would extend the
10 Recreational Trails Program for four years, 2013 through
11 2016, and fund the program at 85 million for each of
12 those fiscal years.

13 S 1813, introduced by Senator Boxer, is the
14 Moving Ahead For Progress in the 20th Century, Map 21.
15 This bill is a two-year funding authorization that
16 specifies funding for certain transportation programs.
17 But of particular interest to the Division and the
18 Commission, dedicated funding for the Recreational
19 Trails Program would be eliminated, instead giving
20 states the option of dedicating a portion of their
21 Transportation funds to enhancement programs like the
22 Recreational Trails Program. This bill will be
23 discussed further under Business Item C. So I'm going
24 to move on from these bills and allow Dan and others to
25 discuss that bill further.

1 Now, HR 1996 and the companion bill, the
2 Government Litigation Savings Act -- so let me say that
3 again. The Government Litigation Savings Act. I
4 recently read an article related to this particular act
5 titled "Legislation Obfuscation" I think the author's
6 musings were spot on. From the title of the bill, it's
7 almost impossible to know what the bill is really about.
8 But hardly anyone likes lawyers -- sorry, Tim -- and
9 saving money can't be a bad thing when trillion
10 dollar -- trillion dollar deficit's threatening the
11 economy. But unfortunately the summary provided of this
12 bill by Congress isn't much help either. After reading
13 the summary in your Legislation Update, I'm sure more
14 than a few of you responded with a, "Say what?" because
15 that's how I responded. Turns out the litigation
16 savings in these bills are realized through amendments
17 in the Equal Access Justice Act. That will make it much
18 more difficult for advocacy groups to sue the federal
19 government for failures to follow the law. So at a
20 recent Judiciary Committee hearing on HR 1996, Chairman
21 Lamar explained further. In an ideal situation, parties
22 in civil litigation would follow the golden rule,
23 treating one another as they would like to be treated.
24 In the United States, each party must bear its own
25 attorney's fees and costs. This can allow a party with

1 weak legal claims but deep pockets to gain a significant
2 advantage by dragging out a case. When this happens,
3 rather than the golden rule, it may be that he who has
4 the gold makes the rules. Well, nobody has more gold
5 than the federal government. If it runs out of money,
6 it just prints more. The federal government has
7 thousands of lawyers on staff, none of whom bill by the
8 hour. No person or corporation could ever hope to
9 compete with such overwhelming public resources. To
10 prevent the federal government from abusing its superior
11 litigation resources, Congress adopted the Equal Access
12 to Justice Act. When the government loses in court, the
13 EAJA allows the court to order the government to pay the
14 other side's attorney's fees and costs if the government
15 position was unreasonable. The EAJA was meant to be an
16 anti-bully law to help small businesses and ordinary
17 American taxpayers defend their rights in litigation
18 against the federal government. Congressman Cynthia
19 Lummis is the sponsor of this bill, indicates she's
20 found a number of problems with the EAJA and questions
21 whether the EAJA is still serving its original
22 legitimate purpose. Lummis points out a number of
23 issues, in particular with transparency and excessive
24 lawsuits by 501(C)(3) nonprofit organizations. Lummis
25 explains these organizations have the benefit of being

1 exempt from the EAJA net worth limitation and indicates
2 some of them appear to be financing their lawsuits with
3 large awards of attorneys' fees. And under the EAJA,
4 this act, H 1996, would limit these awards. 1996
5 prohibits organizations with a net worth exceeding
6 7 million from filing for EAJA funds. It also requires
7 the EAJA filers to show a direct and personal monetary
8 interest in the action to be eligible for payments. The
9 author explains the intent of the EAJA was to help the
10 little guy fight back against the wrongful actions of a
11 huge faceless government. The situation became worse
12 when Congress decided to end the requirement that
13 federal agencies keep track of the amount of money paid
14 under the EAJA. The author indicates the lack of
15 transparency has led to exaggerated claims on both sides
16 of the issue, and this bill essentially seeks to correct
17 that lack of transparency. Cynthia Lummis also wants to
18 know how much money the federal government is paying out
19 every year in attorneys' fees and costs under the act.
20 And the Litigation Savings Act restores the reporting
21 requirement. So from the point of view of the author,
22 the act seeks to discourage repeated procedural lawsuits
23 and encourage substandard ones. And it represents a
24 move toward enhancing the ability for the EAJA to serve
25 its intended purposes. So it's long-winded, it's a very

1 complicated bill, but I think it's very relevant for you
2 guys to be aware of what's going on with this bill.

3 And the plan for the Public Lands Education Act,
4 this one makes grants of land to certain western states
5 including California in lieu of receding for the support
6 of common schools 5 percent of proceeds at the sales of
7 federally owned land within such states. And you'll
8 note in your binder -- I won't go over it, but the
9 Department of Interior and the Forest Service is not in
10 support of this bill. There is a potential that it
11 could affect recreation opportunities, including
12 off-highway vehicle recreation due to a possible loss of
13 public lands with this bill. And we'll keep track of
14 this one as it moves through the system.

15 And I'm going to go ahead and stop here. But I
16 want to make one last point. Like many bills and
17 actions proposed and taken by our government, the devil
18 is in the details. I encourage you, as always, to
19 review each of these bills in their entirety in order to
20 formulate an informed opinion and react accordingly.
21 And I'm happy to go over these bills in more detail
22 after this presentation.

23 CHAIR LUEDER: Great. Thank you very much.

24 I've just been informed that we have a bit of a
25 scheduling conflict. So, Phil, I believe we're going to

1 move to Item V(A), which is the Central California Water
2 Quality Board -- Control Board and the Carnegie SVRA
3 Cleanup and Abatement Order. Is that correct?

4 CHIEF JENKINS: Yes, that's correct. And thank
5 you for making the change. We had a scheduling
6 conflict. And so while we have the opportunity to have
7 Pamela Creedon here -- she's the Executive Officer with
8 the Central Valley Water Quality Control Board -- I
9 wanted to take advantage of that. There's a short
10 summary of this issue in the meeting materials. I think
11 probably the best way to get into it is just allow
12 Pamela to describe what's going on with the Cleanup and
13 Abatement Order for Carnegie and then go from there.

14 So, Pamela.

15 **AGENDA ITEM V(A) - BUSINESS ITEM - CENTRAL CALIFORNIA**
16 **WATER QUALITY CONTROL BOARD AND CARNEGIE SVRA**

17 MS. CREEDON: Am I on? Thank you.

18 Hi. I am Pamela Creedon. I am the executive
19 officer of the Central Valley Water Quality Control
20 Board. And we are a regulatory agency for the
21 protection of water quality throughout the Central
22 Valley. And we have worked a lot with Parks, both the
23 off-highway as well as your other Parks -- Park
24 Departments to deal with some of the regulatory
25 activities from our board. And in particular, this

1 Carnegie, we -- we had a real run-in with you a while
2 ago for Rubicon Trail, if you'll remember, and now it's
3 Carnegie. And this was a much different dynamic for us
4 working with the Parks. This was as a result of a
5 lawsuit against Parks and the potential closure of
6 Carnegie as a result of that with the direction from the
7 judge for us to issue orders. We were able to
8 successfully fight back asking the judge not to take
9 over our discretionary authority on how -- how to
10 regulate the parks and Carnegie in particular. And so
11 we were able to work collaboratively with Carnegie and
12 your staff and Daphne Greene and now with Phil and
13 others on staff to work towards a workable solution for
14 you in how we implement a Water Quality Control Program
15 in terms of protecting the creeks and the streams and
16 the environment there while still allowing the park to
17 operate as it's to operate.

18 And we had moved forward cooperatively with you,
19 working with your staff to -- with the staff to develop
20 a Management Plan for Carnegie. We had intended to use
21 a General Order that's been in place that we've been
22 actively using through the State Board, general -- a
23 statewide General Order for stormwater run-off. That
24 was a tool that could expedite the process, get us --
25 the Water Board and the Parks Department out from some

1 legal threats of potential lawsuits. And this permit
2 has been in place for a number of years with the state
3 board, but unfortunately there is a provision in the
4 permit that said that if the permit's expired, we cannot
5 enroll new permittees under it. While we have been doing
6 that for a number of years, because the permit's been
7 expired for a number of years and administered --
8 extended administratively, it wasn't until this action
9 and because of the controversy around it that that
10 provision of the permit was highlighted. And so it was
11 on our agenda for adoption to move forward, but we had
12 to pull it because of the controversy and the fact that
13 the permit explicitly said we could not have new
14 enrollees under it.

15 So this put both the Water Board and the Parks
16 at another potential legal threshold to where we could
17 have potential lawsuits against us. And so what we've
18 done to -- for the board so that we have a regulatory
19 tool in place and for the Parks so that you have the
20 regulatory coverage that you're required to have, we
21 issued a Cleanup and Abatement Order, which basically is
22 directing you to do exactly what you were going to be
23 asked to do under our permit. But this gives us all
24 some cover and a -- and a tool for us to take
25 enforcement on provided -- if -- if the parks should

1 fail to operate or do what they've promised to do, but
2 it also gives you some legal coverage because you now
3 have regulatory coverage from our board.

4 So this -- that was a document we went out for
5 public comment. We -- I signed it on the 23rd. I have
6 the authority -- delegated authority to sign it. It's
7 now an enforceable document. It's posted on our website
8 now. And -- and we just will continue to work with you,
9 your staff, and with Phil and those to make sure that we
10 implement that program.

11 And then at the time that the General Order by
12 the State Board is renewed and we can now enroll the
13 parks, we will enroll the park under that permit and
14 then rescind the Cleanup and Abatement Order.

15 So it is officially an enforcement order by the
16 Water Board. That's the only way I can regulate you in
17 such a short time period. It's what we consider a
18 cooperative or more friendly one. We do it common --
19 it's a common practice we use with the facilities that
20 are willingly and want to comply with our requirements,
21 but it gives us all a tool to work within.

22 So I just wanted to come to you because it is an
23 enforcement order. It does look like we're taking
24 enforcement against the Carnegie Park, but -- and -- and
25 in legal terms, we are. But it's a friendly one, and

1 it's -- as long as we continue to work together, we
2 shouldn't have any problems with it.

3 So I wanted to offer that to you. I know in
4 terms of off-road activities, our board will be more
5 engaged. It's not to threaten or to shut down or to
6 close parks; it's just to protect our interests. Our
7 board, the easy water quality issues have all been
8 resolved and we're moving into the more complex
9 non-point source water quality issues. We're regulating
10 agriculture now, dairies. We're doing an increased
11 focus on timber harvest, a lot of non-point source
12 activities going on for us, and now more increased focus
13 on things like off-road vehicle parks and things like
14 that.

15 So we are -- we're venturing together on a long
16 road. And we're all state agencies; we're all supposed
17 to be having the same goals in mind. And -- and my
18 staff and I will work cooperatively with your group. We
19 worked closely with Daphne and now -- if Daphne returns,
20 we'll continue to work with her and whoever you appoint.
21 And as long as Phil's in this acting role, we'll work
22 with Phil. But we -- we try to work together with our
23 sister agencies to implement our requirements in a way
24 that we both achieve our goals.

25 So I'll be happy to answer any questions for

1 you.

2 CHAIR LUEDER: All right. Thank you.

3 Commissioner Silverberg.

4 COMMISSIONER SILVERBERG: Pamela, thank you for
5 coming out today. We really appreciate your effort in
6 getting here to let us ask some questions.

7 Yesterday we had a chance to be out on the
8 ground, as I think you're aware of.

9 MS. CREEDON: Uh-huh.

10 COMMISSIONER SILVERBERG: And my understanding
11 with what was going on out there regarding the water
12 quality, a lot of it has to do with what Hetch-Hetchy
13 had done with their water delivery system. And so am I
14 correct in that, that that -- what they had done with --
15 you know, the particulants moving downstream was coming
16 from upstream running through the park? And yesterday
17 we were visiting that area that's all been rehabbed that
18 State Parks is undertaking just because they can,
19 evidently, do a lot better job than what Hetch-Hetchy is
20 available to do with the restoration.

21 MS. CREEDON: Uh-huh.

22 COMMISSIONER SILVERBERG: And so what I'm
23 getting at is that issuing a Cleanup and Abatement Order
24 to State Parks is -- it just feels --

25 MS. CREEDON: It doesn't feel good, does it?

1 COMMISSIONER SILVERBERG: Yeah, it doesn't feel
2 good.

3 MS. CREEDON: No. And it doesn't sound good.
4 But it's the tool that's provided to me through the
5 Water Code to put requirements on the -- on the Parks
6 Department that basically would -- they're -- they're
7 essentially the same requirements that you were going to
8 have with the permit from us.

9 COMMISSIONER SILVERBERG: Well, I guess I would
10 say semantics, if we could -- if you were able to use
11 the semantics that maybe you're issuing a special
12 permit.

13 MS. CREEDON: I -- I don't have that -- I can't
14 rewrite the Water Code. It's the Water Code. I -- I --
15 it's either that or a Cease and Desist Order. And I
16 don't think you would like that either.

17 COMMISSIONER SILVERBERG: No.

18 MS. CREEDON: So Cleanup and Abatement,
19 that's -- and, in essence, that's what a permit was
20 doing. Our permit was asking you to abate -- abate the
21 impacts to our waters and to clean up that that you've
22 already impacted, which you're doing. And so that is an
23 appropriate order. I would have preferred to have you
24 under just a regular permit. And I should say that
25 we -- you know, because of the need for this at many of

1 our parks, we're working with either the State Board or
2 within our region to develop a -- a region-wide or a
3 statewide permit for off-highway vehicle parks so that
4 you -- you have consistent requirements throughout the
5 State for -- for you to comply with.

6 I -- I wished I could name it something else. I
7 can't. I'm constrained by what's in the Water Code, and
8 that's the tool I have available to -- that I can sign.
9 I can't sign a Cease and Desist Order. That's something
10 the board can only do. But the -- under the Cleanup and
11 Abatement, I am delegated that authority. So that was
12 one way for me to expeditiously get requirements on the
13 park that would protect the Water Board from any legal
14 threat as well as the parks from future legal threat.

15 CHAIR LUEDER: I have a couple questions for
16 you, if you don't mind.

17 MS. CREEDON: Uh-huh.

18 CHAIR LUEDER: So I understand you're going
19 through the process of reestablishing your MS-4 permits.

20 MS. CREEDON: Yeah, the State Board is, uh-huh.

21 CHAIR LUEDER: So what's the timeline on that
22 currently because --

23 MS. CREEDON: Well, they did put it out for
24 public comment, and it was -- there was a significant
25 outcry. So they're renew- -- looking at that now. So

1 I -- I'm -- I'm told within the next six months. But I
2 have no control over the State Board and their staff and
3 their schedule. I know it's a high priority. But
4 apparently the current draft as it is has just received
5 much opposition from many, many fronts in terms of it.
6 So the State Board's now looking at that to revise it a
7 little.

8 CHAIR LUEDER: Okay. So as a follow-up to that,
9 we can't be the only agency or entity in the State
10 that's trying to get an MS-4 permit at this time. So --

11 MS. CREEDON: Well -- and the option is
12 individual, which is a timely commitment on our part.
13 And so the Cleanup and Abatement Order was a much more
14 expeditious action on our part. An individual order
15 would have taken a lot more time for my staff to do.
16 And just like you're suffering, I'm suffering. I'm
17 significantly down in resources. I've had to cut vacant
18 positions. I'm down significantly from what I happened
19 to be. And so I would much prefer this Cleanup and
20 Abatement Order that gives us all coverage that --
21 and -- and allow the State Board to complete their
22 process. And then we'll roll you under that permit as
23 soon as it's available.

24 CHAIR LUEDER: Okay. So what I'm hearing is, is
25 there's another process but it's more labor-intensive.

1 MS. CREEDON: Individual order is the only
2 option I have for you at this time.

3 CHAIR LUEDER: Okay. So, you know, I think
4 there's a huge concern about how this might play out in
5 the press, how it could affect the future of the park
6 with the Cleanup and Abatement Order.

7 MS. CREEDON: I think this protects the future
8 of the park.

9 CHAIR LUEDER: Okay.

10 MS. CREEDON: Uh-huh.

11 CHAIR LUEDER: So I'm just wondering if, you
12 know -- this is kind of a technical situation that most
13 people may not completely grasp, including the media.

14 MS. CREEDON: Uh-huh.

15 CHAIR LUEDER: And I'm wondering if you could --

16 MS. CREEDON: I'll be happy -- with other State
17 departments, we -- we -- we craft joint -- joint press
18 releases. And I didn't even think -- it didn't even
19 dawn on me for this. And -- and I apologize to you for
20 that. And we can easily work together with Phil and
21 others to -- and our Office of Public Outreach to
22 craft a -- craft a press release that we'll be happy to
23 work with you on.

24 CHAIR LUEDER: Great. That's exactly where I
25 was going.

1 MS. CREEDON: Yeah.

2 CHAIR LUEDER: So thank you for --

3 MS. CREEDON: And I apologize. I usually think
4 about those kind -- I -- I -- we -- we are so in the
5 press on so many things. I'm -- I have many press
6 releases I issue all the time. So...

7 CHAIR LUEDER: One more question. So the
8 Cleanup and Abatement Order, was that a public process
9 as far as a draft was circulated?

10 MS. CREEDON: It was, uh-huh. But it went to
11 key interested parties. And so it's -- it's signed now,
12 and it's on -- it's now on the website, yeah.

13 CHAIR LUEDER: Okay. So key interested
14 parties --

15 MS. CREEDON: We've --

16 CHAIR LUEDER: -- does that include the general
17 public? Could you explain that, please.

18 MS. CREEDON: In Cleanup and Abatement Orders,
19 we typically will -- when we're issuing it, we issue it
20 to -- we send it out to the party that's receiving it
21 and any others. So in this case, you had a neighbor of
22 the park, a Mr. Connelly, I believe is his name, and
23 then, of course, CSPAW and their representation and
24 those -- so we sent it out to those parties, the ones
25 that had expressed an interest in seeing it. It's

1 typical, especially ones -- the Cleanup and Abatement
2 Orders that I signed. They're not going to the board.
3 If they were going to go directly to the board, which if
4 you're asking me to do that, we can take it to the
5 board, but that's a public process. It goes out for our
6 agenda, and people can comment on it at that time.

7 CHAIR LUEDER: Okay. Any other Commissioners
8 have questions at this point?

9 Commissioner Kerr.

10 COMMISSIONER KERR: Yeah, I did.

11 When I was at the park last weekend, there was a
12 lot of sort of noise coming from a -- what apparently is
13 a firing range across the road. And I was informed that
14 this is where the folks for, I guess, local federal lab
15 that has a lot --

16 MS. CREEDON: Lawrence Livermore.

17 COMMISSIONER KERR: Yeah -- plutonium or
18 whatever this -- it's their guards --

19 MS. CREEDON: We have -- we have a lot of -- we
20 have -- they have many permits and orders from us.

21 COMMISSIONER KERR: So could you just briefly --
22 I mean there's been some concern that, you know, some of
23 the measured water quality problems might be resulting
24 from that operation. And I wondered, you know, how
25 you've addressed that concern.

1 (Cell phone interruption in the proceedings.)

2 MS. CREEDON: We -- we regulate Lawrence
3 Livermore quite heavily. They -- they have -- we --
4 they have a number of orders. They have some Cleanup
5 Orders. They -- they -- we -- they monitor regularly
6 the creeks and their discharge. We -- they're not a
7 site that's -- they've been under the purvue or
8 authority of the board for a number of years. So
9 they -- so if they are contributing, I -- the way this
10 works is if -- you know, we -- we -- you do monitoring,
11 and the parks will be putting together a monitoring
12 program. And if you demonstrate or we -- and we agree
13 that it's not a source that's caused by your activities,
14 then we go after the source that's causing the impact,
15 not -- not the person not causing the impact.

16 So -- so it's -- it's --

17 COMMISSIONER KERR: So where are we on this
18 right at the moment? I mean we don't know or we do
19 know?

20 MS. CREEDON: What -- what they contribute?

21 COMMISSIONER KERR: Yeah.

22 MS. CREEDON: We have -- we have data -- we have
23 their monitoring data, yes. I -- I don't know what --
24 it's typical and natural of dischargers who are new to
25 our system to ask us to go find the other party that's

1 causing all the problem. And -- and that's not unusual.
2 And so we -- we look at that data. This -- this is
3 about what's happening within your park, in the creeks
4 within the active areas of the park. And I don't know
5 how we can attribute that activity to anyone else.
6 Where it might be run-on or runoff, that -- I --
7 Lawrence Livermore -- you guys are upstream of Lawrence
8 Livermore.

9 COMMISSIONER KERR: No, I'm talking about from
10 back there. I'm talking about right directly across
11 Tesla Road where the guards from Livermore train on
12 their counter-terrorism measures or whatever. And, you
13 know, you can hear the submachine guns going off -- or
14 whatever that is --

15 MS. CREEDON: Oh, I'm sorry, it's been a while
16 since I've been out there.

17 COMMISSIONER KERR Yeah.

18 MS. CREEDON: I -- I'll have to ask staff about
19 it. I -- I don't know if we regulate that activity.

20 COMMISSIONER KERR: Yeah, you know, it's
21 obviously a matter of concern that we might get, you
22 know, their data -- their run-off might get mixed into
23 our --

24 MS. CREEDON: That's a common concern. We -- we
25 can work with Lawrence Livermore on that if we agree

1 that that is a concern.

2 COMMISSIONER KERR: Thank you.

3 CHAIR LUEDER: Okay. How long do you have with
4 us?

5 MS. CREEDON: Well, I -- I -- I -- I actually --
6 I just have to -- I have time.

7 CHAIR LUEDER: Okay. All right. What I'd
8 like --

9 MS. CREEDON: I -- I -- I appreciate you
10 accommodating my schedule. I thought I'd be on at 11:00
11 or before noon or -- but I have --

12 CHAIR LUEDER: Okay. Well, thank you.

13 MS. CREEDON: -- activities this afternoon.

14 CHAIR LUEDER: I would like to call some -- for
15 some public comment on this issue, and then perhaps
16 bring you back up.

17 MS. CREEDON: Sure.

18 CHAIR LUEDER: We may have some follow-up
19 questions.

20 MS. CREEDON: Sure.

21 CHAIR LUEDER: Okay. Thank you.

22 So we do have two items on the agenda today for
23 Carnegie. So if we're going to have public comment,
24 this will strictly be regarding the Water Board. So if
25 you filled out a card that says "Carnegie," I'm going to

1 call your name. If you don't want to talk about the
2 Water Board stuff, please don't. If you do have
3 something to say about the Water Board situation, then
4 you'll have your three minutes, and then there will be
5 another time for you to comment about general park
6 stuff.

7 So Dave Duffin, followed by Don Amador.

8 MR. DUFFIN: Thank you once again, Commissioners
9 and Water Board.

10 We just heard a comment about the folks with the
11 machine guns across the street, Site 300, Lawrence
12 Livermore Labs Testing facility. I'm a pilot. I'm not
13 allowed to fly over that because they test TNT triggers
14 for thermonuclear weapons. We've known some people that
15 have worked up there, and they do a lot of other things
16 up there that no one will ever know about.

17 But that was a very prescient comment about the
18 machine guns across the street because, well, obviously
19 they're using lead. Lead's going into that hill --
20 hillside impacting the hillside across the street from
21 us every -- every day of the week. And I know -- I know
22 the sound of weapons that are going off over there, and
23 it's some pretty big stuff.

24 There's a lot of erosion areas coming off their
25 weapons site, and this run-off literally does come down

1 to the road. And I posit the idea that it eventually
2 can move into our area and be covered and, you know,
3 pulled back into the creek areas. So I would say
4 that -- that that is worth another look when we take in
5 the total impact of heavy metals in the Carnegie Creek.
6 And I think it's very worthwhile looking at that.

7 And, also, I hate to ask you a question on the
8 side, but would other organizations be allowed to attend
9 Water Board meetings?

10 CHAIR LUEDER: Water Board meetings are public,
11 as far as I know.

12 MR. DUFFIN: Yes. It was a rhetorical question.
13 But we represent 13,000 people, Carnegie Forever. We're
14 a 501(C)(3) nonprofit, and perhaps I could find a way of
15 contacting you to receive a message about a meeting, and
16 then some of our individuals would be able to attend.

17 Thank you.

18 CHAIR LUEDER: Okay. Thank you.

19 Don Amador, followed by Karen Schaumbach.

20 MR. AMADOR: Yes, Don Amador with the Blue
21 Ribbon Coalition.

22 I just had a question to the Water Board that
23 you guys can ask when she comes back up. And a lot of
24 our State Parks, not just Carnegie, are tied to, you
25 know, the mining industry, cattle, timber industry,

1 historic -- historic uses in California. And my
2 question is, are there other lawsuits -- have other
3 lawsuits been filed by public interest groups against
4 other State Park units that have mining or cattle or
5 some other runoff industry impacts, or is it just
6 Carnegie SVRA that has been -- had a water lawsuit filed
7 against it in a State Park system?

8 CHAIR LUEDER: All right. Karen Schaumbach,
9 followed by Dave Pickett.

10 Pass.

11 Dave Pickett.

12 MR. PICKETT: Pamela, thank you for being here.

13 David Pickett, District 36 Motorcyclist Sports
14 Committee.

15 I want to make sure I have absolute clarity on
16 this particular issue. It sounded to me like it was an
17 inadvertent error within the Water Board that let their
18 permit expire for the processing of new permits being
19 issued. Is that correct?

20 MS. CREEDON: (Unintelligible.)

21 MR. PICKETT: Okay. But I'm feeling more
22 comfortable, now that it was explained that this Cleanup
23 and Abatement Order, it sounds so terrible, that it
24 allows the park to stay open, and that's the most
25 important thing as we go through the process.

1 But regarding the litigation against Carnegie,
2 based on what Pamela just said, does this meet the
3 requirements of going back to finish this lawsuit up
4 even though there's an interim process that's going on
5 while the Water Quality Control Board gets -- was it the
6 MS-4 permit in place? That's my question.

7 Thank you.

8 CHAIR LUEDER: All right. Thanks, Dave.

9 Rick Mead.

10 UNIDENTIFIED SPEAKER: Pass.

11 CHAIR LUEDER: Jerry Fouts.

12 MR. FOUTS: I had a question. I just want to
13 make sure that I can direct this question about the
14 Water Board and come back for three minutes --

15 CHAIR LUEDER: Yes.

16 MR. FOUTS: -- about Carnegie stuff? Okay.

17 Pamela, thank you very much for coming here
18 and -- and confusing us more than ever. I think -- I
19 think what we've really run into with Pamela here is --
20 is the State Water Board's dysfunction at the
21 State of California level again. And we should all
22 expect that, I guess. Sorry it has to be that way.

23 The Cleanup and Abatement name worries me
24 tremendously. It is going to come back and bite us in
25 the rear-end. I absolutely guarantee it's going to.

1 And I -- I really appreciate the idea of doing a
2 press -- a press release on it to try to help explain
3 it, but it somehow infers that Carnegie did something
4 wrong. They didn't. They've been following the rules
5 since day one. They've been complying since day one,
6 and to somehow brand them with that is unfair.

7 I'd also like to say -- make the Water Board
8 aware that one of the Commissioners brought up the
9 Hetch-Hetchy. Hetch-Hetchy has a pipe that runs right
10 through Mitchell Ravine. And I've been there and I've
11 seen the rocks that came out of there. And I've also
12 seen the picture of all the cottonwoods that used to
13 live in that creek before Hetch-Hetchy drilled it and
14 turned lose all that selenium and killed all of those
15 trees. That's what happened, whether you believe it or
16 not. Do the homework, do the science. Okay? And that
17 stuff is still in the creek there degradating [sic] it
18 to this day, along with the gravel. Okay?

19 And what I'd also like to talk about, if you
20 don't know about the -- the lead and the gunshots at
21 Site 300, which, by the way, is a Federal -- what's the
22 cleanup site --

23 COMMISSIONER KERR: Superfund.

24 MR. FOUTS: -- Superfund cleanup site. Okay?
25 I'd like to see -- I'd like to see the numbers and the

1 homework on that. And that firing range is right across
2 from the ranger's station. It does dump water into that
3 creek sooner or later, either that or groundwater.

4 So I'd really like to say thank you very much
5 for Pamela coming here. And don't -- don't take this
6 personally, but we love our park, and we have been -- we
7 have been ripped up by lawsuits of every kind for all
8 these years. And you know what? We just want it to be
9 better. And anything you can do to help us get a
10 permanent permit, even the -- the individual order, even
11 if it might take a little bit of time and expose us a
12 little bit more, maybe it's worth investigating.

13 Thank you.

14 (Applause.)

15 CHAIR LUEDER: Mark Connelly, followed by Tom
16 Tammone.

17 MR. CONNELLY: Yes, Mark Connelly representing
18 Connelly Ranch, which is an adjoining ranch property
19 operating adjacent to what was then Carnegie, the town,
20 and now Carnegie the motorcycle park, since about 1860.

21 There's no good way to put a positive spin on an
22 Abate, Cease and Desist or and Abate Order and cleanup.
23 It is what it is. Carnegie was, in fact, and still is
24 dumping large amounts of total dissolved solids and
25 total suspended solids into the Corral Hollow Creek in

1 violation of the Public Resources Codes and in violation
2 of its soils sustainability. And you can't put a
3 positive spin on that.

4 There was talk earlier today about, well, why
5 are we spending these vast amounts of money to do
6 cleanup in the Corral Hollow Creek, and you've now come
7 full circle. The fact is, if you don't comply with the
8 orders that have been issued by the Water Board, and if
9 you don't comply with the Public Resources Code
10 required -- regardless of what that costs you of your
11 funds, Trust Funds or any other source, the remedy is
12 that the park gets shut down.

13 And so what is happening here now is that in
14 spite of the outcry from the user groups, you're
15 basically in a position where you have to try and keep
16 what you have. It is not a matter of expansion. It is
17 not a matter of doing anything -- it's trying to hang on
18 to the existing operating park.

19 Second thing that I want to put to rest is,
20 you've heard a lot of information that is incorrect
21 today in the last two minutes. The Hetch-Hetchy, there
22 are massive studies that have been done on the Corral --
23 on the Carnegie area. The largest ones have been done
24 by the Superfund site across the street that are all
25 available online: The map, all of the water,

1 contamination and non-contamination of water that comes
2 off the Lawrence Livermore Lab National site. That's
3 all available online. The contamination of the Corral
4 Hollow Creek, particularly in terms of total dissolved
5 solids and total suspended solids is not coming from
6 that source. Water studies were submitted to the Water
7 Board, which, again, are part of the public record, and
8 your staff knows about, that indicates that the total
9 dissolved solids material in the creek are coming from
10 the park. They're not coming from Hetch-Hetchy.
11 They're not coming from nearby ranching operations.
12 They're coming from your newly acquired Tesla site.
13 They're not coming from the Alameda property. They're
14 not coming from Lawrence Livermore Lab. They are
15 generated in the park. And they will continue to be
16 generated in the park until there's some type of control
17 over areas like we visited yesterday. The first site
18 that we went to, which shows vertical hill climbs, no
19 way of collecting that water before it hits the Corral
20 Hollow Creek, and it goes to the Corral Hollow Creek and
21 it exits. So we have to stop dealing with the rumors
22 and information that is verifiably not true about
23 Hetch-Hetchy and Site 300, Lawrence Livermore National
24 Lab, the irrelevant issues about the firing range, and
25 we have to deal with the reality of what you have, which

1 is a park that is operating in violation of the Public
2 Resources Code, your own regulations, and resulted in
3 part in the issuance of an order from a board for which
4 there is no positive spin possible.

5 CHAIR LUEDER: All right. Thank you.

6 Tom Tammone, followed by Bill Harr.

7 MR. TAMMONE: Yeah, Tom Tammone.

8 The gentleman before me, obviously, is entitled
9 to his opinion, and I most respectfully disagree with
10 him.

11 I took the Grizedale Trails layout and design
12 class there six years ago with Cam Lockwood. I'm going
13 to tell you, what is going on there as far as erosion
14 control is definitely a lot better than what I saw in my
15 drive this morning up Creek Hollow Road from Highway
16 580. I took the liberty of driving by, and
17 unfortunately I couldn't -- I couldn't make the tour
18 yesterday. But if I remember, the Creek Hollow Road, as
19 it goes west and ascends upward up the hill, it drains
20 directly into the creek. And that was one of our
21 classic examples of how not to build a road or a trail.
22 You've got basically two-foot water canons that are just
23 taking out the side of the hillside. I've seen half the
24 hillsides on the other side of the creek basically ready
25 to just -- the whole -- half this hillside is ready to

1 just come down, and nobody's doing anything about it.
2 This is just obvious stuff that I've seen and somebody
3 that's had training in this stuff. And I'm going to
4 tell you what, as far as erosion control, whatever's
5 going on at Carnegie is a lot better than everything
6 else I've seen in that creek. I don't care what you're
7 talking about.

8 As far as heavy metals, what I've seen in the
9 report is more consistent with everyday wear from brakes
10 from all the cars that are commuting up and down the
11 road between here, Frisco and Tracy. They bypass the
12 mess on 580. They go down the hill. I smell brakes
13 coming down. People ride their brakes. They don't know
14 how to use the low-gear function on their automatic
15 transmissions, a lot of brake wear. Brakes, all that
16 metal is probably coming from all the cars that commute
17 up and down Creek Hollow Road on a daily basis. When I
18 took this class, it was during the week. There was a
19 lot of traffic. There's a lot of questions unanswered.
20 There are a lot of sources. So I'm having a hard time
21 buying this that there are no other sources. There are.
22 And I just -- just at a glance, driving through this
23 morning, you know, I must have saw at least ten or
24 twelve examples that are -- that are very severe; each
25 one of them having a potential to produce a lot more

1 than the park.

2 As far as the hill climbs, they are very, very
3 high clay content. Most (unintelligible) they are for
4 30, 40 years. There's no real erosion coming off of
5 what you see. This stuff close to the road that's
6 visible, that's probably the highest clay-content soil
7 in the park. It's -- nothing's happened with it in a
8 long time. It isn't going anywhere.

9 Thanks.

10 CHAIR LUEDER: Thank you.

11 (Applause.)

12 CHAIR LUEDER: Bill Harr, followed by -- Bill
13 Harr? No? Amy Granat, followed by Pete Krunich.

14 MS. GRANAT: Thank you very much. Are we on?
15 All right. Now? We're good to go.

16 Amy Granat for the California Off-Road Vehicle
17 Association, otherwise known as CORVA.

18 Actually, I want to commend the Central Valley
19 Regional Water Quality District because we have had a
20 lot of dealings with you on the Rubicon, and they have
21 been very positive. We have all worked towards a common
22 goal, which is what I am encouraging everyone to do in
23 this. The Cleanup and Abatement Order, Mr. Tammone is
24 correct, there is no way to gloss over the fact that the
25 words don't sound good. But what it will enable us to

1 do is address the issues and solve the issues.
2 Mr. Connelly is right, rumors and innuendo don't work,
3 but they don't work on both sides. They don't work on
4 this side; they don't work on that side. And I think
5 what we really need to address are the issues of why
6 this happened in the first place. And it's very clear
7 that it's a case of otherwise known as schoolyard
8 bullying. Motorized recreation, the recreation that I
9 love, has come under the gun so many times. And so many
10 people think that because it involves a motor, it gives
11 them the right to criticize or right to judge. I'd like
12 to encourage everybody not to judge others for what they
13 love to do, but rather to either experience it for
14 yourself and the joy that it can bring or else help us
15 make it the best possible form of well-managed,
16 well-maintained recreation that we can do.

17 Thank you.

18 (Applause.)

19 CHAIR LUEDER: Pete Krunich, followed --

20 MR. KRUNICH: Thank you, guys, for having us
21 here, and thank you for being here. Thank you to the
22 Water Board for giving us the opportunity to continue to
23 ride there.

24 Even though we feel like the rain standards is a
25 little bit less than adequate, we should have a little

1 more leisure to ride when it's tacky, as you would call
2 it, less dusty. As far as the -- the creek bed, the
3 State has done a tremendous job in putting in waddles
4 and closing down the vertical hill climbs and giving us
5 special areas that are more -- less susceptible to the
6 water running off into the creek beds. The vertical
7 hill climb that he talked about actually goes through a
8 level area of grass and different things to slow the
9 water down for, say, almost 400 yards from the base of
10 the hill before it ever reaches a watershed. What
11 they've done there is try to make it better and better
12 for the environmentalists to see that we are trying to
13 take care of this planet. We love all the animals that
14 are there. I've got to show all my kids over the years
15 and other kids the difference in, you know, destroying
16 the habitat in which the animals got to survive. And to
17 have them all there is very important.

18 For us to be scrutinized by people that use
19 property around us for different reasons -- cattle are
20 not indigenous to our area. They are in the river bed.
21 They sit in there and they go to the bathroom in the
22 water they are drinking. Some of that is ranchers doing
23 their job, but are they trying to keep the water clean
24 in their aspect and their use of the Corral Hollow
25 Creek? I think the State's done a great job, and I'd

1 like to work with them a little more to make serpentine
2 trails more appropriate in riding for the people that
3 use the park.

4 Thank you, guys, very much for being here.

5 (Applause.)

6 CHAIR LUEDER: All right. Thank you.

7 We have Doug Holcomb. Doug?

8 Okay. Is there anybody that I missed out there?

9 Yes. Please come up. Did you fill out a card,
10 or did I just miss you?

11 MR. ABERNATHY: It's a blue one.

12 CHAIR LUEDER: Okay. Can you give me -- give me
13 your name again.

14 MR. ABERNATHY: Yes. Kevin Abernathy.

15 CHAIR LUEDER: Kevin Abernathy. Thank you.

16 MR. ABERNATHY: Thank you. Thank you, members
17 of the Commission.

18 Pamela, thank you for taking the time to come
19 today. And a couple things I would like to point out.
20 The -- the working relationship with -- with the RB5,
21 which we commonly refer to as the Central Valley
22 Regional Water Quality Control Board, in short, RB5,
23 when you have the ability -- I mean they have a job to
24 do under (unintelligible), Title 27, State Water Board
25 regulations. And fortunately or unfortunately, we

1 get -- we tend to get caught in the cross hairs of that.
2 And it sounds to me on the onset of -- of working with
3 the RB5 with our own General Order for the California
4 Dairy Industry that the plan of attack that -- that they
5 took by issuing a Cleanup and Abatement Order that will
6 ultimately get into the General Order, which you will
7 have an appropriate time to negotiate through that, was
8 a very, very sensible way. Nobody that is not regulated
9 ever likes to be regulated, but, quite frankly, I think
10 the mechanism in which Pamela moved this forward was --
11 was a very sensical one.

12 A couple things that she had brought up I'd like
13 to make a quick comment on. She -- she had mentioned
14 the monitoring plan for runoff coming onto the property
15 and going off of the property. There's a lot of factors
16 involved with that, but most importantly, you are going
17 to have the ability to know what's going on above you
18 and around you, and potentially what you're discharging
19 out down below you. And this kind of goes back to
20 Mr. Connelly's comment. If I'm not mistaken, their farm
21 is upgradient to Carnegie. The gentleman may really
22 want to try to create some friends and allies with the
23 off-road enthusiasts because, number one, as Pamela had
24 mentioned, they are going to be looking at other sources
25 of discharge moving forward to put underneath a

1 regulatory program. The livestock industry,
2 predominantly the rangeland will be after some of the
3 different KAFO regulations that are coming along with
4 irrigated lands. So Mr. Connelly may want to develop
5 some friendships with this group because he's probably
6 going to really need us because when he goes through his
7 regulatory process, you will all have the opportunity to
8 go through the public review and comment on their
9 General Order. I'll leave you with that.

10 (Applause.)

11 CHAIR LUEDER: All right. If there's nobody
12 else for public comment, I'm going to close the public
13 comment and bring it back to the Commission.

14 And, Pamela, could you please approach again.

15 So there was a few questions that the public
16 brought up, and we took a few notes, and I think maybe
17 you took a few notes.

18 MS. CREEDON: Yeah.

19 CHAIR LUEDER: So if you'd like to --

20 MS. CREEDON: Just go on and --

21 CHAIR LUEDER: Right.

22 MS. CREEDON: Okay. I -- I think Mr. Abernathy
23 raised a good point, and I was going to bring that up,
24 was the fact that part of our non-point source
25 activities, we'll be looking at ranchers and cattle. We

1 do regulate currently irrigated pasturelands for cattle,
2 not for dry -- dry grazing right now, but we're moving
3 into that arena as well. So he makes a good point.

4 The other thing is on the Lawrence Livermore,
5 the one thing I didn't mention was that they do --
6 besides the individual orders we have around for cleanup
7 or other things that they're doing, we -- they do -- are
8 covered under the General Stormwater Order as well. And
9 so run-off from any of their areas that need to be
10 covered are protected, then they are covered under that
11 Stormwater Program as well. So I need to -- I mean
12 they're all part of the public records, all that
13 information's available. The water quality data is
14 there. Anyone can have access to our information. And
15 I can have staff send me some information. I'll forward
16 it on to Phil and -- just where they're monitoring. And
17 it may be that some coordination and monitoring needs to
18 be done in that area.

19 In terms of the question on lawsuits on the
20 parks, I can't speak to how many individual lawsuits --
21 your attorney can speak to how many lawsuits are against
22 the Parks Department. I know that there are a number of
23 lawsuits around different activities. I think this
24 Carnegie one was one of the first for the off-highway.
25 I don't think it would be your last. So I think it

1 would behoove us to work together to get a permit in
2 place that covers all your parks as soon as possible,
3 whether at the State or -- I -- I usually have the
4 statistics on the Central Valley Board and how many we
5 have. I don't have that information on how many are
6 within the Central Valley Water Board jurisdictional
7 area. We tend to have the majority of almost everything
8 since we cover the 40 percent of the land area of
9 California. But I just don't have that stat, so I don't
10 know if it would be worth your time for a statewide
11 permit or a region-wide permit. But we'll be happy to
12 work with you on that to stop the flow of lawsuits that
13 would fall under that so that we can begin to work on
14 compliance as opposed to fighting the legal arena. And
15 that's an expensive process.

16 In terms of the permit, the General Permit, it's
17 not unusual for our permits -- the General Permit is
18 issued under -- the MS-4 General Permit that we were
19 hoping to put you under is issued under the authority of
20 the Clean Water Act with which the State of California
21 has been delegated authority to issue permits under
22 that. It's under the National Pollutant Discharge
23 Elimination System process -- or NPDES is the acronym.
24 And under those rules, you can administratively extend
25 permits while the staff or the permitting agency works

1 to renew the order. Why the State Board has taken so
2 long to renew that order, I don't know. It's been
3 expired a number of years. And it didn't seem to bother
4 the process -- other municipalities have been enrolled.
5 Even though that provision of the permit's there, we're
6 not going to go back and take them back out of the
7 permit coverage. It was just the controversy around
8 this particular site that brought that up that legally
9 my attorney said we really can't do it. And so I could
10 not move forward with adopting that order or asking my
11 board to move it forward for approval to have coverage
12 under it. So I have to defer to my own legal counsel on
13 those types of matters.

14 So the State Board is very aware of this. They
15 are very aware that we need to add the fact that
16 Carnegie can be put under that order when they re-issue
17 it. It's a priority permit for the State Board, but I
18 have no authority over the State Board or their staff or
19 the executive director of the State Board. So this
20 whole activity is solely at their -- their authority and
21 their ability to move it forward. I do know it's a
22 priority for them. So it may be a matter of months
23 before it comes back to their board for approval --
24 consideration and approval. With that said, I do have a
25 say over how I use my resources, and I am telling you I

1 am not inclined to direct my staff to develop an
2 individual order at this time. It's time-intensive. We
3 have a lot of other priorities. We have a Cleanup and
4 Abatement Order on you that gives us the appropriate
5 authority over you. It gives you the time and the
6 coverage of having coverage from the Water Board. And I
7 would prefer to just let the State Board finish their
8 process so I can get you covered under the General
9 Order. Because I just -- my staff -- I -- their --
10 their work -- and they work really, really hard, and
11 they just -- I don't want to divert their time away from
12 what they're doing now to develop an individual order.

13 In terms of other sources, clearly where the
14 board is aware or becomes aware of other sources and it
15 falls under our jurisdictional authority, and we agree
16 that it is a water quality issue under our authority, we
17 will move forward and -- do whatever action we have,
18 including using enforcement or issuing permits for those
19 other sources. But like I said, we are looking at these
20 non-point sources. And so one way or the other, they'll
21 eventually fall under our authority and be regulated
22 appropriately.

23 And, also, I -- I -- you know, anytime this
24 happens, whether it's, you know, your constituents here,
25 the people who are promoting the parks and want us to go

1 look at other sources or it's Mr. Connelly and having a
2 different take, we listen to all comments and concerns,
3 and then we do what we can to make the changes to
4 accommodate those if we think they're appropriate;
5 otherwise we move forward. My staff is very experienced
6 in -- in these activities. I have my Redding staff
7 who's very -- very attune to run-off in these types of
8 non-point source activities. And they're the ones who
9 are working on this and working with the erosion and
10 sediment control and the restoration project's
11 activities going on at this park. I rely on their
12 expertise and advice a lot. And according to them, your
13 staff -- the staff with the Parks at this site, they're
14 doing all the appropriate things. There are some who
15 want us to do more, and we're not inclined to do more.
16 We feel that there's sufficient information and that the
17 Stormwater Management Plan is adequate, and that if it's
18 implemented, we should see noticeable improvement in
19 full compliance with our requirements. So we're not
20 inclined to change things simply because someone tells
21 us to. I rely heavily on my technical staff to advise
22 me on how we should move forward. And right now they're
23 very comfortable with what's proposed by your staff to
24 address the issues.

25 CHAIR LUEDER: Okay. Commissioner Franklin,

1 does that --

2 COMMISSIONER FRANKLIN: It covers everything.

3 CHAIR LUEDER: Pretty much covers everything.

4 Okay. Commissioner Willard.

5 COMMISSIONER WILLARD: Does staff have any
6 comments on the situation?

7 CHIEF JENKINS: My mike developed a buzz. I
8 don't know.

9 The only primary comment is, looking at it from
10 an operational point of view, I mean our primary
11 consideration is are we able to keep operating, keep
12 providing the service to the public and all those
13 things.

14 As Pamela pointed out, the meat of the Cleanup
15 and Abatement Order, the things that we're being ordered
16 to do are the things that we have been working with the
17 Water Board and developing over years. And so it's just
18 re-enforcing those things that we have been working
19 towards all along. So what I'm saying is it does not
20 limit our ability to continue operating as we have. It
21 does not get in the way of our continued interaction
22 with the Water Board. So from a strictly operational
23 point of view, setting aside the kind of political
24 ramifications of the appearance of a Cleanup and
25 Abatement Order, just looking at it from an operational

1 point of view, it's re-enforcing what we're doing and
2 allows us to move forward in a really, you know,
3 judicious manner that keeps the park open and keeps the
4 resource available to the public. So in that sense --
5 there's not a problem in that sense.

6 CHAIR LUEDER: Yes, Commissioner Willard.

7 COMMISSIONER WILLARD: Well, I think I'd like to
8 put forth a motion to maybe submit a comment letter.
9 I'm not 100 percent sure that that would be appropriate
10 at this time, but that's one thing that the Commission
11 could do is to provide a letter that would, you know,
12 outline certain things that we've discussed today.

13 CHAIR LUEDER: Okay. I think we have a couple
14 more questions, and then we can come back to that.

15 COMMISSIONER WILLARD: Yep.

16 CHAIR LUEDER: Commissioner Van Velsor.

17 COMMISSIONER VAN VELSOR: Yes. I'm curious,
18 both the Board and the Division in the process of
19 implementing the planning, the initial plan and the
20 Abatement Order, can you or are you attempting to
21 identify more specific places where the non-point source
22 pollution is coming from? In other words, do you know
23 particular areas in the park where you assume that's
24 probably a problem spot, and that's an area that we need
25 to work on first? Are you in a place where you're

1 prioritizing the cleanup?

2 MS. CREEDON: Yeah, there is a stormwater -- the
3 Parks put together a Stormwater Management Plan that
4 went out for public review and comment. And we took in
5 the comments on that and staff-reviewed it and worked
6 with that. And I don't know the specifics of that.
7 That's -- I leave that to my staff. But clearly it's
8 identified areas that need work on, and that's part of
9 that plan is the scheduling and the timing. So that's
10 all been done. What the Cleanup and Abatement Order
11 does is simply tell you to implement the plan.

12 CHAIR LUEDER: Any other questions?

13 I did have one question. So organizationally,
14 the Water Quality Board -- State Water Quality Board, is
15 that under the Resources Agency?

16 MS. CREEDON: We're under the umbrella of the
17 California Environmental Protection Agency.

18 CHAIR LUEDER: Okay. So that's separate.

19 MS. CREEDON: And there's the State Water Board,
20 and then there are nine regional boards. I have a board
21 that's nine members. It's much like your quorum issues.
22 I have seven now that are appointed by the Governor.
23 And we are semi-autonomous from the State Board. My
24 board members are part time, and the State Board has
25 five board members that are full time. And it's not

1 like a headquarters department. They don't direct us.
2 We're semi-autonomous. My board makes their own
3 decisions. We operate independent. We do have a close
4 relationship with the State Board that administers our
5 budget and things like that. But my board acts on its
6 own authority. And if you don't like what we do, you
7 can petition the State Board to either tell us to do
8 something or to tell us to stop doing something. That's
9 the way it works for us in the Water Board. But we're
10 under the CalEPA umbrella.

11 CHAIR LUEDER: Okay. And -- so in an area where
12 there's many permit holders or many potential holders,
13 is there a mechanism for everybody to be covered
14 under one permit, like a blanket permit?

15 MS. CREEDON: We don't -- that's -- we are
16 looking at doing -- we -- we can have -- we have that
17 authority to do that. Do we do that now? Not always,
18 no.

19 CHAIR LUEDER: Okay.

20 MS. CREEDON: Not with multiple dischargers.
21 But it's something that if we're watershed permitting,
22 that's probably the best way to regulate --

23 CHAIR LUEDER: Right.

24 MS. CREEDON: -- parties in the same watershed,
25 I agree.

1 CHAIR LUEDER: Okay. Because we are talking
2 about the same watershed that we share with Lawrence
3 Livermore.

4 MS. CREEDON: But there's absolutely nothing
5 wrong with -- even if you have individual orders -- with
6 working with them and working with staff for us to put
7 together a joint monitoring program or something like
8 that. We have that authority.

9 When it's out of the federal law, we have a lot
10 more discretion. But we still have some -- some room
11 within the federal permitting structure.

12 CHAIR LUEDER: Okay. Thank you.

13 So Commissioner Willard, if you'd like to finish
14 your thought.

15 COMMISSIONER WILLARD: Sure.

16 And I'm not 100 percent sure it's appropriate,
17 but I just think that that's something that the
18 Commission could do is to supply a letter from --
19 through the Chair and maybe with input from staff that
20 would cover things like, you know, setting the stage
21 first that we've always tried to comply with all of the
22 regulations, feel that we are in compliance. And then
23 there was -- there's a paragraph here that I thought was
24 good, the park has implemented or is in the process of
25 implementing the activities required by the SWMP, such

1 as maintaining trails, restoring areas damaged by
2 vehicles, et cetera. So that paragraph, I think, states
3 what we've been doing. We could also suggest that it
4 look at some of the neighboring properties within the
5 watershed, which I know you will do. Suggest also a
6 press release, and also ask that the process be
7 expedited.

8 So those are the things that --

9 MS. CREEDON: Yeah, I -- I -- that's right. I
10 would not put it in the form of a comment letter since
11 the order's issued. There's no longer a comment period.
12 But you're welcome to send us letters at any time. You
13 can send it to my attention, or you can send it to our
14 board chair. In either event, it will be distributed to
15 all of my board members. And -- so -- and especially if
16 you're going to -- I would suggest if you're going to do
17 this, write a letter to the State Board asking them to
18 expedite their process with the General MS-4 Permit.

19 CHAIR LUEDER: Okay. Commissioner Kerr.

20 COMMISSIONER KERR: Why don't we just issue --
21 why don't we just take her up on this press release, you
22 know. Because -- and I don't know if she -- you know,
23 because I think there were certain areas of agreement
24 here. One is that the OHV Division has come up with an
25 adequate Stormwater Management Plan. It is implementing

1 that plan on schedule. And this plan does meet -- you
2 know, I think -- I use the word "approval"; it meets the
3 smell test or the approval of the Water District staff.
4 And also stating that the Abatement Order is the
5 most expeditious and convenient mechanism --

6 MS. CREEDON: At this time --

7 COMMISSIONER KERR: -- to sort of bless that.
8 So I mean I think -- I think that would probably be the
9 most effective thing we could do, issue the joint press
10 release. I'm encouraging the Chair and the staff to
11 draft such a press release and have it sent over to the
12 Water Board for their editing and approval. I think
13 that would be the most effective thing.

14 CHAIR LUEDER: Okay. So I think what I'm
15 hearing is that we're going to -- we would like to
16 respond to the Cleanup and Abatement Order that was
17 issued with a letter back from the Commission
18 highlighting those areas. And so I would work with
19 staff to develop that. And we would then work on a
20 joint press release. So if you -- if somebody would
21 like to form that in a motion.

22 COMMISSIONER WILLARD: Well, I'd like one
23 question. As long as you don't think that this would be
24 counter-productive.

25 MS. CREEDON: I get letters all the time. And

1 especially if you're going to add in something to the
2 State Board or ask the State Board to expedite, then I
3 can forward that over to the State Board, unless you
4 send them a separate letter. But it's just the comment
5 period's closed.

6 COMMISSIONER WILLARD: Right.

7 MS. CREEDON: So if you want to send me a
8 letter, you can always send me letters on what you would
9 like us to do.

10 COMMISSIONER WILLARD: Okay.

11 MS. CREEDON: And it will get put in the file,
12 and I'll distribute it to my board members. And it
13 never hurts to communicate with the board.

14 COMMISSIONER WILLARD: Yeah. That's what I
15 thought. Okay. Great.

16 CHAIR LUEDER: So would you like to just briefly
17 form that into a motion that we could vote on.

18 COMMISSIONER WILLARD: Sure.

19 So I'd like to make a motion that the Chair,
20 through assistance with staff, formulate a letter to be
21 submitted to the Regional Water Quality Control Board to
22 contain -- well, let's see. I think I'm just going to
23 let the Chair draft the language. I don't want to try
24 to wordsmith it right now.

25 CHAIR LUEDER: Okay.

1 COMMISSIONER WILLARD: I'll take the easy way
2 out.

3 MS. CREEDON: That's why he gets paid the big
4 bucks.

5 COMMISSIONER KERR: Can we get the press release
6 in there, too?

7 CHAIR LUEDER: Absolutely. So we have minutes.
8 We'll refer to the minutes for what was discussed
9 amongst the Commissioners.

10 So there's a motion on the floor. We do have a
11 question, but I'm going to call for a second first. And
12 then --

13 COMMISSIONER KERR: Second.

14 CHAIR LUEDER: -- and then we'll have
15 discussion.

16 Okay. I heard a second.

17 Discussion?

18 Commissioner Van Velsor.

19 COMMISSIONER VAN VELSOR: A couple things. I'm
20 always cautious to give my approval to a letter that I
21 haven't read and don't know what it says.

22 Secondly, it seems to me that we are generally
23 comfortable with what the Water Board is doing. I think
24 the Division is comfortable with what the Water Board is
25 doing. The Division is doing what they have been doing

1 with the blessing of the Water Board. So it doesn't
2 seem to me that a letter is necessary.

3 And I had a third point, but I've lost it.

4 CHAIR LUEDER: Okay.

5 Commissioner Silverberg.

6 COMMISSIONER SILVERBERG: Well, I think the
7 concern is not that internally in this room that we know
8 what's going on; it's, I believe -- the purpose of this
9 press release is to help the public understand what is
10 happening so there isn't any ambiguity later and there
11 aren't rumors that will continue to spin.

12 MS. CREEDON: I can't promise you there won't be
13 continued rumors. My whole world's about
14 misinformation.

15 COMMISSIONER SILVERBERG: Of course.

16 CHAIR LUEDER: Any other comments?

17 Commissioner Slavik.

18 COMMISSIONER SLAVIK: Well, I think -- to answer
19 Commissioner Van Velsor's concern about maybe the
20 letter's not important, but it seemed to me the letter
21 has value to State Water Board just to raise the issue
22 in their eyes to a higher level, if anything else.

23 MS. CREEDON: Uh-huh.

24 COMMISSIONER SLAVIK: I mean it's worth a
25 letter.

1 COMMISSIONER VAN VELSOR: I remembered my other
2 point.

3 So would the letter include, then, the
4 Commission supporting what the Water Board has done with
5 the Cleanup and Abatement? So would we be supporting
6 what they've done and asking them to consider other
7 measures which relates to checking and making sure that
8 there's others in the area that are not contributing
9 to --

10 MS. CREEDON: If I can just weigh -- I think
11 what you probably want to say is that you understand why
12 we've done what we've done, and that you are -- really
13 want to emphasize the importance of the State Board
14 moving forward with adopting their General Order so we
15 can get you under the General Order.

16 COMMISSIONER WILLARD: Yeah, more of an
17 understanding than an acceptance, per se.

18 CHAIR LUEDER: Correct.

19 COMMISSIOENR WILLARD: That was the gist of what
20 I understood, was that we weren't necessarily completely
21 accepting, but we would acknowledge the fact that the
22 Water Board staff has worked with the Division, and due
23 to the circumstances, this is where we are with the
24 Cleanup and Abatement Order, and that we hope to have a
25 transparent process and continue on based on what we've

1 talked about already. So that's kind of what I think
2 I'm hearing from the other Commissioners as far as what
3 the letter's going to contain.

4 Okay?

5 MS. CREEDON: Okay.

6 CHAIR LUEDER: All right.

7 MS. CREEDON: Thank you so much. I appreciate
8 you taking me a little earlier.

9 CHAIR LUEDER: Thank you, Pamela.

10 Okay. So we have the motion on the table. It's
11 been seconded. I'll call for the vote.

12 All those in favor?

13 (Commissioners simultaneously voted.)

14 CHAIR LUEDER: All those opposed?

15 All right. Motion carries.

16 And we are going to break for lunch. Sorry for
17 the delay. We will return at 2:15. Thank you.

18 (Lunch recess.)

19 CHAIR LUEDER: We're going to get rolling here
20 again, try to speed up what we can. So if everybody
21 would take their seats, I'd appreciate it.

22 **AGENDA ITEM IV(B)(6) - REPORTS - PUBLIC SAFETY UPDATE**

23 CHAIR LUEDER: So the next item on the agenda,
24 we're returning back to Item IV, Reports, (B)(6), which
25 is our Public Safety Update.

1 MR. ROBERTSON: Good morning, Commissioners.
2 Good morning, members of the public. Good morning,
3 Chief.

4 CHIEF JENKINS: Good afternoon.

5 MR. ROBERTSON: Good afternoon. We were
6 supposed to go before lunch, so...

7 Okay. We're going to go ahead and make a -- a
8 change in the schedule for our law enforcement update.
9 We're going to go ahead and launch right into our Law
10 Enforcement Training Presentation. Supervising Ranger
11 Kevin Pearce will go ahead and take off from now.

12 MR. PEARCE: Good afternoon, Commissioners.
13 Good afternoon, public. And good afternoon, Chief.

14 Law enforcement Team at Division, we -- we deal
15 with a lot of issues. We have a variety of tasks. One
16 of them is the ongoing education -- continuing education
17 of our Law Enforcement Program and training for law
18 enforcement agencies. What we do is offer training to
19 allied agencies, sheriffs, Bureau of Land Management,
20 Forest Service to provide a consistent application and
21 interpretation of our off-highway vehicle laws in the
22 California Vehicle Code.

23 We just had -- January 25th we just presented
24 our first of our new POST Proof class up in Clear Lake.
25 We had eight agencies, 22 officers attended. Great

1 class. We coordinated with Chris Real, DPS Technical,
2 and for a second day, we had sound training, sound
3 testing. Our officers walked away with hands-on
4 training and certification of the Stationary Sound
5 Measuring Devices and the process.

6 One of the great things about this new training
7 that my partner Tim Guardino and the officers --
8 Supervising Ranger Tim Guardino, who is in the -- in the
9 back -- has done -- this was really his brainchild, our
10 training program -- he incorporated some new training
11 components into it to give real interactive components
12 to our training to keep the audience's attention, keep
13 them involved, and it also provides further valuable
14 resources to us as instructors.

15 Technical difficulties. I apologize. We're
16 pressed for time.

17 So what we have incorporated into our program is
18 this Audience Response System by Training Point
19 Technologies. A great program.

20 Commissioners, you have a device in front of
21 you. We're passing out some devices for the audience to
22 participate.

23 What this allows us to do is answer or to
24 present questions within our presentation and get
25 immediate feedback from our audience and, basically,

1 answering the questions that we present on the screen,
2 and we can go ahead and talk about that throughout our
3 training.

4 So what we can do here is we have a registration
5 process, all fictitious names; nobody needs to get
6 offended or embarrassed here. We've registered the
7 devices. Nobody's name shows up during the class. So
8 it's all anonymous, which offers great opportunities for
9 class participants not to get embarrassed by not knowing
10 the right answer and getting called out by their peers,
11 which sometimes we like to do. However, the information
12 is identified by device, so we can go back and find out
13 which officers succeeded, which officers we need to talk
14 to and re-evaluate our training process.

15 So this will be a simulation of the registration
16 process. You'll be clicking your devices according to
17 your name. Registration goes open on that top right
18 corner, the devices start getting registered. And we go
19 through the process. Registration gets closed, and
20 we're ready to begin.

21 Part of that is -- part of our training is
22 getting these demographical questions and kind of a
23 pre-test to our test questions to kind of get a basis of
24 where we are. So we're going to answer the questions --
25 or ask questions about employers, agencies that are

1 coming to the training, and just get a wide variety of
2 information from -- from this process and this
3 technology.

4 So here we have the quiz for you. So, again,
5 this is going to be timed, no pressure. Pick your
6 answer that you like. You can change it. But once the
7 countdown stops, that's your answer; you're locked in.
8 No phoning friends, no dial a buddy or anything like
9 that.

10 All right. So what we have for you is an
11 example of our process.

12 Yes, ma'am.

13 COMMISSIONER PEREZ: I don't have one.

14 MR. PEARCE: Could we get --

15 COMMISSIONER PEREZ: Okay. Great.

16 MR. PEARCE: All right. So we'll go ahead. And
17 I'd like to -- nope, you don't need to do anything.
18 Just push the button of the answer that you like. And
19 we'd like to go ahead and run you through this -- this
20 process that we've introduced and that we're really
21 excited about. So I'll read the question to you, then
22 give you the timer. So, again, anonymous. No need to
23 be embarrassed, but we should all know these.

24 In what year was the Chappie-Z'Berg Off-Highway
25 Vehicle Law enacted: 1942, 1972, or 1984?

1 So now up at the top we see poling open. We can
2 see the responses coming in by the class. We have 30.
3 So if we need to get a couple more people motivated by
4 punching in their answers. So we lost one. So somebody
5 didn't answer. But that's all right. So 79 percent of
6 respondents, 1972, and that would be the correct answer.

7 Now, during our training -- I'll go ahead and
8 start here -- the OHMVR Division is celebrating which
9 anniversary in 2012: The 25th, 30th, or the 40th?

10 Now, as we present this information, we would be
11 doing this as a pre-test. What we would do is go from
12 the pre-test -- we'll continue here with the quiz. Look
13 at that. Everybody's paying attention today. Good job.

14 CHIEF JENKINS: They were listening to my
15 presentation apparently.

16 MR. PEARCE: I like how you're feeding them the
17 answers, Chief.

18 What is the name of California's first State
19 Vehicular Recreation Area: Prairie City, Hollister, or
20 Heber Dunes?

21 So what we'd be doing in the class, we'd be
22 doing this pre-test. We would not reveal the answers.
23 We'd go into instruction. At the end of the class, we
24 would present the same questions in different formats.
25 All right. Hollister Hills. Sharp group. That is

1 correct.

2 First meeting of California's Off-Highway Motor
3 Vehicle Recreation Commission was held in Sacramento on
4 March 17th of which year: '65, '83, or 2003?

5 And a little SNAFU there. Everybody's right.
6 Good job.

7 1971, the first movie to showcase off-highway
8 motorcycles was: "On Any Sunday" -- not to be confused
9 with "On Any Given Sunday," the football movie -- "Easy
10 Rider," or "Wild Hogs"?

11 And at the end of our class -- sorry to keep
12 jumping around -- we would go over -- we would get the
13 results from the questions we're asking, and we'd go
14 into more comparative slides on how we did as an
15 instructor, how our class did. "On Any Sunday," and we
16 are correct.

17 At over 85,000 acres, Ocatillo Wells is
18 California's largest State Vehicular Recreation Area:
19 True or false?

20 And so that feedback that we'll talk about, and
21 we'll see some slides about comparing the pre-test and
22 the post-test after instruction, again, gives us an idea
23 of where we are as instructors.

24 Uh-oh. That is true. Good job.

25 SB 742 extended the OHMVR Division's program

1 sunset to: 2014, 2018, or 2016?

2 We will go into those comparative slides, and,
3 again, we'll be able to find out where we did good as
4 instructors, where our students really excelled and got
5 the information, and what we can do to better improve
6 the program.

7 All right. A little mixed group here. The
8 correct answer, 2018.

9 In 1953 the first Jeepers Jamboree was run on
10 which internationally known trail: Fordyce, Pioneer
11 Express, Rubicon? That is correct, the Rubicon.

12 Who was the first U.S. woman to ever participate
13 in the Camel Trophy International Off-Road Competition:
14 Betty White, Danica Patrick, Daphne Greene? Anybody
15 know the -- how's Daytona going today, speaking of
16 Danica?

17 (Multiple speakers.)

18 MR. PEARCE: Daphne Greene. There's some jokers
19 out there. I think Chief put Betty White again.

20 All right. Bunkhouse Trail, Juniper Trail, and
21 Ridge Trail comes out of which state vehicular
22 recreation area: Oceano Dunes, Hungry Valley, or
23 Carnegie? Everyone thinks number three, and they are
24 correct -- most everyone.

25 All right. So, again, talking about our data

1 that we would again -- again, we would do the pre-test,
2 we would do our block of instruction, and we would do a
3 post-test where we go ahead and go over the same
4 questions again. During our pre-test, too, we'd
5 identify areas that maybe we need to kind of tweak and
6 refocus our attention and, you know, change our lecture
7 up a little bit to address those issues.

8 Great -- great information, though, available to
9 us. We can identify where the students were great,
10 where they didn't do as well. And, again, that is a
11 reflection on the instructors and the knowledge and the
12 information we're presenting.

13 So these questions came out of our Clear Lake
14 class. And, again, this goes to the instructors. Are
15 we presenting the information correct, is it organized
16 well, are we delivering it in a way that we want to?
17 So, again, in this instance, 90 percent, we hit almost
18 everybody. Maybe we had a joker out there or like Chief
19 and just pushed the wrong answer on purpose. And,
20 again, comparative slides is the information we show at
21 the very end of the class after we've done the post-test
22 as well.

23 Seeing the difference, the dark blue showing the
24 post-test; light-blue graph showing the pre-test and
25 where our strengths and weaknesses were.

1 Again, data from Clear Lake: Which one of these
2 forms of identification has seasonal limitations? Clear
3 Lake is in the northern part of the State. There's not
4 a lot of green sticker, red sticker issues up there. So
5 we had a mixed result of -- of answers. After our
6 training, though, we got our point across and presented
7 the information in a well-delivered process, obviously,
8 and we were -- outstanding instructors that day.
9 Hundred percent compliance or understanding of our
10 interpretation. And, again, the comparative slides for
11 those.

12 And, again, another question from Clear Lake:
13 Do all California OHV laws apply on private property
14 that is open and accessible to the public? Class
15 actually -- hey, somebody slipped in -- this actually
16 shows worse, doesn't it? Well, actually, we -- as
17 instructors, we actually look at this and say, What did
18 we do wrong? Did we word the question wrong? Were we
19 confusing in how we delivered the question? Our
20 information, how we presented it in class, do we get
21 them confused between public land or private land? So
22 these are issues and instructions that we take seriously
23 and we want to go ahead and tweak it and make it work.
24 And Tim had contacted all the officers after we had got
25 this data from our Clear Lake class, said, Hey, just

1 want to follow up. What did we do wrong? What could we
2 have done better? Here is what we were trying to say.
3 And, again, with the registration process, we know who
4 our students are and how they answered so we can follow
5 up individually with those people.

6 We get a bunch of reports that we can generate
7 from -- from this program. So, again, it talks about
8 our efforts, how we did, and our successes and what we
9 can do to improve.

10 And so one more test for you just to walk away
11 because I know you're itching to use those clickers
12 again. So, again, word scramble here, fill in the
13 blanks with the word -- with the letters available. All
14 right? So fill in the blanks with one, two, three or
15 fourth option. We only had one response. What's going
16 on here? Are we confused? Is that my -- is that me as
17 an instructor not being clear on the objective here?

18 UNIDENTIFIED SPEAKER: We pulled the clickers.

19 MR. PEARCE: Oh, we did? All right. Set me up
20 for failure.

21 Well, in that case, our last question there for
22 you mountain bikers are to -- mountain bike trails or
23 mountain bikers as legal OHV areas would be to which
24 group? Clickers are gone, but hopefully we'd receive
25 responses for No. 7, "All of the above and more."

1 With all the clickers, I don't need to warn you
2 that those devices will explode if they're taken a
3 hundred feet away from the computer.

4 So thank you very much. Any questions?

5 COMMISSIONER FRANKLIN: When did you implement
6 this training?

7 MR. PEARCE: January 25th was our first class
8 for Clear Lake. And that's when we incorporated this
9 program. We have another class scheduled April 18th at
10 Prairie City in Sacramento. So we'll be doing the
11 same -- same program.

12 CHIEF JENKINS: Just want to point out that
13 the -- investing the time and effort in this for us is
14 addressing one of the most common complaints we get from
15 the community which is uneven enforcement throughout the
16 State. If you're doing something in one area and you
17 encounter law enforcement and they don't say anything,
18 you know, you're not doing anything wrong and then you
19 go someplace else and that individual gets a citation,
20 and it leads to a lot of confusion. So these programs
21 are designed to make sure that we have consistent
22 enforcement throughout the State. And that's the key on
23 that anonymity. So during the program, it's anonymous.
24 But we can then afterwards look and see Officer X keeps
25 answering these questions wrong. We can follow with

1 them and make sure that they don't leave the class with
2 the wrong information. So that allows us to have that
3 consistency.

4 CHAIR LUEDER: Great. Yeah, that's a great
5 program.

6 Anybody else have any comments, questions?

7 Okay. So we are going to move on to public
8 comment on these reports. So this would be the Item IV
9 Reports, (A) Commissioners' Reports, and (B) Chief's
10 Reports. So anything that was covered in those reports,
11 we'll take public comment on.

12 Tom Tammone?

13 Karen Schaumbach? Pass.

14 Dave Pickett.

15 MR. PICKETT: I've got to pass. I've got to
16 review; it's been so long.

17 CHAIR LUEDER: Okay.

18 Tom? Tom Tammone. Thank you.

19 MR. TAMMONE: Well, thank you. Tom Tammone.

20 First of all, I just wanted to say I'm really
21 glad to see that Division's going on the education
22 program and doing the cell monitoring and getting
23 involved with the -- the Tread-Lightly-type training.
24 And it's a good concept, and I'm glad they see they --
25 finally seem to have got it going.

1 Thanks.

2 CHAIR LUEDER: All right. That concludes those
3 reports.

4 I'm going to return to our last Business Item
5 that we covered before lunch. I didn't complete the
6 full vote. So I called for all ayes, all noes, but I
7 did not call for any abstentions. Do I hear any
8 abstentions?

9 COMMISSIONER VAN VELSOR: I abstain. I abstain.

10 CHAIR LUEDER: Okay.

11 COMMISSIONER VAN VELSOR: Thank you.

12 CHAIR LUEDER: Thank you. That's item (4)(A) we
13 have one abstention. Thank you.

14 Okay. So we're moving on now to Item No. C
15 under Reports, BLM Report.

16 Jim Keeler.

17 **AGENDA ITEM C(1) - BLM REPORT - GENERAL UPDATE**

18 MR. KEELER: I'm Jim Keeler, BLM California
19 State Office, Off-Highway Vehicle Coordinator.

20 Members of the Commission, Chief, OHV staff and
21 public, I'm going to try to keep this as brief as I can.
22 Things are running long today, I know, for you.

23 Also, in keeping with Chief's idea that we only
24 had two weeks to prepare for this stuff, I tried to
25 focus mainly this report just on the land-use planning

1 stuff that's happening right now rather than sort of
2 generalized news. But I'd be happy if there's questions
3 that answer any specifics. And I know Commissioner
4 Slavik had a question earlier.

5 So to go -- jump right into it, on the land-use
6 planning, sort of at a statewide level, the most
7 important one that I know about is the DRECP, the Desert
8 Renewable Energy Conservation Plan, this is a big
9 amorphous conglomeration between Bureau of Land
10 Management and California Energy Commission, both of
11 whom have mandates to fast track renewable-energy
12 projects, particularly the California desert. So what
13 we're trying to do is to help lay out a map of potential
14 sites with minimal conflicts or environmental problems
15 in the desert, which has been picked over for 30 years
16 already between all the different issues out there. So
17 it's a huge project with big implications, very fast,
18 short time frame.

19 Right now planning's underway and a public draft
20 document is scheduled to be released around June 12th --
21 or, I'm sorry, June or July -- or June of 2012 for the
22 first public review. It's -- it's -- like I say, it's a
23 massive project. I finally got involved in it. I was
24 trying to stay away as long as I could. But on the
25 recreation and off-road vehicle side, there's just huge

1 implications in this thing, too. So it's a big project
2 coming at us.

3 The next thing is the Imperial Sand Dunes RMP,
4 which we kicked off in 2008. We thought we had it done
5 the first time. We got litigation, so we had to re-tool
6 and go back into it. And it's been dragging for a while
7 as we're trying to figure out the air-quality dust
8 emission issues and get an answer in that plan that will
9 carry us forward for a long time. And that just is a
10 moving target. It's a hard one to get to. We will
11 probably have the final available sometime later this
12 spring; I'm hoping before the summer.

13 Moving on to the California Desert District --
14 by the way, I did a much more extensive write-up on each
15 of these, and there's -- it's written in your stuff,
16 along with a link, in most cases, to the website that
17 gives you a lot more information.

18 Next one for us is the California Desert
19 District WEMO Plan, the Western Mojave. It's another
20 one that we thought we had completed, and through
21 litigation we're back reviewing it again and doing it a
22 second time. The planning area for WEMO is 9.3 million
23 acres in the western portions of the Mojave Desert of
24 which 3.2 million are public lands or BLM lands. And
25 what we're trying to do there is to re-evaluate the

1 entire road and trail network for off-road vehicles and
2 do a better job of demonstrating their reliable
3 environmental and other issues involved with it. To get
4 there, what we've been doing most recently is to go back
5 out to the public. We had a series of nine public
6 meetings that are just concluded to look at our
7 inventory of stuff that we're reviewing as a starting
8 place.

9 We have a -- very short time frames on these, so
10 we're -- have to complete the entire process of that
11 3 1/2 million acres by 2014. So we're moving as fast as
12 we can. We got through the initial stages by getting an
13 interim network in place and doing the mapping and
14 signing of that. It's -- so that's already been done.
15 We're just in the -- the black-box part of the plan
16 right now. But even though it has closed, we're still
17 taking comments on the route networks through April 15th
18 this year, which is a bad number in federal politics,
19 but that's another problem.

20 Going on with WEMO, BLM Districts are -- all
21 have a public body, which some of you guys know about.
22 In most cases they're called RACs or Resource Advisory
23 Councils. The California Desert District was created
24 with a Desert Advisory Council or a DAC. So BLM has, I
25 think, 56 RACs and one DAC. In any case, the Desert

1 Advisory Council has appointed a subgroup that is going
2 to be advising the RAC on issues. They'll look deeper
3 into the issues of the West Mojave and bring those back
4 to our management through the -- the DAC. That group
5 was just appointed, and it looks like they'll have their
6 first public meeting the week of March 12th. And Roxie
7 Trost in Barstow is the designated public official
8 working with that group.

9 Then the next big issue is U.S. Marine Expansion
10 from 29 Palms. It started in 2007. They began a
11 process to evaluate and withdraw land, if necessary,
12 from the Bureau of Land Management to increase the size
13 of the training facility for 29 Palms. They have
14 created a Draft EIS to do this that had six amendments,
15 including -- or six amendments -- I'm sorry -- six
16 alternatives -- there it is -- including a "No action"
17 alternative. And the preferred alternative right now,
18 if it goes through the way it's listed, 56 percent
19 of the existing OHV area in Johnson Valley would be
20 permanently closed, and the other 44 percent would be
21 available for public use ten months a year. So it's --
22 it's a drastic reduction if it goes through that way.
23 The current schedule for the plan, and it's mostly under
24 the management of the Marine Corps, is a final release
25 of the EIS in April of 2012, just two months out, with a

1 public comment -- or a public protest period and a final
2 decision in July. So that's right on our backs now.

3 Going on to the Central California, the Clear
4 Creek Management Area EIS should be available now within
5 probably sometime in April, at this point. That will be
6 out, I think, for a 45-day -- I mean it will come out as
7 a final draft -- or final decision, but then it has a
8 45-day period before it becomes a recorded decision.

9 And the last one I have on my list here is the
10 Bakersfield RMP or Resource Management Plan.

11 Bakersfield is kind of a strange one in that the whole
12 area is 1.2 million acres for the Bakersfield field
13 office, but of that there's only 400,000 that are BLM
14 managed. So it's a very small footprint, but it has big
15 consequences. That one they released a Draft EIS last
16 September, and it just closed in December. During that
17 time, they had six different public comment periods
18 across Central California and got 272 final comments out
19 of the whole process. And I think they're on a fast
20 track. They're going to try to get that done over the
21 next six or eight months.

22 So that's essentially my report unless anybody
23 has questions on any of these or any other issues.

24 CHAIR LUEDER: Commissioner Willard.

25 COMMISSIONER WILLARD: Thank you for the report,

1 Jim.

2 You had mentioned the Johnson Valley, there was
3 going to be an opportunity for final public comment.

4 MR. KEELER: Well, it -- it's what's called a
5 protest period. What has to happen at that point,
6 you're -- if you have standing from previous comments or
7 are part of an organization that has previous comments,
8 you are allowed to submit a protest through the process.
9 But the --

10 COMMISSIONER WILLARD: What -- what would be the
11 timing of that?

12 MR. KEELER: I think -- anybody can -- Eva
13 better than me could tell you. But I think there's
14 usually -- well, they said -- I think it's a three-month
15 period between --

16 COMMISSIONER WILLARD: Oh. Okay.

17 MR. KEELER: -- the -- the release and the
18 recorded decision.

19 COMMISSIONER WILLARD: And so we would be
20 protesting the -- the preferred -- the EIR preferred
21 alternative?

22 MR. KEELER: Or any piece of the plan you
23 wanted.

24 COMMISSIONER WILLARD: Yeah.

25 MR. KEELER: But I believe you even have to have

1 standing for having --

2 COMMISSIONER WILLARD: Right. I'd like to get
3 that on our next agenda as a Business Item.

4 CHAIR LUEDER: All right.

5 Thank you.

6 COMMISSIONER WILLARD: Thank you.

7 CHAIR LUEDER: Commissioner Kerr.

8 COMMISSIONER KERR: So we have standing, right,
9 because we wrote some comments last time.

10 MR. KEELER: That's correct.

11 CHAIR LUEDER: All right.

12 MR. KEELER: Commissioner Slavik, you had a
13 question for me about the --

14 COMMISSIONER SLAVIK: The permitting process.

15 MR. KEELER: Yeah. I think -- I would have
16 answered you at lunch when we were talking, but I
17 decided it's probably better to take it public. And I
18 think what I would like to tell you is that I'd be happy
19 to take specific comments, but, in general, a vague
20 dissatisfaction is kind of hard for us to deal with. So
21 what I guess I'd ask is that if people would -- I would
22 love to help them hook into the right people to complain
23 or to deal with their issues. There is a very formal
24 process through the DAC. Ever since Johnson Valley and
25 the big issue we had there, we have been tinkering and

1 trying to get this process a lot better managed, and in
2 some cases, that's a difficult thing for people that
3 have long-standing issues or long-standing events. But
4 I'd be happy to take a phone call or -- from either you
5 or the people that have problems.

6 COMMISSIONER SLAVIK: But I believe it's all the
7 Barstow field office that we're talking about as far as
8 the business matters are concerned. The information I
9 had is people aren't returning telephone calls, that
10 they are putting people off that want -- you know, are
11 asking for permit -- to apply for a permit. They're
12 giving them basically a lot of hoops to jump through,
13 that they can't get the permit in time within the time
14 frame, and that several clubs actually put off their
15 events this year and hopefully trying to get on the
16 docket for next year. But I can get some people to call
17 you.

18 MR. KEELER: That -- that -- that's fine. And
19 I -- you know, in general, I try very hard to push those
20 back to the fields to deal with, but just note that
21 there was issues. But there is, through the same --
22 Desert Advisory Council also has a subgroup that works
23 with these. And in general, the -- the official
24 comments have been pretty comfortable that things are
25 improving. So --

1 COMMISSIONER SLAVIK: I can't imagine District
2 36 down there hasn't made their complaints known to the
3 field office -- 37. I'm sorry.

4 (Multiple speakers.)

5 MR. KEELER: Or 38. But anyway, I'd be happy to
6 take some more information on that. But I need more
7 sustenance to it and --

8 COMMISSIONER SLAVIK: Yeah. I understand.

9 MR. KEELER: It's been an excruciating process,
10 I think both for the Bureau and for the -- the people
11 with the various permits out there.

12 Thank you.

13 CHAIR LUEDER: All right. Thank you for that
14 report.

15 MR. KEELER: Thank you.

16 CHAIR LUEDER: We're going to take public
17 comment on the BLM Report.

18 Dave Pickett, followed by Amy Granat.

19 MR. PICKETT: Dave Pickett, District 36.

20 Our relationship with BLM is perfect in
21 District 36. I would ask Jim if he might advise the --
22 the Commission on an update concerning the H2930-1
23 Permit Guidebook. There was a meeting down in southern
24 California about a complete revamp of the process that
25 would be more amicable to an event plan rather than hard

1 guidelines that may not apply to one type of recreation
2 versus the other four-wheel drive versus a motorcycle.
3 And I would say something about BLM in Nevada, but
4 that's not in this case.

5 So that's -- that's my main comment. Thank you.

6 CHAIR LUEDER: All right. That you, Dave.

7 Amy Granat, followed by Tom Tammone.

8 MS. GRANAT: Amy Granat with California Off-Road
9 Vehicle Association. CORVA actually had an interesting
10 appointment this week with the State Director Jim Kenna
11 and a number of other individuals. And we thank the BLM
12 very much.

13 There's just one piece of information. I asked
14 Mr. Kenna if it was okay if I quoted him because he
15 indicated that he'd like a new wave of integrity to go
16 through the BLM office. And I really liked what we had
17 to say, and I suggest we hold him to it. So I actually
18 wanted everyone to hear it. He's talking about three
19 forms of integrity that are very important: The
20 process, agency, and decisions. What it basically boils
21 down to is that the public needs to understand the
22 process, there needs to be integrity throughout all the
23 steps of the process, and that the behavior inside the
24 agency is going to reflect on what the public -- how the
25 public views the BLM. And I think he's right. And some

1 of the options -- some of the issues that we have had
2 specifically with Clear Creek we have seen a lack of
3 integrity, you might be able to say. So I'm looking
4 forward to -- very much to this new behavior and suggest
5 that when it comes time for these EISs to come
6 through, these Final EISs, we remember the word
7 "integrity" and -- and use it to really probe deeply
8 into what they have concluded.

9 Thank you.

10 CHAIR LUEDER: Thank you, Amy.

11 Tom Tammone.

12 MR. TAMMONE: Thank you. Tom Tammone.

13 Recently last year I attended two DAC meetings,
14 and a lot of people that are attending these meetings
15 are very unhappy with the public process as far as BLM
16 and -- and these alternative energy projects. A lot of
17 them feel they were disenfranchised and they were shut
18 out of all the processes. And I'm a little concerned.
19 It seems like there's been a real effort to ramrod these
20 things through. A lot of the environmentalists, along
21 with myself, are not all that thrilled about surrounding
22 public lands for this purpose. You're putting these
23 things out there way out in the desert that are going to
24 require more infrastructure as far as transmission lines
25 and a power grid to deliver the power they produce as

1 far as solar energy. It pretty much shines just as
2 bright in the areas where they're bringing the energy to
3 as they do out in the desert. So a lot of us feel are
4 you better off putting the solar panels on homes or
5 locally closer by them and -- which would tend to take
6 the stress off the power grid rather than overloading an
7 already overworked power grid, especially with talk
8 about wanting to bring more electric cars into the fold.
9 Every electric car out there uses about the same amount
10 of power as a house. At some point they're going to
11 have to start being managers as power meters. Every
12 time someone buys them, at some point the equivalent of
13 one person in that area is going to have to be powering
14 their house through alternative energy. So the only way
15 to accomplish that is with what we call point-of-use
16 generation. (Unintelligible) ought to be funding people
17 to get involved with solar projects or
18 alternative-energy projects on their own property as
19 opposed to swallowing up our public lands. And it makes
20 perfect tentacles and some economical sense to do it
21 that way, too. The problem I also have as an OHV'er, it
22 seems like every time there's an energy project, they
23 wind up surrendering about four times that in land for
24 land to be set aside as part of some nature preserve or
25 something. So it's -- it's not good for our interest,

1 and it's technically not feasible, and not everybody
2 agrees with it. And I understand that there's even
3 falls out -- fallings out amongst the upper leadership
4 in the Sierra Club over the issue. Everybody likes
5 dealing with the big companies. They like the
6 donations, they like the perks, but it's not necessarily
7 the best way to go.

8 Thank you.

9 CHAIR LUEDER: Thank you, Tom.

10 COMMISSIONER KERR: (Unintelligible.)

11 CHAIR LUEDER: Yeah, Commission Kerr.

12 COMMISSIONER KERR: So just to be clearer, you
13 know, I make a lot of my living building solar power
14 plants but not out in the desert.

15 I did want to ask, though, this is a relevant
16 issue for the OHV community, and I was a little unclear
17 as to who's attending the meetings now. Because I know
18 that we had -- you know, Daphne was part of a working
19 group that was dealing -- you know, had been formed by
20 the California Energy Commission, and she was attending
21 some of these meetings on behalf of the OHV community.
22 Who's doing that now, and where's the update on what's
23 going on, and, you know, do Commissioners need to go
24 testify, that kind of thing.

25 CHAIR LUEDER: Chief Jenkins, yes.

1 CHIEF JENKINS: Yeah, since Daphne has been
2 gone, I've been attending those meetings. Given that --
3 the doubling of the workload that I have right now, when
4 I'm not able to attend, we do have a staff member who
5 was staffing Daphne all through the process who's now
6 staffing me through that process. So at every meeting
7 we are -- we have either myself or -- and/or Connie
8 Latham from our Division attending and monitoring all of
9 the decision-making process. In addition, the
10 Department just recently hired a person that works in
11 the operations side of the house specifically to track
12 and monitor on some of the DRECP issues.

13 So if I -- certainly if I hear anything that
14 impacts our areas of interest, I would bring that to you
15 all.

16 CHAIR LUEDER: All right. Thank you.

17 So we're going to move on to Item No. 4(D), U.S.
18 Forest Service Report. We have a representative.

19 **AGENDA ITEM IV(D) - U.S. FOREST SERVICE REPORT -**

20 **GENERAL UPDATE**

21 MR. VILLALVAZO: Good afternoon -- is this on?

22 CHAIR LUEDER: Yeah.

23 MR. VILLALVAZO: Yeah. Good afternoon,
24 Commissioners, Chief, staff, and folks in the audience.
25 My name is Ramiro Villalvazo. I am the director for

1 Public Services for our Pacific Southwest Region for the
2 Forest Service, which covers all of California and the
3 18 National Forests.

4 Some of you may know Kathy Mick who usually is
5 the person who provides this report. But I've been on
6 this job for six months, approximately, and wanted to
7 take advantage of coming meeting you and also give you
8 this -- this report. So I'm glad to be here.

9 COMMISSIONER SLAVIK: Excuse me. Can you spell
10 your last name, please.

11 MR. VILLALVAZO: V -- as in "Victor" -- i -- you
12 have lots of room? Okay. V -- as in "Victor" --
13 i-l-l-a-l-v-a-z-o -- Villalvazo. It will be a quiz
14 later.

15 So, first of all, I want to update you on our
16 Travel Management. As you know, all our -- all our
17 forests went through Travel Management, and the forests
18 that have recently completed their Vehicle Use Maps
19 include the Shasta-Trinity National Forest, the Modoc
20 National Forest, Klamath and the Six Rivers National
21 Forest. So this pretty much rounds off -- rounds out
22 all but one of the 18 National Forests to get out there
23 what we call the emblems, the national -- the Motor
24 Vehicle Use Maps.

25 Each of these maps is available and is found on

1 websites at each national forest website and also at a
2 central website that you have before you.

3 By the way, folks in the audience, there's
4 copies of this report that will be available in the
5 back.

6 So units are continuing to implement the
7 designations of the roads through the Travel Management
8 Plan through completing trail maintenance, mitigating
9 work on new trails and installing signs, kiosks,
10 improving kiosks -- excuse me, websites, et cetera. So
11 that continues to be part of every single national
12 forest effort.

13 New projects we're working on -- or continue to
14 work on is the training on the green, yellow, and red
15 soil monitoring process as requested for providing field
16 units with on-the-ground training to assure grant
17 regulations are -- are held to and also are in
18 conjunction with maintenance plans. We are also working
19 on additional wet-weather strategies working with the
20 field and a soils scientist, Roger Pough, to develop
21 strategies to approach wet-weather management.

22 Also, speaking maybe to the concern brought up
23 this morning of -- of maps that folks use in the field
24 that are not user-friendly or clear, we are working on a
25 very important project to have what are called -- and --

1 and I think all of you have seen these, the
2 user-friendly motor vehicle maps which are not printed
3 on newspaper print, which are weather resistant and
4 provide color and provide a much better opportunity for
5 the public to know where they are and where they can go
6 and -- and that sort of thing. Although I was pleased
7 to hear that the encounter with the law enforcement
8 officer was a friendly one and -- because we have heard
9 other types to reports.

10 In terms of our budget, our budget is --
11 continues to go down. We are -- we all are facing
12 similar issues. This year another 6 percent for our
13 trail-specific funding, and that is for all our trails
14 not just for OHV trails, includes hiking trails,
15 et cetera. And we're doing all we can in our offices to
16 make sure that as much of that funding can get down to
17 the field. And I think it's valid to share and
18 appropriate to share that we continue to rely heavily on
19 the Trust Funds. I've been with the agency 30 years,
20 started with the -- with the Forest Service as a
21 landscape architect and have been able to participate
22 in -- in providing facilities through design and
23 planning for OHV facilities, and now management -- my
24 previous job was as a Forest Supervisor on the Eldorado
25 National Forest, and very, very much had an opportunity

1 to see the value of the relationship that we have
2 with -- with the Commission and use of the Trust Fund.
3 So we don't take that lightly, I just want to assure
4 you. And in my role as director, I will continue to
5 work very -- have a very important relationship now
6 with -- with Phil and with -- with you folks, too. I
7 look forward to that.

8 Litigation, we have our share. Recently a judge
9 vacated the Trail Management decision -- aspects of the
10 Trail Management decision on the Eldorado National
11 Forest; coincidentally, the last forest I was on. It was
12 a decision that I had signed. But it had to do with
13 vacating an aspect of the decision that removed some
14 segments of trail from meadow areas, wet crossings and
15 that sort of thing. And all in all, it represents less
16 than five miles, but all tolled in terms of overall
17 trails that connect to them and access to these areas,
18 we're talking about a hundred miles. So the court
19 ordered the Eldorado National Forest to prepare a
20 Supplemental Environment Impact Statement. Just this
21 week they were in the Regional office talking to our
22 NEPA folks and other key parts of -- of the staff in the
23 Regional office to get going on that. I don't have
24 information as to when the judge said that was due, but
25 I know they were already starting on it. The decision

1 was just about a week or two weeks ago.

2 There's still a couple pending litigations: One
3 with the Klamath National Forest and another with the
4 Stanislaus. The issues have to do with NEPA
5 sufficiency, concern for wildlife issues and that sort
6 of thing.

7 As you may or may not know that there is a
8 national litigation that the Washington office was
9 served concerning Subpart C having to do with over-snow
10 travel. And that is challenging the Forest Service
11 regulation that stipulates that doing Subpart C is
12 voluntarily not mandatory. In other words, we will do
13 Subpart C if we -- if there -- if a forest finds that it
14 is necessary to do so because they receive sufficient
15 snow to have snow activities. And if there's conflicts
16 there, they will embark in that. But the challenge is
17 the folks that are challenging the Forest Service do not
18 like the fact that it is not mandatory. So our national
19 office is dealing with that.

20 A potential for new litigation. Right now we've
21 been notified but we haven't been served about the
22 over-snow vehicle program that is funded by Trust Funds.
23 I'm not sure -- it's not the green sticker, but it comes
24 out of the General Operations Funds. I'm not sure if
25 I'm saying that correctly, but -- so we're -- we're

1 looking over that. Our Office of General Counsel is
2 reviewing that. And, again, we haven't been served; we
3 hope we are not. And only time will tell if we do
4 receive -- get served on that.

5 The Subpart A process, we're working on -- we
6 have until the end of September of 2015 per direction
7 from our Chief to get Subpart A completed. And our
8 Regional office is working on template tools for our 18
9 National Forests to get working on that.

10 And also want to mention that earlier we heard
11 of the Cleanup and Abatement Order on Carnegie. Well, a
12 couple years ago we received one for the Rubicon when I
13 was there, also on the Eldorado, and we just completed
14 the Draft EIS for working through that.

15 That concludes my -- my formal update. Any
16 questions?

17 CHAIR LUEDER: Commission Van Velsor.

18 COMMISSIONER VAN VELSOR: Yes.

19 Ramiro, thanks much for being here and providing
20 that update for us.

21 I did have just one question regarding the
22 wet-weather strategy. Could you just expand on that a
23 little bit.

24 MR. VILLALVAZO: Well, we understand that -- you
25 may know -- most of you may know that through the Travel

1 Management, there have been seasonal -- a lot of forests
2 adopted seasonal closures. But we're also looking at
3 other opportunities. If they weren't seasonal closures,
4 what kind of strategies could be used to determine parts
5 of the forest being open or closed. Some of you know
6 the Rock Creek area, which is managed -- when there's a
7 certain amount of precipitation, it's closed, and then
8 there's a 48-hour drying period, and then it's opened
9 and then it's closed. And it's been somewhat difficult
10 to manage. And so the strategies that we're looking at,
11 other opportunities how we might be more efficient that
12 would provide the best opportunity to both protect the
13 resource and also provide the most amount of
14 opportunities for folks to recreate on the forest.

15 CHAIR LUEDER: Commissioner Willard.

16 COMMISSIONER WILLARD: I just want to make sure
17 I understand on the litigation on the Eldorado. It says
18 that the judge vacated the decision on routes and
19 meadows, and you said it was five miles, and then -- but
20 a hundred miles worth of trails. So does that mean that
21 there's a loss of a hundred miles of riding opportunity
22 in the Eldorado now?

23 MR. VILLALVAZO: You understood correctly, that
24 of the total vacated -- the vacated decision, they're
25 concerned about wet crossings and meadows. And they are

1 in the forest, and the total of those areas only are
2 five miles, but -- because these are connected to larger
3 segments. Part of what our folks were doing in our
4 Regional office this week were looking at opportunities
5 of where we can avoid the larger impact, because as --
6 as you correctly understood, when you add all the
7 connected routes, there -- it is over a hundred miles or
8 approximately a hundred miles. So what we're looking at
9 is opportunities, what -- what we can do with signing,
10 strategic closures so it wouldn't affect that many
11 miles. But just all tolled, just looking at it grossly,
12 that's what it looks like. But we are looking at how we
13 can avoid impacting so many of those miles. But the
14 order is the order, and we have to make sure that our --
15 our public cannot reach those areas.

16 CHAIR LUEDER: Commissioner Slavik.

17 COMMISSIONER SLAVIK: Ramiro, am I to understand
18 that you are now our liaison with the Commission and --
19 and staff?

20 MR. VILLALVAZO: That's correct. Kathy Mick is
21 on my staff, and she directs -- has most of the
22 communication, but she works for me. And yes, I -- I am
23 the primary connection.

24 COMMISSIONER SLAVIK: Well, welcome.

25 MR. VILLALVAZO: Thank you very much. It's good

1 to be here.

2 CHAIR LUEDER: I think that concludes our
3 questions.

4 Thank you very much, Ramiro, for coming down on
5 a Saturday. We really appreciate it. And we're going
6 to have public comment. So thank you.

7 So Dave Pickett, followed by Diane Mead.

8 MR. PICKETT: Dave Pickett, District 36.

9 I have a -- a couple of comments here. Maybe
10 Ramiro can address them. I'm not trying to put him on
11 the spot, but it's -- I'm passing on the information
12 that was supplied by a lot of folks that call me looking
13 for answers.

14 One of them is the wet-weather closures that are
15 taking place. As an example, I live very close to the
16 Eldorado National Forest. It's 72 degrees at my house
17 at 4,200 feet right now, and all the forest trails are
18 closed for wet weather. So I called Lester Lubecken up
19 at the Placerville office and said, "Give me some kind
20 of -- something to tell these folks." And he says,
21 "Well, we have to do a full-blown EIS for the Forest
22 Supervisor to open it." And that's not what I've been
23 led to believe, that it's the Forest Supervisor has the
24 decision to close an area early if there is possible
25 resource damage because of wet weather in excess of the

1 standards, but the reciprocal, when it's dry like right
2 now, it is choice riding in the Sierras. Usually Mother
3 Nature shuts it down. But I have a -- I have a problem
4 with that. So I'd like Mr. Villalvazo to address that.

5 The next thing is one of my clubs was notified
6 that all motorcycles at permitted events are not to be
7 unloaded out of their pickup trucks unless there's a
8 noxious weed inspection of the vehicles to make sure
9 that they're clean. This may be part of permits for the
10 near future. I really have a problem with this one.

11 And one that's occurred last year is -- this is
12 a highway issue, called Mormon Emigrant Trail. It goes
13 from the back side of Placerville up through to
14 Highway 88. And normally it's closed in the wintertime
15 so that OHV can use it, but there was a change in that
16 where it's to remain open even with eight feet of snow
17 on it. Since it's an open roadway, OHV is not legal. I
18 find that very, very punitive for the OSV crowd.

19 And that's what I had to say. Thank you.

20 CHAIR LUEDER: Thank you, Dave.

21 Diane Mead, followed by Amy Granat.

22 MS. MEAD: Diana Mead with CORVA.

23 I would like to also comment on the wet-weather
24 closures. Stoneyford is located in the Mendocino
25 National Forest, premier riding. And we're very lucky

1 to have such large places to ride. But the problem with
2 declaring wet-weather closures is that where they're
3 measuring the rainfall, the precipitation I believe is
4 something like 75 miles away, still in the forest.
5 There may have been no rain at Stoneyford. The trails
6 are closed; the users are angry. But conversely, it may
7 rain at Stoneyford and the trails do not close because
8 75 miles away there has been no precipitation. If there
9 might be some consideration given to having staff on the
10 ground look to see if it's actually raining before a
11 closure takes place, it might be more beneficial to both
12 the users and -- and our resources.

13 Thank you.

14 CHAIR LUEDER: Thank you, Diana.

15 Right. Okay. I'm going to close the public on
16 that item.

17 And we are going to move on to Item E, Carnegie
18 SVRA. I'd hoped to have these items together, but due
19 to our...

20 MS. McFARLAND: Wow, I should have brought a
21 box.

22 **AGENDA ITEM IV(E) - CARNEGIE STATE VEHICULAR RECREATION**

23 **AREA (SVRA)**

24 MR. WILLIAMSON: Good afternoon, members of the
25 Commission, honored guests. My name is Bob Williamson.

1 I'm the District Superintendent for Twin Cities
2 District, which includes Clay Pit, Prairie City, and
3 what we're here to talk about today is Carnegie SVRA.

4 Carnegie, as you have found out the last two
5 days, inspires passion among a great many people.
6 And you'll be hearing from people about the subject that
7 they're most passionate about. But first I'm going to
8 introduce some members of my staff that will be coming
9 up to give portions of a presentation to you. We'll be
10 covering park history, Resource Management Program, the
11 Public Safety Program, and Education Interpretation
12 Programs.

13 First up is going to be State Park Interpreter
14 Elise McFarland.

15 MS. McFARLAND: Thank you, Bob.

16 Now it's a little low. Let's see.

17 All right. Well, thank you for having us. And
18 we're going to take probably about a half an hour here
19 to go through the things that Bob just mentioned. And
20 we'll start with history and overview.

21 Are you switching it, Debbie, or am I? Sorry.

22 MS. BURGESSON: (Unintelligible.)

23 MS. McFARLAND: Okay. That works.

24 Okay. I'm going to start with a quick history
25 of the human use of the canyon. I know you all -- many

1 of you saw our Carnegie and Tesla yesterday. So we're
2 going to go back in time a little bit today.

3 For at least 5,000 years, people have used
4 Corral Hollow Canyon for various things: Hunting,
5 gathering, as a travel corridor, mining and industry,
6 and recreation.

7 Hey, it works. Cool.

8 So the periods of use are Native Californians,
9 Spanish explorers, gold rush, coal mining, brick and
10 pottery, and OHV use.

11 So hunting, gathering, and ceremony.
12 California's Native People, ancestors of today's Ohlone
13 and Yokut, left evidence in their time in the canyon in
14 the form of ceremonial carvings. The upper photo that
15 I'm showing you is actually a rock-art site with a
16 beautiful view. So that was one of the uses. Also,
17 trading in the canyon, and hunting and gathering. I
18 mentioned yesterday that there's not a lot of water in
19 the canyon, and that's a possibility why we find very
20 little evidence of home sites.

21 So Spanish explorers. Something happened in our
22 canyon in 1776. Does that date ring a bell with
23 anybody? 1776? Yeah, it -- it -- it wasn't the
24 Revolutionary War. Juan Bautista De Anza came through
25 the canyon on his way from San Francisco back to

1 Monterey on one of his voyages of discovery. So the
2 Spaniards named the canyon El Arroyo De Las Buenos
3 Aires -- my Spanish is terrible. Sorry about that -- or
4 The Creek of the Good Winds. And De Anza's route later
5 became a trail heavily used by the Spanish to get
6 through the Diablo Range.

7 So during the gold rush, Corral Hollow Canyon
8 became a way that people got from San Francisco to the
9 southern mines around Yosemite. And because of this,
10 there was a group of people who got together and started
11 a business in the canyon called The Zinc House. And The
12 Zinc House provided food and drink for travelers coming
13 through.

14 Let's see. And then in the mid-1800s and later,
15 people raised sheep in the canyon, but it was rough
16 because getting from -- getting the sheep from grazing
17 to water was a challenge.

18 So yesterday we talked about the Tesla Mining
19 District. Here's another view of what we saw yesterday.
20 You might recognize those tailings piles. We were
21 standing, actually, right about smack dab in the middle
22 of that picture yesterday.

23 So in 1855, surveyors for a railroad found coal
24 in Corral Hollow Canyon, and different operations mined
25 coal until 1890 when John Treadwell bought the area up

1 and started the San Francisco and San Joaquin Coal
2 Mining operation.

3 A town sprung up around the mines that included
4 a hospital, library, community center, hotel, general
5 store, and Catholic Church. But the town of Tesla only
6 lasted for 15 years.

7 Carnegie Brick and Pottery started in 1902 when
8 clay mining began to supplement the income of the coal
9 mines. Let's see. And Treadwell named his newest
10 operation after someone he admired, philanthropist
11 Andrew Carnegie -- but we say "Carnegie." It's funny,
12 isn't it.

13 By 1910 as many as 110,000 bricks a day were
14 being shipped out of Carnegie to build some of
15 California's most beautiful buildings. The plant closed
16 in 1911 despite high -- high demand for brick. And what
17 we're looking at now, if you're at all familiar with the
18 park, is we are looking northwest down the canyon from
19 above the ATV track. So the ridge that we see at the
20 lower side of the picture is the railroad right-of-way,
21 and you can still see that today next to our ATV track.

22 So in the 1930s and '40s, people started
23 dirt-bike riding at Carnegie. The large photo is from
24 the Tracy Gear Jammers. They had a hill-climb event in
25 the 1950s at Carnegie. And it wasn't long before

1 Carnegie became known for hill climbing.

2 So I'm going to turn it over to our
3 Superintendent Joe Ramos here.

4 MR. RAMOS: Thank you, Elise.

5 Good afternoon, Commissioners, Chief Jenkins,
6 members of the audience. Joe Ramos again, Sector
7 Superintendent.

8 It was a great privilege and honor to have
9 everybody that was able to make the tour yesterday
10 because we were really able to show you some of the
11 challenges, but those challenges ended up being unique
12 opportunities for our riders. That really challenging
13 terrain, as we saw, also prevents -- or, excuse me,
14 presents some management challenges as well. So before
15 we can really look at the park today, it's really
16 helpful to take a look back, just as Elise has been
17 saying, and see where we've been, look at our routes.

18 So in 1979, the park -- the State actually
19 purchased the privately owned Carnegie Cycle Park. And
20 by 1981, the General Plan was approved, and Carnegie was
21 on its way. But even prior to that time with the
22 Carnegie Cycle Park, there was a -- really a rich
23 tradition of special events, of legendary riders and
24 the -- actually tradition that we are actually able to
25 inherit. And part of that time, in the early 1970s,

1 there was this new up-and-coming sport called motocross
2 that was really popular in Europe. And one of the
3 international motocross stars and kind of the unofficial
4 ambassador, Roger Decoster, was kind of on the forefront
5 to say, You know what? We need to bring that exciting
6 sport to the United States. And luckily for Carnegie,
7 that was one of the tours on that Trans AMA race that --
8 that inaugural circuit to bring that sport to Carnegie.
9 And, actually, some real safety history was made at that
10 time. As I'm sure most of our riders know better than I
11 do, that in that -- 1970s, there was a legendary race
12 where Roger Decoster was competing, a slower rider got
13 in his way, he had to take a little bit of an offline
14 that he didn't like, went flying through the air, didn't
15 land correctly, actually landed a bit flat and literally
16 broke his motorcycle in two. It separated at the triple
17 clamps. Roger De Coster -- and, again, at the time, it
18 was an open-face helmet. Roger De Coster did a nice
19 amazing face plant, suffered some really serious
20 injuries, but being a statesman, that spirit of "I care
21 about other people as well as myself," Roger refused to
22 be transported to the hospital because he knew if he did
23 that that would take the only available ambulance away
24 from the event, and Roger wasn't going to have that
25 because they would have to stop the race. So he waited,

1 let everybody else finish, and then and only then would
2 be -- allowed himself to be taken to the hospital. But
3 after that, with the next racing season, Roger Decoster
4 started wearing this newfangled Bell helmet, full face,
5 again, to protect himself. And that next racing season,
6 if it was good enough for Roger Decoster, it was good
7 enough for everybody else. So that bit of -- of safety
8 tradition was born right at Carnegie.

9 As we look now into the -- into where we are
10 today, Carnegie's still primarily a motorcycle park, as
11 we understand, because of the nice challenging and
12 exciting hills. But also with the advent of technology,
13 we've got quads, side-by-sides, four-wheel drives,
14 trials motorcycles, specialty construction vehicles, all
15 providing an amazing array of -- of recreational
16 opportunities for our visitors. But also with Carnegie
17 we provide 25 campsites, 71 covered shade ramadas. We
18 also have two kids' tracks, a beginners' riders' area.
19 We have a special -- special-event hill-climb area. In
20 addition, we have combination quad and motocross track
21 or MX track, the adult MX track, a four-wheel drive play
22 area, and a trials area, in addition to 170 miles of
23 trails. So if you look at all that mixed together, we
24 provide an amazing array of recreational opportunities
25 in what's really a very small footprint. And as I

1 talked about the legends and the legacies of the past,
2 we keep hearing today about the future, about what
3 Carnegie means to our public, to our riders. That
4 tradition of competitive spirit and events continues to
5 this day as an example. We have one of our local
6 Carnegie riders, Casey Martinez, who is actually lucky
7 enough to be able to participate in the 2011 X Games in
8 Los Angeles. And not only did she compete, she was
9 actually leading for a large part of that, and still
10 managed to be a bronze medalist. She was also named the
11 2009 AMA Female Rider of the Year. She's also a
12 multi-time champion that works racing series, and just a
13 great ambassador for the sport. It all started at
14 Carnegie because, again, of the unique and exciting
15 terrain.

16 We also have another legendary rider now, an
17 exciting rider, youngster, Petey Krunich, who has become
18 such a professional rider, his dad Pete teaching him,
19 that now he is one of the premiere riders in the
20 hill-climbing industry. Petey Krunich, more often than
21 not, is the rider that people look at to say, "We've got
22 to beat that guy," and, in fact, again, on a very, very
23 small list of people that have been able to challenge
24 and conquer the legendary Widow Maker Hill Climb. Petey
25 Krunich is one of the very few people in the world to

1 have made that happen. And so I don't get in trouble
2 with his dad Pete, Pete also made it over the top. So I
3 got them both in there. But that is an incredible,
4 incredible accomplishment. Again, it shows the
5 multi-generational connections that we -- we foster at
6 Carnegie thanks to the exciting terrain.

7 Also, when we talk about looking at some of the
8 tracks and the facilities, as we showed yesterday in our
9 tour, we've also -- we've been able to do a major
10 upgrade of our 70cc kids' track. We've also continued
11 to use recycled mulch on our tracks. We're talking
12 about dust control, and it not only helps with dust
13 control, but it also helps just for the better track
14 surface. And as you saw, we did some major upgrades to
15 the four-wheel drive play area, and also we actually
16 were able to move our trials area to -- that was
17 actually displaced because of the creek realignment.

18 Again, as we look at our maintenance areas
19 now -- and catch up with my slide here -- it really is
20 helpful to look at our -- at our maintenance series and
21 our park operations. It's just like a small town.
22 We've got sanitation to worry about. We've got roads
23 and trails. We've got park facility maintenance just
24 like a city park, signs, public safety, all the things
25 that help us to really operate the park on a day-to-day

1 basis. And we've been really lucky at Carnegie to
2 actually, basically, get some -- some of our -- our best
3 trade and maintenance staff and retain them. The level
4 of competence now, from when I first got there, is
5 amazing. We've been able to really bring some good
6 crews in. Because of that, some of the projects have
7 included -- we looked at our antiquated smaller wooden
8 buildings in our maintenance area; they were no longer
9 in fire code. We needed to get a large metal structure.
10 So we were able to -- from pouring the concrete
11 foundation to all the way to construction of the entire
12 building was done in house, and it saved us tens of
13 thousands of dollars by keeping that in house.

14 Also what we've done is major campground
15 improvements. We found our deteriorating shade ramadas
16 were too low. We, again, constructed and poured
17 concrete pads, made them a lot higher. We purchased
18 barbecue grills and bird-proof trash cans, which may not
19 sound like a lot, but anybody that knows that goes out
20 there, those birds, after our campers are gone, they
21 love to spread trash everywhere. So it actually helps
22 us with our Stormwater Management Plan.

23 We also continue to upgrade into the days areas.
24 We've added those same bird-proof trash cans. We've
25 also added those same new barbecue grills. Our park

1 maintenance facility staff also deals with septic
2 systems, replacing entire tanks; well-pumping systems
3 and well tanks. And we've actually worked to increase
4 the first impressions by -- as you saw when we were
5 first gathered at that Pals' Trading area, planting some
6 trees, redesign of the -- of the front entrance because
7 it is important. That first impression that our
8 visitors get of Carnegie is extremely, extremely
9 important.

10 Some additional amenities that we have at
11 Carnegie are the Moto Market concessionaire's store that
12 we saw yesterday. We also, thanks to a visitors'
13 survey, realized a few years ago we didn't have a shower
14 facility. Our visitors say we really needed to do that.
15 So we went ahead and said, okay, we can construct that
16 -- that shower facility for that. We also have loading
17 ramps strategically placed throughout the park. And we
18 do have a free pumping tire station over by our
19 maintenance yard.

20 So as we look to the future -- and I love that
21 little picture of the little guy down there -- we see
22 that same connection, just like we had when we were
23 talking about in our tour, that yes, we know there are
24 challenges moving into the future. You know, our
25 riders, I think, have stepped up in a really big way.

1 We've asked a lot of them recently, and they understand,
2 it's like this is the way of the future. This is the
3 way to be responsible stewards of that land, but it's
4 also important that we don't forget -- and our riders
5 have made it really clear to me, we cannot forget our
6 heritage, our legacy. What brings people to this park
7 is the unique and exciting future that that can bring,
8 the challenges and the opportunities. And it is our --
9 it is our intent as we go into the future to maintain
10 some exciting, outstanding recreation while still being
11 environmentally good stewards of the land.

12 Thank you.

13 (Applause.)

14 MS. BUCKINGHAM: All right. Good afternoon,
15 everybody. I'm Jennifer Buckingham, the Twin Cities
16 District's Services Manager. I'm here to talk about our
17 Resource Management Programs. It's a good deal of
18 information; bear with me, but we're really proud of
19 what we've been doing and what we currently offer in
20 terms of recreational and natural and cultural
21 resources. So I'm going to try to get through slides
22 and show you some of what we're all about.

23 So we'll begin with cultural resources.

24 Carnegie has a number of prehistoric and historic
25 resources, which truly tell the tale of this canyon and

1 are extremely important and valuable artifacts that
2 require both protection and consideration in our
3 everyday operations. We work side by side with our
4 division archeologists to determine whether any cultural
5 resources are present in an area where work or
6 restoration activities are proposed and can then ensure
7 these features are avoided and protected.

8 We've over a hundred features that exist and are
9 recorded, and we actually contracted with Sonoma State
10 to come out and do a full inventory and record for us,
11 which has been fantastic. We own quite a bit of
12 property out there, and we've got some tremendous
13 resources. With that in mind, we work with the
14 California Archeological Site Stewardship Program, also
15 known as CASSP. And they assist with providing training
16 to volunteers statewide and locally to come out and
17 assess and monitor these archeological artifacts, and
18 then they provide us, the land managers, with site
19 reports, which include critical information about the
20 sites and about the conditions, and that way our
21 archeologists and managers can ensure preservation of
22 these features.

23 What's fun to note is -- actually, the top
24 picture was a very intensive partnership with Federal
25 and State agencies to close a number of mining features

1 throughout the Tesla site. This was due to deaths that
2 had occurred in other mines in California and
3 nationwide. But we really looked to also include
4 species management in that. So that's why you see the
5 grates; it protects the site and vandalism and the like,
6 but it also allows for access to bats that we have that
7 fly in and out.

8 Next I want to talk about our Habitat Monitoring
9 System. As with all of our SVRAs, Carnegie implements
10 Annual Species Surveys under the Habitat Monitoring
11 System Program. Recently we contracted with an expert
12 group of scientists under UC Davis who provided some
13 stringent review and evaluation of the HMS Program and
14 survey protocols. A number of recommendations were made
15 to better assist our staff in determining the value of
16 these survey results as they relate to the goals and
17 objectives set forth in park management planning
18 efforts. So the new protocols have been implemented and
19 are quite cutting edge for State Park Resource
20 Management.

21 Did I skip one there?

22 Okay. We have amphibian surveys, and these are
23 conducted throughout the winter and spring months. The
24 park unit sustains very healthy populations of many
25 frogs and toads, salamanders and newts, including the

1 presence of red-legged frog, California tiger salamander
2 and spade-foot toad, who are all listed species. We
3 have 20 active ponds throughout the park that we manage.

4 We have active bird monitoring. This occurs in
5 spring and fall through point-count surveys, and it's
6 conducted with the assistance from Audubon members who
7 have been fantastic. We have approximately 130 bird
8 species found within the park unit, included listed
9 species such as the golden eagle and Cassin's Kingbird.

10 We implement small and large mammal surveys,
11 again, throughout the year, using Sherman traps, track
12 plates, game cameras as well as nocturnal surveys and
13 site-specific monitoring during restoration and
14 maintenance activities.

15 Now we get to the meat and potatoes of what
16 we've been talking about a lot today. Trails done for
17 vegetation surveys, they occur as needed as well as
18 every five years on the vegetation survey side through
19 field measurements and aerial photography. The surveys
20 look at the amount and quality of the vegetative cover
21 which assists staff in determining the effectiveness of
22 our habitat restoration efforts, our trail re-routes,
23 and our species succession. The results also allow us
24 to properly plan trail and habitat projects and
25 prioritize our funding.

1 All of these inventories and survey data are
2 mapped and tracked on the ground using GPS units, which
3 is then uploaded, stored, analyzed, and displayed using
4 our GIS Database, which is huge. This allows us to
5 accurately map all of our trails networks, species
6 trends and habitat health. We also track
7 project-related expenses in our Computer Asset
8 Management Program, known as CAMP, which provides
9 specific details on the staff time, equipment we used,
10 and the materials cost.

11 Trails Program, our Trails Program is extensive
12 and it serves as a long-term management strategy to
13 provide a sustainable OHV trails system while also
14 protecting the surrounding natural and cultural
15 resources.

16 Trail design and management, as Superintendent
17 Ramos mentioned before, we have quite a few trails,
18 about 170 miles of multi-use trails, including open
19 riding areas, trails-only areas, and designated hill
20 climbs. Primary trails are maintained annually and on
21 an as-need basis. And trails that are showing signs of
22 excessive erosion are re-routed or removed, and new
23 trails are properly designed to account for topography,
24 proper drainage and the type of use we anticipate.

25 Soils sustainability and monitoring. For those

1 of you who were able to join us in the field yesterday
2 or who frequent the park quite a bit, you're able to see
3 our various soil types and vegetation. And certain soil
4 types, like the hardy clay, are very durable and often
5 show very little change over many, many, many years. So
6 there's very little soil displacement; therefore, we're
7 able to support steeper trail slopes, higher intensity
8 use, and require less maintenance over time. Other soil
9 types, the loman (phonetic), the rocky soils, typically
10 show more signs of erosion and are less sustainable. So
11 in order to lessen the impact to water quality, we
12 monitor and evaluate all of our trails and our soils
13 annually. and this includes assessing soil type, trail
14 gradient, signs of erosion -- woop, pardon me -- signs
15 of erosion, condition of the trail tread, conditions
16 occurring both up and down slope of the trail, and
17 determining the causes of those erosion features. Data
18 stored and analyzed in our database, and, of course, is
19 then used to prioritize trail maintenance, activities,
20 redesign projects and rehab projects. In areas where
21 trail redesign is planned, we often work with a number
22 of volunteers, many of whom are in this room today, and
23 we look at the layout of new trails. This also provides
24 all of us the opportunity to share in meeting the goals
25 of providing sustainable trail system where we work

1 together to design trails that are actually fun and
2 connected to a network of other riding opportunities
3 while considering the soil type and the slope and
4 long-term maintenance goals.

5 All right. So I've discussed the basic
6 resources, both recreational, natural, and cultural.
7 Although this park unit isn't particularly huge in
8 considering our -- the other SVRAs and, of course,
9 federal lands, we have a tremendous amount of resources
10 and legacy issues that we need to maintain and manage.
11 To do this effectively, we've developed Resource
12 Management Areas, RMAs. And they allow us to focus on
13 specific areas, specific concerns, and implement
14 projects that directly benefit that area. There are
15 nine RMAs, and they encompass trail use and watershed
16 tributaries. So it allows us to close off those areas
17 while we implement maintenance activities and then
18 re-open those areas with proper trail signage and
19 rehabilitation efforts in place. One example of an RMA
20 that many of you probably saw yesterday was the SRI
21 Loop. We fenced the area. We removed the trails and
22 the gullies. We re-contoured and stabilized the hill
23 slope. We constructed a new trail system through there
24 as well as connected existing sustainable trails. Prior
25 to fully reopening that area, our law enforcement staff

1 provided guided trail tours and took people through the
2 new trail system and spoke with them about why we did
3 what we did and how it affects all of us. We got some
4 great comments and questions back. And then we did a
5 full re-opening. It's a trails-only area which now
6 requires us to monitor every day for off-trail riding.
7 It's been really successful. If we find a location
8 where off-trail riding has occurred, the unit
9 closes, the area closes. The RMA can be fenced off. It
10 closes for a minimum of one week so that we can have
11 rehab efforts occur, but it's also proven very
12 successful because we've only needed to close SRI six
13 times since it re-opened over a year ago. So people
14 know what we're doing. They're working with us; they
15 understand that we've got to work together, and they
16 want to keep their riding opportunities. This is a
17 great example. We will continue implementing the work
18 in the RMAs going from east to west through the park
19 unit.

20 Carnegie Stormwater Management Plan. All of
21 these activities, from providing recreation to managing
22 habitat have an effect on stormwater and water quality,
23 which led us to the development and implementation of
24 the Stormwater Management Plan. So our plan, which
25 actually, it was originally drafted back in 2004 to 2007

1 during the Corral Hollow Watershed Assessment, also
2 known as the CHWA, provided watershed-wide assessment of
3 water quality and activities that impact water quality,
4 including historic mining, mass transit on Corral
5 Hollow, Tesla Road, ranching operations, explosive test
6 sites at Lawrence Livermore and SRI, the SVRA,
7 residential and agricultural uses. Many issues were
8 discovered. Don't get me wrong, we all had a lot to do
9 in that canyon. But State Parks decided that we wanted
10 to take on addressing the impacts to water quality that
11 were within our jurisdiction, within our park unit while
12 continuing to support other agencies. We've a great
13 relationship with Lawrence Livermore. We share a lot of
14 monitoring data with them, and we plan on continuing
15 that relationship as well as implementing our own goals.

16 So the goal of the SWMP is to limit the amount
17 of sediment in the stormwater through erosion control,
18 sediment control and monitoring.

19 So our SWMP, as Pamela Creedon had mentioned, is
20 regulated under the Small MS-4 Program under the USEPA
21 and State Water Board, and it provides an explicit
22 framework for action in an action-based document with
23 specific goals, objectives, activities, projects, and
24 timelines that allows us to improve and maintain water
25 quality through implementations of the actions we list.

1 These actions are called Best Management Practices,
2 BMPs, and truly speak to the way in which manage and
3 operate the SVRA. BMPs include scheduled trail
4 maintenance, removal of unsustained trails, removal of
5 gullies, replanting and protection of native vegetation,
6 keeping the visitor facilities, days areas, campgrounds
7 clean, free of garbage, educating visitors on how to
8 lessen their impacts on the environment and monitoring
9 and evaluations of these actions -- of these BMPs. And
10 as I'm sure many of you noticed in the park, but these
11 are great pictures, these are the most kind of common
12 BMPs that you see for erosion control. We re-contour
13 hill slope, we put in straw waddles, native seed, hydro
14 seed and mulch helps to dissipate and slow stormwater.
15 We close off areas that need a level of protection. All
16 of this, including designated creek crossings, help us
17 to ensure stormwater and water quality compliance with
18 objectives in the Basin Plan.

19 Specific BMPs that are unique to this park and
20 oftentimes other OHV areas that we've put in for OHV
21 trails and facilities include the use of sediment
22 basins; these are at the base of all of our tributaries.
23 It collects our stormwater and it allows the sediment to
24 settle out before the water then goes into the creek.
25 These are actually scheduled for a pretty big upgrade,

1 which will really assist us in having them function even
2 better. It's been a long time coming, but it takes a
3 while to get funding in place. So this should be
4 occurring over the next year and a half. It will be
5 wonderful.

6 Trail design based on erosion, hazard rating
7 scale models, which we use throughout the park. They
8 include drainage features, rock-lined crossed drains,
9 vegetative buffers, proper trail signage that's been
10 real helpful. It's hard to say, "Please stay on an
11 existing trail," but then we don't necessarily have a
12 trail sign that says, "This is the existing trail."
13 It's part of the RMAs. Takes time to go through the
14 park, but it's getting done, it's looking good.

15 Another one which we've heard quite a bit about
16 and it -- it definitely is something that impacts riding
17 opportunity but also impacts resource management is the
18 wet-weather closures. The wet-weather closure for
19 Carnegie has actually occurred for many, many, many
20 years. They actually install a red flashing light at
21 the kiosk to notify people of when the hills were
22 closed. Most folks these days realize that if we have a
23 big storm front coming through, it's highly likely that
24 the park is going to be closed. However, similar to
25 other areas, the canyon is a very interesting micro

1 climate. You may get dumped on in Livermore and see not
2 a drop in the canyon. Therefore, we actually installed
3 our own automated weather station. It's right at the
4 kiosk, and it provides continuous data to us about
5 what's actually going on. We also use the Lawrence
6 Livermore data stations. They've got one in Livermore
7 and one that's directly across the hills from us, which
8 is similar to our highest peak in the park unit. So
9 we've got really good data.

10 So what this does is, back in the good-old days,
11 we'd close the hills because site conditions were muddy.
12 And if you couldn't get up the hill safely, you closed
13 the hills, and then at some point someone decided, okay,
14 let's ride again. But staff complained and even some of
15 the park visitors complained because it was really
16 subjective. So what we did was we brought in
17 consultants who looked at actual precipitation
18 measurements and the soil's ability to hold that
19 moisture. And they determined when and how much rain
20 could be pretty much absorbed by the soil until they
21 needed to be closed, of which is .3 inches of rain
22 within a 12-hour period. That's when we get sheet flow
23 and when excessive erosion occurs. We also do this
24 through site conditions because if we can't get up into
25 the hills safely, then it's not safe for anybody to be

1 in the hills if we can't reach ya.

2 So I'll break this down a little bit. It's a
3 little bit confusing. But if you have additional
4 questions, let me know. So the current wet-weather
5 closure guides that are in effect state that the hills
6 will be closed upon receiving .3 inches of rain within a
7 12-hour period. Additionally, if rain stops for a while
8 but then returns, the additional rainfall is measured
9 and calculated over a 24 and 48-hour period. The
10 measurements are really important as they dictate the
11 ability of the soil, as I said, to hold water before
12 becoming mud. These closures of the hills stay in
13 effect for 24 hours, one full day, after a period of no
14 rain. So the rain has to have stopped and be done for
15 24 hours. I realize our canyon is very windy and
16 actually dries out extremely quick. So in terms of
17 riding conditions, you could probably get back out there
18 within a few hours pending weather. However, there are
19 few soil types in areas in the park that require 24
20 hours. So it's closed for 24 hours. We do also provide
21 information to folks as they call or come through the
22 kiosk. The MX track, campgrounds, those areas remain
23 open, but the hills are closed. So I like the fact that
24 it's not a full seasonal closure or anything like that,
25 but this really does help us to -- to lessen our impact

1 on water quality.

2 So this part of it, BMP and water quality
3 monitoring is a huge part of our Stormwater Management
4 Plan. We monitor all of the BMPs that we put in place.
5 That's the basins, above and below them, all of our
6 restoration sites, trails. It includes also taking
7 samples of stormwater through a variety of locations
8 through the park. It's not just above and below, not
9 just the basins. We actually have a very aggressive
10 monitoring program we're continuing to work on, but it
11 will look at water sources that come from every aspect
12 of our surrounding and adjacent lands. So it's in the
13 park; it's what's coming into the park, and then we can
14 better determine how to deal with it, which is helpful.

15 We also work with a variety of science-based
16 technologies that are helping us to improve water
17 quality whether they relate to OHV or not. A big part
18 of that is education and helping our visitors to
19 understand what it is that we're doing. We provide
20 panels throughout the park, brochures, verbal
21 information to visitors about how they can protect water
22 quality, properly maintaining their vehicles, using the
23 appropriate receptacles for garbage, staying on trails,
24 using our designated creek crossings. Our park
25 interpreter, Elise, provides information at a staffed

1 booth every weekend during the busy season to share
2 information about park resources, protecting the
3 resources. She provides kids' activities, Junior Ranger
4 Programs, Litter Getters. We also have Visitor Services
5 staff who are instrumental in talking to folks as they
6 come through the kiosk, and they also give heads-up if
7 we've got maintenance projects and the like going on.

8 To talk a little bit more about Visitor Services
9 is Superintendent Ramos.

10 MR. RAMOS: Okay. I'm here to talk a little bit
11 about the Public Safety Program. As everybody can quite
12 imagine, the steep terrain -- exiting terrain can
13 provide some unique medical challenges. So part of our
14 component for the Public Safety Program is, in deed,
15 medical response, how we train, how we respond. And all
16 Carnegie State Park peace officers are -- receive yearly
17 written and scenario-based training to maintain their
18 level as first-responders, and that qualifies as
19 the basic life support or BLS Medical Services. Also,
20 Carnegie works hand in hand with a local Alameda County
21 Fire Department who, as many of you know, they have a
22 station right there at Lawrence Livermore Labs,
23 Site 300. By partnering and having that inter-agency
24 agreement, they're able to have advanced life support
25 services, which include much better cardiac-care

1 equipment as well as pain management. So as anybody
2 knows, if you crash out there, pain management is an
3 extremely critical component because it takes a little
4 while to get to you, it takes a little while to assess
5 what is going on, and, of course, package you safely to
6 get you to an area where we can actually maybe get a --
7 either an ambulance or an air ambulance depending on how
8 far up you are.

9 In order to get to our patients out in the park,
10 Carnegie staff uses a wide range of -- of vehicles
11 besides just the patrol vehicle, motorcycles, quads.
12 And luckily in 2008, we're looking at just some of the
13 difficulties involving and getting to our patients,
14 getting to our park visitors. Pretty much before that
15 time we were either able to -- if you couldn't get there
16 by vehicle, you'd have to literally run up those hills
17 with your gear bag or hopefully have air support come
18 through, and that increases the patient-response time
19 obviously quite a bit, to a critical level. And, of
20 course, by the time our first responders get there,
21 they're pretty well gassed. It's a -- it's a heavy
22 climb. And then once you get to the patient, you have
23 to safely again assess them, package them, and -- and
24 many times, prior to this vehicle, you'd have to carry
25 our patients out, again, steep, slippery terrain. So in

1 2008, advances in side-by-side technology let me do,
2 actually, research and look around for some solutions.
3 And luckily after a lot of work, I was able to find a
4 company that pretty much had a turnkey emergency
5 response vehicle, that six-wheel vehicle you see on the
6 slide. Not only did it give us amazing technical
7 capabilities to get to the patient quickly, safely, but
8 also once we were there -- and we'll have some other
9 photos that show that -- you'll be able to -- we were
10 able to actually package the patient, transport the
11 patient. There's an oxygen holder on that vehicle as
12 well as a place for our first responder to ride back
13 there. And it was decided now before I put any of the
14 public through that, I went to one of our training
15 hills, and -- and I guess I was the crash-test dummy.
16 But they worked on me. I had them strap me in there, go
17 up and back, forwards and backwards, and we're doing
18 constant training to make sure, again, for our public
19 safety that -- that it's safe, that it -- that it's
20 reliable. And -- and what a difference that -- that
21 piece of equipment alone has made to our public safety
22 response time.

23 Another part of our -- our public safety
24 component is the law enforcement section. And as
25 referenced in our mission for Off-Highway Division,

1 enforcement efforts are part of an overall program that
2 will have to ensure that quality recreational
3 experiences will remain available for future
4 generations. So that is part of that component. State
5 Park Peace Officer Rangers are really entrusted with
6 protecting the public as well as natural, cultural, and
7 historic resources, which as we know, are all found at
8 Carnegie.

9 You would think that obviously there are the --
10 the -- I won't call them typical, but the gamut of
11 off-highway vehicle recreation contacts like noise,
12 equipment, spark arrester, that type of thing, but our
13 State Park Peace Officer Rangers also respond to arc
14 site vandalism, that type of calls, we've got burglar
15 alarms that have gone off at our Motor Mart Store that
16 they've had to respond to, a wide range of -- of other
17 law enforcement type of contacts in addition to the
18 normal off-highway regulations. We really want to focus
19 on our enforcement. It's part of an overall program of
20 education and interpretation. So there has to be a -- a
21 reason when we make these contacts -- and, again, the
22 primary goal is for compliance, it's for education, it's
23 for working together so that all components put
24 together -- that is one -- one part of the overall
25 program.

1 Carnegie currently has seven rangers providing
2 these public safety services. And, again, one of the
3 components that will -- maybe people don't think about
4 is when we have vehicles, particularly quads go down
5 into these really steep areas, many, many times their --
6 either the equipment has been ripped off or they're in
7 no shape to get back. So frequently our State Park
8 peace officers or rangers will -- will be involved in
9 rescue operations and recovery. And sometimes that's
10 half a day of blood, sweat, and tears trying to get
11 those vehicles back up to provide that service for our
12 visitor. If we absolutely can't do it, you know, then
13 it -- only then will maybe some other tow agencies --
14 and the public has been a great, great help. The public
15 knows -- they ride that park so much. Many times,
16 again, that spirit of cooperation. The public is part
17 of our public safety component because they'll --
18 they'll suggest things we don't think about. They'll
19 come in there and help physically. So it's -- it's a
20 great, great resource to have everybody working
21 together.

22 One other thing, too, as part of our Public
23 Safety Program is our rangers sometimes have to go out
24 onto the -- the frontage road or the county road in
25 front of the park, and we've responded to vehicle

1 accidents, motorcycle accidents, bicycle accidents,
2 medical emergencies on that roadway. And we are an
3 important link in that public safety system because
4 as -- as most of you know, there is no cell phones
5 service out there. So it is a really important
6 first-responder link that our -- our rangers are able to
7 provide gladly.

8 We also have an active volunteer program. We
9 have 17 active volunteers. These volunteers care about
10 the park so much that they bring their own motorcycles
11 in, they donate their time and experience. They help us
12 with safety patrols, even outreach to the communities.
13 They're working with us on traffic control. And in
14 2011, the volunteers donated 1,450 hours of service with
15 all of these contacts combined. And we really
16 appreciate their help and working together with us in
17 our -- in our volunteer program.

18 One of the other components for our public
19 safety is the rider safety component. And as part of
20 the Off-Highway Division -- Division-wide efforts to
21 promote and improve safety for all-terrain vehicles,
22 Carnegie has developed an ATV Safety Training Program,
23 and that started in 2007 for park employees and allied
24 agencies. And we also provide the location, as we saw,
25 that area where we first started out our tour. We've

1 also taught for the Motorcycle Safety Foundation and the
2 American Safety Institute working with their
3 instructors. And in 2011, over 70 of these courses were
4 conducted in our training area.

5 So Carnegie's Public Safety Program, as we go
6 into the future, will continue to try to utilize the
7 best and most available technologies and strategies to
8 safely and responsibly fulfill our public safety mission
9 and make sure that we provide safe enjoyable recreation
10 for our visitors at Carnegie.

11 Thank you.

12 CHAIR LUEDER: Thanks.

13 MS. McFARLAND: All right. Just a few more
14 slides on our Interpretation Education Program at
15 Carnegie. Carnegie's Interpretation Education Program
16 supports the other programs, Visitor Services, Trails,
17 and the Environmental Science to share the unique park
18 resources with visitors and local communities.

19 One of the ways we do this is through in-park
20 interpretation. We share information with visitors
21 about protecting park resources, recreational
22 opportunities and local and natural, cultural -- local
23 natural and cultural history through interpretive booths
24 in the park. We have these at our four hill-climb
25 events every year. The center bottom photo shows our

1 hill-climb booth; also, on weekends through our
2 Information Station.

3 One of the components of Carnegie's Stormwater
4 Management Plan is education and interpretation. And
5 we're doing that through handouts like the one that you
6 see here, also the interpretive panel that Jennifer
7 showed earlier. Education outreach provide better
8 compliance by teaching individuals about the
9 responsibilities expected of them, including actions
10 they can take to protect or improve their environments.

11 A great way to get the interpretive message to
12 visitors is through panels. Panels are available
13 throughout the valley floor and are updated periodically
14 to share the latest information with visitors. I don't
15 think we got a chance to see some of them yesterday, but
16 you did see the one that Jennifer haad earlier. The
17 nice thing about panels is they're there when I'm not.
18 So we have a way of always getting that message out.

19 We also do outreach at Carnegie. The trailer
20 photo that you show is, I see, the Division trailer. We
21 go to local events to take the message of safe and
22 responsible riding and caring for the environment. This
23 is a picture that was taken last year at the Tracy Dry
24 Bean Festival. We also go to the Livermore Motorcycle
25 Safety Event. Other outreach things that we do, we have

1 information on our website that's updated regularly, and
2 we have a Carnegie Facebook page. Outreach also
3 includes I go out to schools and talk to the local kids
4 about the environment, about local animals program for
5 kindergarten and first-grade students, and I do a local
6 history program for third-graders, and we do Career Day
7 for high school students.

8 And that concludes this part of our
9 presentation. Thank you for your time.

10 (Applause.)

11 CHAIR LUEDER: Yeah. Okay. So I really thank
12 everybody for that wonderful presentation. We do need
13 to take a break for our stenographer to take a few
14 minutes, and then we're going to roll into public
15 comment period. We'll let the public have their say,
16 and then we'll bring it back to the Commission for any
17 follow-up questions we might have.

18 So let's come back at 4:15 exactly, please.

19 (Brief recess.)

20 CHAIR LUEDER: Okay. Could everybody take their
21 seats, please. We're closing in on it. We'd like to
22 keep going.

23 So I just wanted to thank everybody on the
24 Carnegie staff, obviously, for the great tour we had
25 yesterday and also the great presentation today.

1 Also, Bob Williamson, thank you and also
2 Division staff because I know it took a -- it took a
3 team to get all this together. And so I think we all
4 really appreciate all the effort that you put into it,
5 especially given the short time frame.

6 So with that, we'll move into public comment.
7 First up will be Tyler and Kory Lupica. All right. And
8 Jerry Fouts following.

9 Welcome. Thanks for waiting all day. We really
10 appreciate whatever you have to say.

11 MR. T. LUPICA: Thank you.

12 Good afternoon, Commissioners. We are 17 years
13 old and we attend West High School in Tracy, California.
14 I guess you can say we're a true part of the Twin
15 District City -- the Twin Cities District. We're not
16 involved in any gangs. We don't do any drugs, and
17 definitely don't hang out with stoners. And we like to
18 use our time to do great in school, get straight As.
19 We're ranked 7 out of 650 students, and we have 4.25
20 GPAs. And I recently have become interested in the
21 aviation field, and I plan to become a professional
22 pilot one day.

23 MR. K. LUPICA: And I'm looking into the medical
24 field. I'm really interested in human physiology and
25 the brain. And when I grow up, I'm going to be a

1 neurosurgeon. And now most of our generation doesn't
2 really look into the future like we do. Most of our
3 generation has developed some bad habits, such as drugs,
4 gangs, thefts, disrespect for property, their peers and
5 older generations. But my brother and I, we like to
6 stay away from all that, and we don't want anything to
7 do with it. But there's a problem, and the problem is
8 we have to be exposed to it every day because we go to
9 school, and we have to hang with our -- I mean we're
10 always around our peers. And so the Rangers at
11 Carnegie, they are always worried about endangered
12 species and the endangered beauty of the park. But
13 consider this: We are the real endangered species
14 because we're being exposed to all this garbage. So get
15 away from it, we go to Carnegie. And at Carnegie we
16 learn, we grow, we prosper, we get -- make new friends,
17 and we enjoy time with our families. So next time that
18 you are thinking about endangered species, please
19 consider us.

20 Thank you.

21 MR. T. LUPICA: Do you have any questions?

22 CHAIR LUEDER: How long have you been coming out
23 to Carnegie?

24 MR. K. LUPICA: Seven or eight years.

25 CHAIR LUEDER: All right. All right. Well,

1 thank you for your comments. We appreciate you.

2 MR. K. LUPICA: Thank you.

3 MR. T. LUPICA: Thanks.

4 CHAIR LUEDER: Hold on a second. Which one of
5 you is Rory and which one's Tyler?

6 MR. K. LUPICA: I'm Kory.

7 CHAIR LUEDER: Kory. Kory. Kory's the
8 gentleman in the blue shirt. All right. Thank you for
9 that clarification.

10 Jerry.

11 MR. FOUTS: You know, before you start my time,
12 I'd like to say -- I'd like to say thank you to somebody
13 really special. Jennifer Buckingham has been the
14 Environmental Scientist that's been at Carnegie and Twin
15 Cities for a long time. And she and I have a unique
16 relationship because we've had a lot of conversations
17 over the years on both sides of the fence. But I would
18 like to say that she's going away to greener pastures, I
19 guess, and that's -- that's a shame because, as you saw
20 by her presentation today, she's really got her act
21 together, and she makes me step up to the plate and
22 think about everything I do when I deal with her. And I
23 appreciate that, too. I just would like to say thank
24 you very much to Jennifer and good luck in your -- in
25 you new endeavors, Jennifer. Thank you.

1 (Applause.)

2 MR. FOUTS: Now, with all the warm fuzzy stuff

3 out of the way, you know, I have a great respect for the

4 environment. I was a Boy Scout. I've hiked sections of

5 the John Muir Trail. I've hiked the Emigrant

6 Wilderness. I've back-packed a bunch of areas over my

7 life, and that's why I have to shake my head in -- in

8 total disbelief over the lawsuits at Carnegie SVRA by

9 PEER, by the -- the Sport Fishing Association? Really?

10 I've walked that creek. I've walked it all the way to

11 the end. It goes into a big field and doesn't go

12 anywhere. Twice it was pumped into the San Joaquin,

13 twice in the entire history -- 50 years of history of

14 Carnegie. Okay? It was pumped into the San Joaquin. I

15 just shake my head. And -- and for all of us that

16 remember -- for all of us that remember why this program

17 was created, it was created to keep illegal riding off

18 property that people didn't want them to be on. Okay?

19 And I shake my head because I think that -- that these

20 environmental groups simply hate off-highway vehicle

21 recreation more than they like the environment. And

22 Carnegie's a perfect example of that. You ask the

23 typical fisherman does he want -- does he want the

24 motorcyclists to go to someplace that -- that is -- that

25 is a park that has enforcement, that is sustainable,

1 that has outcomes that are measurable? Does he want
2 them to go there, or does he want to meet that guy
3 legally or illegally on his favorite trout trail? I can
4 tell you everybody in this room knows what that answer
5 is. And so that just leaves me shaking my head. I just
6 can't believe it.

7 The second part I'd like to make is -- is
8 yesterday when we went on the tour, it was really neat.
9 I came down from -- I came from the Pleasanton side,
10 came down through the hill, and I saw the -- the new
11 split-rail fence was awesome. It looks really good.
12 And it really highlighted the riparian area that's made
13 a dramatic, incredible comeback over the last few years.
14 And during the tour, we went down, the riparian area got
15 better and better and better until at the end of the
16 watershed, the downstream part where it ended at a park,
17 there was trees, there was bushes. It's incredible.
18 It's a really wonderful thing. The park has recovered
19 great. Okay? Then you drive a few yards further into
20 the grazed pastureland, and what do you see? The
21 ground is totally denuded, devoid of any kind of bushes,
22 trees, anything. So you know what? I'm not picking on
23 anybody? I'm not a scientist. I'm just telling you,
24 look at the Carnegie that you drive by now, look at that
25 motorcycle park, look what those guys have done and

1 compare it to the land that is east of there. And you
2 can't help but wonder what the heck is going on. We're
3 doing a good job.

4 Thank you.

5 (Applause.)

6 CHAIR LUEDER: All right. Dave Duffin, followed
7 by Pete Krunich.

8 MR. DUFFIN: Thank you. I thought I would have
9 left by now with the youngsters here.

10 Just a -- just a quick one talking about
11 fishermen and heavy metals. If we thought about the
12 last hundred years of fishing in the San Joaquin Delta,
13 how many fishermen have dropped lead weights out in that
14 water over the last hundred years? And, of course, we,
15 in our little canyon, are getting blamed for disturbing
16 soil that's bringing lead up and heavy metals and things
17 like that. But one of the groups that, of course, is
18 trying to get rid of us is dropping lead in the
19 San Joaquin Delta every -- every day of the year,
20 perhaps.

21 I also wanted to talk about the -- the -- the
22 rain closure. On a typical -- I'm a pilot, so I
23 follow -- I follow the weather really well. We've had
24 some El Nino years and so forth. There have been days
25 when it rains down there, you know, consistently for

1 maybe a month or two. And following the present concept
2 of rain closures, it's possible the park would be closed
3 for a month at a time. In other words, it rains every
4 three days, half an inch here, an inch there, two inches
5 there, couple days in between. So you might have some
6 serious days when the park is closed. And -- and you
7 look at some of the financial figures, and you look at
8 the amount of ridership over the last few years, it's
9 kind of depressing. But if you want to plan for the
10 future, you know, plan on your customer base which are
11 behind me and the people that have been here today, try
12 to keep your customers coming back, customers happy,
13 customers satisfied, and -- and, you know, everything
14 will work out very well for everybody.

15 Thank you very much.

16 (Applause.)

17 CHAIR LUEDER: All right. Is Pete here?

18 MS. MEAD: He had to leave.

19 CHAIR LUEDER: All right. Rick Mead.

20 MS. MEAD: I -- I know this doesn't look like
21 Rick, but he had to leave.

22 CHAIR LUEDER: Okay. All right.

23 MS. MEAD: Put his name down anyway because --
24 actually, why he left is he saw his name was on a green
25 sheet.

1 CHAIR LUEDER: Okay. Could you state your name
2 again for the record.

3 MS. MEAD: Diana Mead.

4 CHAIR LUEDER: Okay.

5 MS. MEAD: That's not true. He would have
6 stayed; he just had other commitments.

7 Yesterday I was fortunate enough to go on the
8 tour, and I left Carnegie yesterday afternoon extremely
9 proud, proud of our State Park system, proud of their
10 ability to recoup after being threatened, proud of the
11 people that were with me on that outing, and proud of
12 the future of this park.

13 Watching how we've evolved and how we've changed
14 and -- you know, my off-roading actual activity is
15 pretty limited. I ride in a -- in a sand rail, and I
16 would like very much to see Carnegie as an SVRA be open
17 to those kinds of vehicles as well. I'd like to see it
18 be the kind of park that is OHV across the board.
19 Hollister has made that happen, and I think it could
20 happen again at -- at Carnegie as well. But that aside,
21 I can get on a quad, and I wasn't kidding, I can be the
22 Pottery Loop queen if there's no one else out there.
23 But the pride that I felt coming off of that afternoon
24 was pretty incredible. And I want to praise the staff
25 at Carnegie for all that they do for all of us and for

1 giving us this venue, managing it, for speaking for
2 those of us who don't speak well, don't have voices
3 protecting our resource.

4 Special events at Carnegie, you'll notice we
5 have all of the recycling bins all over the park. For
6 special events, those were not there. And I simply
7 mentioned it at the front gate that I would really like
8 to see us recycling at the hill-climb events. You know
9 how many cans and bottles. They did research for me.
10 And the recyclables from Carnegie going in the trash all
11 get recycled. However -- and that happens in Tracy at
12 the station, and they go to some kind of good cause.
13 However, if the items are placed in the bins at
14 Carnegie, the money goes to Carnegie. We have arranged
15 for them to make announcements at every hill-climb event
16 to that effect. They're engaging us to allow us to be
17 empowered to make changes there. This is huge, guys.
18 We need your help. Keep it open.

19 CHAIR LUEDER: All right. Thank you.

20 (Applause.)

21 CHAIR LUEDER: Chris Cameron? Is Chris Cameron
22 still here? Nope.

23 Mark Connelly, followed by Dave Pickett.

24 MR. CONNELLY: Yes, Mark Connelly again
25 representing the Connelly Ranch.

1 First of all, I want to deal again in real
2 studies and statistics and not anecdotal observations
3 that aren't really accurate like a couple of immediate
4 speakers have.

5 One of the issues is -- is -- as Jennifer
6 Buckingham told you, you did a prior water assessment
7 study; you know where the sources of contamination are.
8 You know they're not coming from surrounding cattle
9 ranches. You know they're not from Site 300. You know
10 this -- these facts. So, again, we need to put that
11 aside. We need to talk about the studies that we really
12 do know about.

13 I want to talk a little bit -- since this is a
14 Carnegie General Plan and the Carnegie Park, I want to
15 talk about your Tesla acquisition. You have on your
16 Tesla acquisition studies identifying endangered,
17 threatened species: Tiger salamander, red-legged frog,
18 possible kit fox, yellow-legged frog. These are all
19 species that you have to deal with in part of your plan.
20 It's not reasonable to come in at any point and say
21 these species are doing wonderful in Carnegie, as was
22 implied; we have lots of ponds. The fact is, from the
23 studies that I've seen, and I'm perfectly willing to be
24 corrected, but the -- the occurrence of red-legged frog
25 and tiger salamander in the Carnegie ponds is greatly

1 reduced from any of the surrounding ranch property, both
2 upstream, downstream, across the street at Site 300 or
3 any other. It is not a dead zone; they're located
4 there, but that's what's to be expected. But it is not
5 what it should be based on proper environmental
6 management.

7 I want to ask, also, that -- you talk about an
8 open process in terms of Carnegie and you've talked
9 about having people contribute to Tesla. It's been our
10 experience that if you're an OHV user, either four-wheel
11 drive, off-highway vehicle, it's pretty easy to get
12 Parks & Rec cooperation in getting people to look at the
13 Tesla acquisition. If you're not an OHV user, if you're
14 one of those alternative uses, it is not. So I would
15 like to ask for some cooperation from the Department to
16 be able to get people in there to look at that site and
17 with cooperation. We've tried to get elected
18 representatives into that site and have been unable to
19 do so because it was just simply not possible for the
20 Department to make those arrangements, but at the same
21 time, OHV users were getting in to view those sites on a
22 fairly frequent basis.

23 You've talked about measurements and other
24 things. You have a weather station that's located at
25 the highest portion of your park. If you go on Google

1 Earth, Google "Carnegie SVRA" and it identifies that
2 weather station. That weather station is where storms
3 come into the park at the highest point. It needs to be
4 managed by the park. It needs to provide real-time data
5 to the park so that you're not relying on weather
6 stations located at Site 300 or in the Range Shadow
7 Creek Base that don't provide you accurate information
8 about when it rains, when it arrives at the park.

9 The damage with the park is really the loss of
10 soil. And finally, you don't have an accurate way
11 to represent a measuring-soil loss. Like the first site
12 we looked at yesterday, photographic records of that
13 area are going to provide you with no information. You
14 need to actually go in and measure the soil loss as it's
15 occurring in real-time.

16 And Jennifer talked also about testing the
17 water. I remember -- and I read your -- your Stormwater
18 Management Plan. And unless I'm mistaken, your
19 Stormwater Management Plan has very limited points of
20 testing that are required at your newly recognized
21 Stormwater Basin plans and at the upper end and lower
22 end of the park with none at point-source testing. And
23 that's a major defect because it doesn't provide you
24 with the information that you need.

25 So those are the comments that I have at this

1 point. I'd be happy to respond to any questions.

2 CHAIR LUEDER: Thank you.

3 Dave Pickett, followed by Bill Harr.

4 MR. PICKETT: Dave Pickett, District 36
5 Motorcycle Sports.

6 During the course of this meeting today, as well
7 as all day yesterday, I kept hearing people refer to
8 this SVRA as their park. The passion by the folks that
9 go out there and use this great facility, it's -- it's
10 just unbelievable. I've watched staff work hard, create
11 a science-based process, educate the OHV community, go
12 through tough times working together, and it's turned
13 into a great facility. As Mr. Fouts said, it's awesome.
14 And Jerry has been known to -- what's the word I'm
15 looking for -- be a little over-exuberant on some
16 issues. But Jennifer was gentle on him and taught him
17 his ways. And now he's a huge advocate for the entire
18 park as a whole: Environmental side, water quality, as
19 well as recreation. That's the message that I think
20 you've heard today. Well, one of the landowners is
21 very, very upset with this facility that's there. Well,
22 there's millions of folks through the years that have
23 used this facility. If you really hate that place that
24 much, move. That's my two cents. Don't take this away
25 from the millions of families that go there and recreate

1 legally, safely, in an environmentally responsible way.

2 I ask the people that have filed a lawsuit
3 against this State and this facility to drop their
4 lawsuit because if they didn't learn anything yesterday,
5 then I'm sorry, because it is best management practices
6 in place and it's serving the public that this whole
7 program was designed for in the first place.

8 Thank you very much.

9 CHAIR LUEDER: Thank you.

10 (Applause.)

11 CHAIR LUEDER: Bill Harr? Is Bill Harr out
12 there? Nope.

13 Karen Schaumbach, followed by Tom Tammone.

14 MS. SCHAUMBACH: Karen Schaumbach, Public
15 Employees for Environmental Responsibility.

16 I'd also like to thank the Division and the
17 staff at Carnegie for a very eye-opening tour. And I
18 appreciate the hard work they put in short notice to get
19 us all out there and for an informative day.

20 SVRAs are -- became a part of the State Park
21 system back in -- you know, the 1970s is when the
22 program started. And the idea was that we could have a
23 program that provided both off-road vehicle recreation
24 but do it in an environmentally sound way. And I keep
25 hearing about historic use and, you know, hill

1 climbing -- climbing hills there for -- for 40 years.
2 And why can't we keep doing it the way we used to?
3 Well, it didn't used to be an SVRA. And SVRAs, for
4 those who don't understand it, are State Parks and they
5 have the same mission as the rest of the State Park
6 system, plus they're managed under a Public Resources
7 Code that -- that, you know, is very explicit about
8 protecting the soils, the water, the wildlife. And, you
9 know, I -- I hear -- I come to these meetings and I hear
10 criticism about -- you know, these remarks about
11 lawsuits. I first went to that park in 2003, and I had
12 a conversation with Daphne and -- and -- the then
13 Division Chief about it, and it was -- you know, and
14 there was obvious problems. There was -- there was huge
15 problems. And -- Well, just wait; we're doing a
16 watershed study, you know, then everything's going to
17 all right. Well, the watershed study was completed and
18 in place for years and nothing happened. And it seems
19 it's -- it's a shame because I don't enjoy filing
20 lawsuits, and I certainly don't want to see the park
21 close. That was never our intention. We want to see it
22 managed responsibly. And if it takes lawsuits to do it,
23 then that's what's going to happen. But you can -- you
24 know, it doesn't have to be that way. I mean Carnegie
25 and some of the other parks that, you know, have

1 problems like Ocatillo Wells, fix them and just follow
2 the -- the Public Resources Code. And -- and yeah,
3 maybe some of the users won't like it, but, you know,
4 this fomenting the idea that, oh, we -- you know, they
5 want to close the park, that they want to close the
6 park. No, we don't want to close any of the parks -- at
7 least I don't. But I do want to see them managed the
8 way that the program is intended -- it intends for them
9 to be managed which is in an environmentally sound way.

10 Thank you.

11 CHAIR LUEDER: Thank you.

12 Tom Tammone, followed by Amy Granat.

13 MR. TAMMONE: Well, one of the ways we can
14 reduce a lot of the concerns is if we had more area to
15 ride on. Back in the '90s, I was heavily involved with
16 the National Rifle Association, and in southern
17 California we had 16 shooting areas which got reduced to
18 four, which eventually got closed because, well, they
19 just got too overcrowded and we couldn't manage them. I
20 kind of see that same situation happening with us and
21 the OHV Parks. The Oceano Dunes, they're down about a
22 quarter of the area they had, you know, some 20, 30
23 years ago. And now they've got everybody in one spot,
24 and now they're saying, well, we're creating too many
25 PM-10 dust emissions more than the rest of the park.

1 Well, you spread things around a little bit, you
2 wouldn't have that. I would imagine they're probably
3 going to have the same problems 15 years or so down the
4 line. You know, they get us all in tiny little areas,
5 and then they're going to say, well, we're generating
6 too much fine dust because we've got everybody going
7 over the same patches of dirt all the time. When we had
8 everybody spread around, well, it wasn't a problem.

9 So we're getting put in a box here, and it's --
10 I'm under the impression that we're buying
11 the materials sometimes to construct our own gallows and
12 we're volunteering the time to put them together at the
13 same time. So we get less and less to ride on, and then
14 everybody complains we can't keep all the dirt in place
15 in the little tiny patches of dirt that we have left to
16 ride on.

17 So I don't know, but I've gotta say one thing
18 for sure, if anyone thinks all these people here are
19 going to go away, well, they're not. I got pushed out
20 of the -- out of my love for firearms and guns and
21 shooting. I got pushed out of racing back in the
22 nineties. And you're not pushing me out of this.

23 Thank you.

24 CHAIR LUEDER: Amy Granat, followed by Brooks
25 Simes.

1 MS. GRANAT: Amy Granat for the California
2 Off-Road Vehicle Association, CORVA.

3 I find it interesting as I'm listening to
4 everybody, and you can't deny the passion from actually
5 every side. And I find myself agreeing with everyone.
6 No, we don't want the park to close. We want the park
7 to remain open. But we do want the park to be
8 ecologically sound and environmentally sensitive to the
9 issues on the ground. I propose that all concerned
10 continue to work together. And I say continue because
11 it's obvious that Carnegie and Hollister Hills are an
12 example of things being done right. You can see the
13 differences on the ground. You can see the -- the --
14 what has been done to address the issues that are there.

15 So I invite Mr. Connelly, I'd like to take a
16 look at the new property, too, and invite him for a ride
17 in my Jeep and we can go together with everyone else who
18 wants to follow that through. Might have some fun while
19 we're doing it, but it's not illegal. It's very easy to
20 criticize. What it's hard to do is make a difference on
21 the ground. It's hard to find that collaborative effort
22 to move forward. And I am increasingly asking people to
23 move forward in a collaborative fashion. Condemnation
24 sounds good, but it doesn't achieve anything. So if we
25 move forward, we can protect these areas for our

1 children to use for future generations. And let's avoid
2 the rhetoric and work together to make this happen.

3 Thank you.

4 CHAIR LUEDER: Thank you, Amy.

5 Last person I have is Brooks Simes.

6 Brooks? Okay. That's the final comment on
7 the Carnegie item. I'd like to bring it back to the
8 Commission for any other follow-up questions.

9 Any Commissioners have anything they'd like to
10 say?

11 Commissioner Van Velsor.

12 COMMISSIONER VAN VELSOR: Well, first, I would
13 like to say that I'm not a single-track rider; however,
14 after being on the tour yesterday, I can see why folks
15 would enjoy riding there. It looks like quite a
16 thrilling sport. And so I -- I was impressed, and
17 sometime I might try it, actually.

18 (Applause.)

19 COMMISSIONER VAN VELSOR: I -- I do have a
20 couple questions I'd like to follow up on as well. As
21 we were standing at the first stop yesterday on the tour
22 and we were discussing the monitoring and how
23 restoration activities proceed once monitoring
24 determines that there's a need, my understanding was
25 that the area we were looking at had been identified as

1 an area that needed restoration. And so I'm curious
2 what the time frame is for starting the restoration on
3 that area, or how -- not that area specifically, but
4 what the time frame is once you determine that there's a
5 need for action.

6 And my -- my second question is, I'm curious
7 what the cost is associated with the restoration. And
8 it would be hard to estimate that one, but what the cost
9 of one of the restorations that had recently been done,
10 just curious on that.

11 Thanks.

12 MR. RAMOS: Well, actually, there -- there's
13 several parts to the questions. We do have staff
14 members here who can answer very specifically the time
15 frames and the costs on that. Randy Calderas is the
16 Maintenance Chief for the District, and he's -- he's in
17 charge of the -- actually monitoring the costs and the
18 time on that. And I'm sure Randy would be able to come
19 up with some -- something specific on that. Also,
20 Justin Mink is charge of our Trails Program.

21 More generally, the time frame that it takes to
22 get through it, it's -- as we described yesterday, it is
23 a -- is a process -- is a progressive route from the
24 east to the west end of the park. And each of those
25 management areas has a -- has a plan for working through

1 them. The area at the west end of the park at this
2 point is -- is just by -- just by the location on it, is
3 scheduled later in the -- in the process, but that
4 doesn't mean that we can't move a specific individual
5 area in that -- in that management area into a different
6 part of the process.

7 We do have a number of projects that were
8 completed in the last few years. The Rocky Knob Project
9 and the SRI Project involved a fairly major amount of --
10 of work that was done on that. If you'd like, we can
11 put together some numbers and get them to you that can
12 give you a good idea of the specific costs, then an
13 hours, equipment costs and such to complete each of
14 those projects and the amount of area that were done at
15 that time.

16 COMMISSIONER VAN VELSOR: Yeah, I'd appreciate
17 that.

18 MR. RAMOS: We'd be glad to take care of that
19 for you.

20 CHAIR LUEDER: Commissioner Kerr.

21 COMMISSIONER KERR: Well, I'm glad you brought
22 up the issue of costs. And, by the way, I did ride my
23 own motorcycle on the SRI Trail, and it's -- it's
24 clearly a -- an interesting trip. It was obviously
25 well-planned and executed. And I think it would be

1 valuable -- you know, as -- as I rode around the park, I
2 think somewhat as a typical visitor would, I was struck
3 by two things: One is the park is much nicer than it
4 was the last time I was there. Secondly, it's a little
5 bit distracting to have all of those open riding areas.
6 In other words, I think -- I don't think it would be
7 appropriate to convert the entire park into just trails
8 only, but I think that there's probably, you know, a
9 mixture of controlled single-track trails and some open
10 riding areas, and then obviously providing for the
11 historic hill climbs that would be -- would be a mix
12 that would be popular with the visitors. So I just hope
13 we'll have a good mix. And I do think that these
14 developed single-track trails are a benefit to our
15 customers. So it's not all bad when -- when an area
16 gets closed down and then re-opened in a more organized
17 fashion.

18 The other -- there's a couple things that I
19 wanted to comment on relative to the Management Plan,
20 which I think is -- this is the appropriate time for
21 Commissioners to get an input into that. I am shocked
22 at how much money is going into this. I think -- you
23 know, we talked about money earlier. You can't be taken
24 on a tour of that place and you can't hear -- you know,
25 we have excellent staff. They're obviously top people

1 in their field. I'm sure they're paid in some fashion
2 for their expertise. We've got all kinds of stuff going
3 on in there repairing the environmental damage for the
4 last hundred years out there. Okay. I want a return on
5 our investment. So I want -- I think it's good for
6 the -- I'm glad the environment's being well-served.
7 This is not one of the hot -- the hottest visitation
8 spots for hikers and environmentalists in the State of
9 California. It's really actually quite suitable for
10 OHV. I want us to get a -- I want us to get a return on
11 our investment. So that -- that means -- that means
12 opening up the areas where we've acquired property.
13 That means providing for additional opportunities for
14 the -- the four-wheelers, of which I'm not one, but I
15 think we need to, you know, serve a broader customer
16 base. I mean we've got to be spending 15, \$20 million
17 out there. And that's money that could be used to
18 acquire other parks, to develop someplace down in
19 San Jose instead of -- you know, there's a lot of things
20 that could happen with this money. And I want a return
21 on our investment.

22 So I think -- you know, congratulate the staff
23 on the excellent environmental work. I mean I think
24 this Stormwater Management Plan, with all due respect to
25 the neighbors, it's done. It's been accepted. It's

1 been approved. You know, people a lot smarter than I am
2 have decided that we're doing the right thing. So let's
3 just move on and figure out how we're going, you know,
4 develop this as a recreational opportunity. We know we
5 have a lot of riders in Northern California. We know if
6 we have the right facility they will come. I'd like to
7 see us move expeditiously to serve those riders, and I
8 hope we can do so.

9 CHAIR LUEDER: All right. Commissioner Willard.

10 COMMISSIONER WILLARD: Yeah, thank you.

11 You know, the twins were great. And in
12 listening to them, it -- it reminded me of a situation
13 that a very good friend of mine went through that I had
14 kind of forgotten about. But he -- he had a son 15
15 years old that was getting in trouble and flunking out
16 of high school. But the crisis occurred when he was
17 arrested one night for firing off an automatic weapon in
18 a park. And my -- my good friend's response to that was
19 to go buy a couple of Hondas. And they began riding at
20 Carnegie and Hollister, and the kid got hooked on it and
21 ended up coming up with a whole new set of friends and
22 turned his life around, and now he's in college and
23 doing -- doing really well.

24 So I just wish that people that would, you know,
25 just think that the best thing would be for -- for SVRAS

1 or riding areas to go away, they really should consider
2 the human toll that a loss of a recreational opportunity
3 for our youth -- I mean it's -- it's got a huge impact.
4 I mean this is a kid that could have ended up being a
5 criminal and being a huge cost to society. Instead,
6 he's -- he's getting an education to be a productive
7 member of society. And it's only because of -- sorry,
8 I'm getting little a choked up because -- I -- I just
9 wish people would -- would see that part of it because
10 it's so important.

11 CHAIR LUEDER: All right. Thank you.

12 Commissioner Perez, did you have a comment?

13 COMMISSIONER PEREZ: Yes.

14 CHAIR LUEDER: You're on.

15 COMMISSIONER PEREZ: I just wanted to say
16 that -- am I on?

17 CHAIR LUEDER: Yeah.

18 COMMISSIONER PEREZ: I -- I enjoyed the tour
19 yesterday. I -- I was very impressed with the
20 restoration areas and seeing that. I did get -- I did
21 leave with the impression that the staff cares, that
22 they're doing the best that they can, that they are
23 paying attention. I mean I think that that was clearly
24 visible. You do the best that you can.

25 I -- I agree with Amy Granat. I think that

1 there has to be a way where we can work together and
2 meet somewhere in the middle where -- and I know that
3 maybe that doesn't seem realistic sometimes because you
4 hear both -- two sides that sound extreme sometimes on
5 both ends. But I think it is possible to meet somewhere
6 in the -- in the middle and -- and maybe take care of a
7 few things to assure that we get the best of both
8 worlds. I mean I -- I'm thinking about my son, okay,
9 because my son has been to Carnegie, and he loves -- he
10 loves this park. But I'm a parent and, you know, I have
11 my own concerns. And so I'm -- I also feel kind of torn
12 sometimes. But I definitely do believe that -- that
13 it's always best to -- to provide opportunity and choice
14 than no choice. And so I just think that there's --
15 there has to be a way that we can -- we can work this
16 out.

17 CHAIR LUEDER: All right. I don't hear any
18 other comments. That concludes that item on Carnegie.

19 And I truly do appreciate everybody's efforts.
20 I look forward to the general-planning process and
21 having an inclusive process. I hope that both sides,
22 all sides can come to the table and through the
23 general-planning process we can come up with, you know,
24 some great recreational opportunities and continue to
25 improve our environmental protection. I think what you

1 heard today obviously was a lot of passion on both sides
2 for all different kinds of reasons.

3 So every time I go to an SVRA that I haven't
4 been to in a long time, I learn a lot and I come away
5 feeling like the staff is doing what they can do to
6 advance it, you know, step by step. And it's not a
7 quick process, but it is a process and, you know, we're
8 getting there. So I really do appreciate everybody's
9 efforts on that.

10 CHIEF JENKINS: Just wanted to correct one
11 thing. Somebody in the public -- one of the public
12 comments mentioned that they were having trouble getting
13 a tour out there. I just wanted to reassure everybody,
14 we'll take anybody out there. The only tours I'm aware
15 of where we have declined people access to the area is
16 when they weren't going out with us. Right now until
17 the property is open, we have to go in there and
18 accompany anybody on a tour. So we've taken school
19 groups, other groups that are -- have no relation
20 whatsoever with OHV recreation: Politicians, nature
21 groups from the Bay area. We'll take anybody in there
22 that wants to see it because it's a great resource, and
23 our goal is to make that available to the public. So I
24 just want to reassure everybody, if you want to go,
25 contact Joe or Bob or Elise, and we'll set up a tour and

1 we'll assign a staff and meet you out at the park.

2 CHAIR LUEDER: Great.

3 CHIEF JENKINS: Elise has one coming up soon, I
4 think. Right?

5 **AGENDA ITEMS V(B) - ALCOHOL POLICY FOR SVRAS and AGENDA**

6 **ITEM V(C)(1) - ASSEMBLY BILL 1589**

7 CHAIR LUEDER: Okay. Very good.

8 So in the interest of time, I think we're going
9 to move on to Business Item IV(B) [sic]. And I would
10 like to continue that item. It's not a pressing issue.
11 So I'd like to continue that the next meeting unless
12 somebody has an objection to that.

13 Hearing none, we will move on to Item C, No. 1,
14 Assembly Bill 1589 is brand-new in the State Assembly.
15 And in the interest of time, I think we could spare
16 everybody on that one and move that to the next -- the
17 next meeting.

18 **AGENDA ITEM V(C)(2) - S 1813**

19 CHAIR LUEDER: So with that, we'll get to
20 (C)(2), S 1813.

21 MR. CANFIELD: Hello -- hello again,
22 Commissioners. Dan Canfield, OHMVR Division, Acting
23 Planning Manager, presenting Business Item (C)(2) on the
24 agenda regarding the Recreational Trails Program, or, as
25 it's fondly known, the RTP. It could be found -- the

1 report could be found behind Tab 9 in your binder, also
2 available to the public on the back table.

3 The RTP is a federally funded program that
4 provides funding to the State to develop recreational
5 trails and trail-site facilities, as well as OHV
6 education.

7 The federal program that makes the RTP possible
8 actually expired September of 2009. The United States
9 Congress is currently debating whether or not the RTP is
10 going to exist in the future. Will it exist, they
11 debate. The RTP funding comes from the Federal Fuel
12 Excise Tax relative to OHV recreation nationwide. Back
13 in federal fiscal year 2009, nationwide the program was
14 funded at approximately \$85 million. Of that amount,
15 California's portion was approximately \$4.6 million.
16 That gets split: 30 percent of that funding is
17 available for motorized trail projects, and 70 percent
18 is available for non-motorized trail projects.

19 As I mentioned, the federal program that makes
20 the RTP possible has expired; that is, the Federal
21 Surface Transportation Program, the same program that
22 brings us carpool lane construction, highway bridge
23 replacements, interstate highway maintenance. So
24 obviously the program itself is extremely important to
25 the nation for commerce and transportation reasons.

1 Currently in the United States Senate,
2 Bill S 1813 is working to re-authorize the Federal
3 Surface Transportation Program. As introduced, this
4 bill does not include specific funding for the RTP. In
5 the United States House of Representatives, Bill HR 7
6 also addresses re-authorizing the Surface Transportation
7 Program. This bill does include specific funding for
8 the RTP at that 2009 level. The difference between
9 these bills is going to be worked out in congress in
10 conference committees.

11 This report is being provided as a business item
12 to allow possible action by the Commission.

13 And that concludes the report.

14 CHAIR LUEDER: Okay. I don't know if anybody
15 has any questions.

16 Mr. Van Velsor.

17 COMMISSIONER VAN VELSOR: Yes.

18 Dan, do you have a sense of when the
19 conference committee -- or the conferencing will take
20 place?

21 MR. CANFIELD: Has not been set as of my last
22 check, which was earlier this week.

23 COMMISSIONER VAN VELSOR: Within the next month?

24 MR. CANFIELD: Hopefully. Obviously -- what I
25 tried to bring out in my report was that the overall

1 program is hugely important to the nation to make sure
2 that commerce is able to move from state to state, that
3 highway bridges are kept up in a safe fashion. So I
4 assume that the congress is going to move at an
5 expeditious manner to get this funding through to make
6 sure those large highway projects are able to proceed.
7 But beyond that, I would be speculating.

8 CHAIR LUEDER: As I understand it, the way 1813
9 is written, the RTP Program is still in that bill;
10 however, it's not specifically funded. So all the funds
11 authorized in that bill go into a large pot that each
12 state gets to decide what they want to do with it. Is
13 that, essentially, correct?

14 MR. CANFIELD: That is also my understanding in
15 that that pot of money that each state would receive
16 would be controlled by the Department of Transportation,
17 the states' DOTs, as opposed to the current funding
18 model that has the Parks & Rec or Resources agencies for
19 each state controlling the funding.

20 So the concern I -- I believe the concern is
21 that with the funding being controlled by the various
22 Department of Transportations across the nation is that
23 the program -- the Trails Program will look a lot
24 different and may well be more geared towards urban
25 trails, connectivity -- you know, connecting cities to

1 inner-city features, schools to parks, that type of
2 thing is the -- that's the -- the feeling I get when I
3 read the bill.

4 CHAIR LUEDER: Okay.

5 Yes, Commissioner Slavik.

6 COMMISSIONER SLAVIK: A comment I made -- or I
7 have on this bill is that it's one of those things that
8 the environmental community -- or I'm going to say the
9 non-motorized community and the motorized community can
10 come together on, especially when they get 70 percent of
11 the action.

12 And what we're talking about here is writing a
13 letter to support to congress from this Commission? Is
14 that the action we're talking about?

15 CHAIR LUEDER: That's a possible action. You
16 know, I'd like to hear from the public first before we
17 decide what we want to do. But that's a potential
18 action.

19 So for now, thank you, Dan.

20 We'll take a couple of pieces of comment, and
21 then we'll bring it back to the Commission.

22 Dave Pickett, do you have anything to say on
23 this?

24 MR. PICKETT: I'll pass.

25 CHAIR LUEDER: Tom Tammone.

1 MR. TAMMONE: Thank you. Tom Tammone.

2 You know, somebody had to get me started on the
3 fuel tax issue. But, basically, the federal -- you can
4 go look at the gas button next time you pay over \$4 a
5 gallon, \$5 gallons, whatever, for gas. You pay 18 cents
6 a gallon federal and about 35 cents a gallon, you know,
7 for a State fuel tax.

8 This program and the RTP Program is part of the
9 taxation representation for your purchases. So I hear
10 talk that the federal government wants to deny our
11 highway funds and the RTP Program at the same time.
12 Well, you know, at some point it's taxation; we want
13 representation. I mean I'll even go as far as see if I
14 can go to court and -- and block them from taking the
15 funds. We'll all pay less for gas if you guys simply
16 won't provide representation for taxation.

17 The 70 percent issue, I'm sorry, I've got a
18 problem with it. Seventy percent for non-motorized
19 funds? To burn gas, you have to have something with a
20 motor in it. So I'm not seeing that. If anything, it
21 should be the other way around.

22 Thank you.

23 CHAIR LUEDER: All right. Thank you,
24 Mr. Tammone.

25 So bringing it back to the Commission, I'd like

1 to suggest that as a Commission we send a letter to
2 Senator Boxer urging that funding be specifically
3 restored for the RTP Program since it is an important
4 program for not only OHV but also non-motorized. And I
5 think we all can see the benefits of that.

6 I don't know if anybody has any comments.

7 Commissioner Slavik.

8 COMMISSIONER SLAVIK: I'm just wondering if that
9 letter can come from a higher source like Resources
10 Department or Resources Agency.

11 Chief: I can certainly suggest that to them.
12 You know, that would -- I -- perhaps what you might be
13 looking at would be me passing -- if I'm understanding
14 correctly, me passing your concerns to the Resources
15 Agency that they might wish to comment that way? Is
16 that what you're suggesting?

17 CHAIR LUEDER: I think that would be
18 appropriate, yes.

19 Chief: Okay.

20 CHAIR LUEDER: Commissioner Willard.

21 COMMISSIONER WILLARD: Yeah. I think maybe the
22 letter should be sent to all of our federal
23 representatives from California.

24 COMMISSIONER KERR: I think we should do the
25 letter.

1 CHAIR LUEDER: Okay.

2 COMMISSIONER KERR: I mean this -- this is
3 important. This has, basically, been an important set
4 aside. I've used it. You know, there's an alphabet
5 soup of funding -- you know, they're probably using it
6 down at Hollister to build the bike trail or something.
7 I mean there's just -- you know, this kind of stuff gets
8 used by local -- by the city where I was a mayor of.
9 You know, you add up a million here, a million there,
10 and you get a trail built. And same thing can happen, I
11 think, to limit to the extent on our motorized trails.
12 And I think it's worked really well in the past. I
13 think we should keep doing it.

14 CHAIR LUEDER: Do I hear a motion on --

15 COMMISSIONER KERR: Well, I'd like you to write
16 the letter. I think, you know, the idea of copying, you
17 know, all of our federal representatives as well as the
18 Resource secretary and making him aware that, you know,
19 we've got this concern --

20 CHAIR LUEDER: Okay.

21 COMMISSIONER KERR: -- would be my -- my take on
22 it.

23 CHAIR LUEDER: Commissioner Slavik.

24 COMMISSIONER SLAVIK: The reason I brought up
25 the Resource secretary is because of the 70 percent that

1 they get to -- to play with, which is really our money.
2 And I think they understand that.

3 COMMISSIONER KERR: Well, he's supposed to be --
4 we're supposed to be part of his family.

5 COMMISSIONER SLAVIK: I understand. So let him
6 write the letter. He's the pop.

7 COMMISSIONER KERR: How about both of us.

8 COMMISSIONER SLAVIK: Yeah -- well, whatever.

9 CHAIR LUEDER: Okay. So, Commissioner Kerr, I
10 will take that as a motion.

11 COMMISSIONER KERR: Yeah.

12 CHAIR LUEDER: Do I have a second?

13 COMMISSIONER WILLARD: I'll second it.

14 CHAIR LUEDER: Okay. Any discussion?

15 All in favor?

16 (Commissioners simultaneously voted.)

17 CHAIR LUEDER: Oh, I'm sorry.

18 Commissioner Van Velsor.

19 COMMISSIONER VAN VELSOR: Again, I just -- with
20 a certain amount of hesitation to sign onto something
21 that I haven't read, I do have reservations about that.
22 However, it sounds like that this is pretty narrow --

23 CHAIR LUEDER: Uh-huh.

24 COMMISSIONER VAN VELSOR: -- based on what I've
25 heard you say, and so I would be supportive of it.

1 So...

2 CHAIR LUEDER: Okay. Yes, it would be
3 specifically to restore the funding for the RTP Program
4 as it currently exists or existed.

5 Okay. So all in favor?

6 (Commissioners simultaneously voted.)

7 CHAIR LUEDER: All opposed?

8 Abstentions?

9 Thank you.

10 **AGENDA ITEM V(D) - ELECTION OF OFFICERS**

11 CHAIR LUEDER: Okay. Moving on to Item (D),
12 election of officers. So at the first meeting -- or
13 first meeting of each year, the Commission shall elect a
14 chair and a vice chair to serve for one term for a
15 max -- and it's a maximum of two terms consecutively,
16 as I understand it. Okay.

17 So do I hear any nominations for chair?

18 COMMISSIONER WILLARD: Eric Lueder.

19 COMMISSIONER KERR: Yeah, I --

20 Eric, can you -- you got reappointed, right? Or
21 what's going on?

22 CHAIR LUEDER: My appointment has not come
23 through. However, I was appointed by the Senate Rules
24 Committee, and so until I'm officially terminated, I can
25 continue to serve.

1 COMMISSIONER KERR: Good.

2 CHAIR LUEDER: So that's the status.

3 Okay. So I heard a motion.

4 COMMISSIONER SLAVIK: I'll second it.

5 CHAIR LUEDER: Okay. All -- actually, we should
6 have public comment on that. And the only person that
7 wanted to comment on all this was Dave Pickett.

8 Do you have any comments?

9 MR. PICKETT: Vote for you.

10 CHAIR LUEDER: Okay. Dave Pickett said vote for
11 me.

12 So with that, all in favor?

13 (Commissioners simultaneously voted.)

14 CHAIR LUEDER: All opposed?

15 And I will abstain, obviously, because I can't
16 vote for myself.

17 COMMISSIONER KERR: You can vote for yourself.

18 CHAIR LUEDER: Well, I'm not going to vote for
19 myself. I'm not sure I'm doing that great a job.

20 COMMISSIONER SLAVIK: You're doing a fine job.

21 CHAIR LUEDER: Okay. So next we have vice
22 chair.

23 Do I hear nominations for vice chair?

24 COMMISSIONER SILVERBERG: Brad Franklin.

25 CHAIR LUEDER: Okay. Do I hear a second on

1 that?

2 COMMISSIONER WILLARD: I'll second.

3 CHAIR LUEDER: Okay. Any public comment?

4 Seeing none, I'll call for a vote.

5 All those in favor?

6 (Commissioners simultaneously voted.)

7 CHAIR LUEDER: All opposed?

8 Abstentions?

9 COMMISSIONER FRANKLIN: I shall abstain, also.

10 CHAIR LUEDER: Okay.

11 I believe that concludes our business items
12 today.

13 So, Chief Jenkins, do you have any closing
14 comments?

15 CHIEF JENKINS: No, just one.

16 Make the mike work.

17 No, just thank everybody for what has turned
18 into a very long day. And thank you for everybody's
19 patience today.

20 CHAIR LUEDER: Yes.

21 So closing comments, thank you for all those who
22 survived the day. And we certainly appreciate
23 everyone's comments and perseverance through this.

24 So do I hear a motion to adjourn?

25 COMMISSIONER WILLARD: Yes, you do.

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COMMISSIONER KERR: Motion to adjourn.

COMMISSIONER SLAVIK: Second.

CHAIR LUEDER: All in favor?

(Commissioners simultaneously voted.)

CHAIR LUEDER: All right. We're adjourned.

Thank you.

(Meeting adjourned at 5:08 p.m.)

--oOo--