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
AGENDA ITEM I – CALL TO ORDER
Chair Lueder called the meeting to order at 9:02 a.m.

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

AGENDA ITEM I(A) – PLEDGE OF ALLEGIANCE
Chair Lueder led the meeting attendees in the Pledge of Allegiance.

AGENDA ITEM I(B) – ROLL CALL
Eight Commission Members were present at time of roll call.

AGENDA ITEM II – APPROVAL OF AGENDA

    CHAIR LUEDER:  Item 2, Approval of the Agenda. Are there any comments on the agenda?

    All right. Do I have a motion to approve?

    UNIDENTIFIED SPEAKER:  So moved.

    CHAIR LUEDER:  Do I hear a second?

    COMMISSIONER WILLARD:  I'll second.

    CHAIR LUEDER:  All in favor?

    (Commissioners simultaneously voted.)

    CHAIR LUEDER:  All right. Pass.

///
AGENDA ITEM III - APPROVAL OF SUMMARY MINUTES

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

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

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

COMMISSIONER KERR: I'll move for approval.

COMMISSIONER SLAVIK: I'll second it.

COMMISSION LUEDER: All right. All in favor?

(Commissioners simultaneously voted.)

CHAIR LUEDER: All right.

AGENDA ITEM IV - REPORTS - COMMISSIONERS'

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

Item A, Commissioners' Reports.

Commissioner Kerr, do you have any reports for us?

COMMISSIONER KERR: No, not at this time.

CHAIR LUEDER: Thank you.

COMMISSIONER KERR: Just...

CHAIR LUEDER: Commissioner Slavik?

COMMISSIONER SLAVIK: I should say that I've been approached by people in the public in southern California about BLM's permit-issuing process, that it still seems to be very onerous on the local clubs there.
in the south and people saying there's a lot of cancellations of events and very difficult for the clubs to get their events processed or even beginning to get processed. So they're getting pretty frustrated.

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

Commissioner Willard, any reports?

COMMISSIONER WILLARD: Not at this time.

CHAIR LUEDER: All right. Thank you.

Commissioner Franklin?

COMMISSIONER FRANKLIN: No, sir.

CHAIR LUEDER: Commissioner Perez?

COMMISSIONER PEREZ: No, not at this time.

CHAIR LUEDER: Commissioner Silverberg?

COMMISSIONER SILVERBERG: No report today.

CHAIR LUEDER: And --

COMMISSIONER VAN VELSOR: No.

CHAIR LUEDER: -- Commissioner Van Velsor?

Thank you.

I do have a brief report. I'm also a member of the Bureau of Land Management Resource Advisory Council for Northwest California. And we had a meeting a couple of weeks ago up at the Redding field office where we toured some of the non-motorized trail system up there.
And I just want to commend BLM for working with a lot of partners in the Redding area to put together a trail system where you can travel from downtown Redding, basically, all the way up to Shasta Dam either on a dirt trail or on a completely paved trail and then loop back. So it's quite an impressive partnership. They also have done a lot of stream restoration on Clear Creek -- the other Clear Creek -- up there, and it's greatly enhanced the spawning of the salmon up there. So, in any case, some great work up there. Of course, they also have the Shasta-Chappie OHV area, which I didn't get a chance to go and tour, but I know that there's a lot of partnerships on that as well. So that's all I have to report.

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

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

CHIEF JENKINS: Good morning, Commissioners.

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

I wanted to start this morning by going
through -- we have a little slide show that we're going
to show in a second here about the Commission tour that
we did yesterday out at Carnegie. Just before we start
the slide show, I do want to mention once again, we told
the folks out at Carnegie that we were going to be
coming with a Commission tour and touring through their
park only, what, two, three weeks ahead of time which is
very short notice for what we normally do when we go out
for Commission tours, whether they're to federal lands
or county lands or one of our SVRAs. And so there's an
up side and a down side to that. The up side is they
didn't have too long to worry about things before we got
there because we pretty much saw what they have to
present. Sometimes if you have all that lead-up time
going to a meeting, then folks are trying to -- let's
make it look better than it is so that -- we want to
show our best face. What we saw on the tour yesterday
is pretty much what you get when you go to the park
because they literally just knew shortly before we
arrived that we would be out there. So the staff did a
great job, I think, in trying to accommodate everybody.
It was the largest Commission tour as far as attendance
that I've been on in my seven years in the Division. So
we really appreciate all of you that were able to make
it from the community, from the various stakeholders
groups because that's what makes those tours worth while is when people get out there and see what we're doing and, you know, suggest better ways to do it. That's what the whole purpose of those tours is, is to get out of rooms like this and get out on the ground, see what's actually going on and have these frank discussions about how that goes.

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

(Slide show presentation.)

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

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

(Applause.)

CHIEF JENKINS: So you can see it was -- for those of you that weren't able to make it, it was a very interesting tour where we went from one end of the park to the other and looked at all the areas that are currently being operated, as well as taking some time to go over to the properties that are not open at this time, had a little discussion about the General Plan process coming up. So we'll go into more detail on
that. There's a future -- just a little bit later in
the meeting, Superintendent Bob Williamson and his staff
are going to give a much more in-depth presentation
about where we are with a lot of the issues in Carnegie.
So we'll hold that thought for a bit until that point in
the agenda.

I want to give you a few updates of some
highlights, other things going on in the SVRAs. But I
don't really want to move on until I just mention a lot
of the stuff that we have seen -- so there were things
that we saw out in the park that are yet to be done,
challenges that we have ahead of us as well as a lot of
things -- I think a whole lot of things that we saw in
the park yesterday where there's some excellent,
outstanding programs going on and interpretation in
providing good recreational value for the visitors in
looking at how we address environmental concerns and do
corrective measures out there. And a lot of the things
that you saw are the result of a combination of
outstanding work from the staff, a lot of dedication
from the staff. But also, you know, I just have to say
Daphne Green, who -- you know, our recently
departed Deputy Director of the program, all of those
things that are going on out there have been supported
over the last seven or eight years and are the outgrowth
of efforts that she helped fund, that she envisioned, that we put in the Strategic Plan. So that just can't go without saying. We have to thank Daphne for a lot of the successes that we're seeing out there.

(Applause.)

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

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

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

One of the things that we discussed yesterday in passing through some of the properties was the possibility, particularly on those Tesla-Alameda parcels, about other forms of recreation going concurrently. So that if we go into that General Plan process and look at what can be done in that historic area and various areas like that, and how would that fit with providing OHV opportunity, as well as addressing some of those things.
At Hollister Hills SVRA right now,
Superintendent Gaffney is working with the local
parks -- and we'll let him describe it, but there's some
legislatively mandated buffer lands around the edges of
that property, and then there's some other buffer lands
that we've put in because of sound issues to try to make
sure that we're containing our activities there. And
rather than just have that land sit vacant,
Superintendent Gaffney's been addressing ways to make
that more available to the public in other ways.

So, Jeff, you want to describe that?

MR. GAFFNEY: Good morning, Commissioners.
And just kind of tying back in to what Phil
said, interestingly enough, it was the Commission from
2001 which Daphne was the Chair of at the time that sort
of started this whole process to get us here where we've
actually been able to open up the Wrens and Hovner
motorized properties. And then as a piece of that, we
also identified those areas that Phil mentioned in
regards to non-motorized recreation. So we have been
working very closely with the county, with stakeholders.
We've done a lot of outreach. We've spent the last six
months having meetings with the San Benito County Parks
& Rec Commission identifying needs within the community.
We also worked with the Hollister Hills Off-Road
Association -- or cooperating association. And together we have identified trail corridors. We started the CEQA process. We just finished the Mitigated Negative Declaration on February 17th, and we're hoping to do trail construction coming here in the spring depending on moisture in the soil. And we're still working out a few pieces and parts to it having had a lot of great input that came through as we went through the CEQA comment period time. We had a lot of neighbors that had interests. We've been working with them.

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

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

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

CHIEF JENKINS: Thank you.

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

MR. GAFFNEY: Yes, sir.

COMMISSIONER SILVERBERG: How are you going to
fund this?

MR. GAFFNEY: The funding for this has been in
partnership with San Benito County, and then we are
using some of our staff, and we're going to be using
this as a training opportunity because trail
construction and maintenance is something with -- at
Hollister, for example, we have 300 miles of motorized
trails. So we're constantly having a need to train
staff on how to maintain and sign sustainable trail
systems. And so this is that perfect opportunity where we get to bring in people who are new to our actual workforce and have them learn how to do trail maintenance. And so we'll be doing that in cooperation with volunteers. We've actually -- as per our General Development Plan Amendment that occurred, the one that was approved by this Commission in 2001, it identified if you're going to do this, if you're going to do non-motorized, you should have a good solid workforce of volunteers. We've got over 300 volunteers at the park, and we have -- as a part of this outreach the last six months, we've had a ton of people interested in signing up as volunteers for equestrian patrol, mountain bike patrol, and people that are going to come out and do a lot of the work on a volunteer basis.

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

CHAIR LUEDER: Commissioner Slavik.

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

I'm totally supportive of non-motorized recreation activities within the park where it's appropriate. But I think those folks ought to pay their fair share somehow. I'm sure that if you penciled out
the cost of providing that recreation, it would be significant. And I'm wondering if we thought anything about an entrance fee that's based on, you know, non-motorized recreation activities rather than the recreation folks that are already paying their fair share.

MR. GAFFNEY: We've looked at a lot of different options, even donations. We actually have another program that we started at Hollister a couple of years ago called The Rider Rewards Program which has brought people who come to the park regularly, we give them a discount card for free that they then go back to businesses in town, and those businesses have lined up -- not just the motorcycle shops, not just the restaurants, but, for example, the bike shops have lined up, some of the hotels. And so this is truly a partnership. And it is new, and so I may make some mistakes -- we may make some mistakes, but I feel like there's enough interest from the business community -- and their sponsorship will be part of this. They are very invested in this. The wine tourism activity in San Benito County is on the rise. And so they're really looking at methods for which to attract people to that county. And that county's been hit very hard by the economy, by the downturn in the economy.
CHIEF JENKINS: And I just want to add, just directly, Paul, to your point, there's two things that we're very aware of as we're moving into this. One is that the statute requires that we make maximum use of properties for OHV recreation. So, you know, that's the one balance that we do, that we're not taking any lands that would be more appropriate and available for OHV recreation and convert it into non-motorized. These are lands that we were not going to be able to use at all for the non-motorized. The second part is the issue about the funding. If we look at this over time, one way, you know, to analyze it is we are trying to get grant monies that we're not using a lot of our resources to develop these facilities. Once they're developed and in place, and there will be fees charged for what's going to be a fee area -- we're looking at the new entrance area over there so that they can come in through their own gate -- all of those fees, from then on into forever come back into the OHV Trust Fund. So at the end of the day, this will end up in additional revenues for the OHV Trust Fund over a period of years. A little bit of investment up front; from then on, all those fees from the non-motorized recreation, since we're collecting them at one of the SVRAs, goes straight back into the Trust Fund and are available for
supporting motorized recreation.

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

CHAIR LUEDER: Commissioner Kerr.

COMMISSIONER KERR: Yeah, I just want to say I'm very supportive of this effort. And I think it's a pilot program, obviously some things to be learned. Everybody sounds a little nervous about it, but I think it's great. And, you know, like that's been pointed out, the entrance fees could eventually become a larger part of our revenue. At some point we may raise those fees, you know, if necessary to operate the Division. And this provides us with a better facility. And, you know, broader support in the community for our SVRA areas is a good thing. And the bike community -- bicycle community, which I'm somewhat familiar with due to my other activities, they're very vocal, they're very
politically connected, and they're good people to have as your allies when you run into situations where you need friends. So I think this is a great idea.

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

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

And the important part about this is that we're going to get some awesome training opportunities for people to go out and do trail construction. And so that's a really big part of it. It's actually a benefit to us. And, once again, the people that come out to Hollister Hills, they like to have a place where they can even just go for a hike sometimes. They may not
want to be out there riding the entire time. So this is
an added benefit, and it's land that would never have
been used for motorized use anyway. So I'm very
cautious about committing permanent dollars to it. And
I think I've designed a plan that will allow it to be
sustainable and maintained over the long term without a
lot of Trust Fund dollars committed to it. So I am
very, very worried about that. And as always with
anything with the OHV Trust Fund or anything, I get it
from both sides. And that's perfectly fine. That's
what I signed up for.

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

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

CHAIR LUEDER: Okay. Great.

Any other questions?

Commissioner Silverberg.

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

I can tell that you have a lot of passion behind
what you're doing out there with the SVRA and Hollister. And I think your commitment to it is going to make it a real shining star in San Benito County. And we just really appreciate your efforts.

MR. GAFFNEY: Thank you. Thank you, Commissioners.

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

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

COMMISSIONER KERR: (Unintelligible.)

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

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

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

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

Prairie City, a little update there. For those of you that go out to Prairie City at all, there's been
work going on for the last couple years on improving the
four-by-four obstacle course area. That project is
nearing completion. It was kind of a three-phase
project. And so the first phase and the second phase
were focused largely on that kind of footprint of the
four-by-four area. I believe -- and if Bob's in the
room, you're going to have to correct me if I'm wrong --
this last phase is going to include a larger loop that
goes through the park so that you'll have just more
place to go, more obstacles, a longer route, and you're
not just kind of put into one corner of the park. So
that's going to be pretty exciting to see that come to
fruition.

Also out at Prairie City, just recently we had
some continuing training. We talked to you, I believe
at the last meeting, about the Recreational Off-Highway
Vehicle Association which is developing training for
operators of side-by-side vehicles, the recreational
off-highway vehicles. In order to get a program going
like that, you need instructors. And in order to get
instructors, you need Chief instructors. And so we've
been going through a series of trainings out there. The
Environmental Training Center facility there at Prairie
City, we had one of our recent meetings of the education
group out there. So we've been making good use of that.
That's where we have set up where they do this ROVA training. It's critical, I think -- these vehicles are really becoming much more popular. They're one of the fastest growing segments, I think, of the OHV sales. And so making sure that people are aware of the most -- the safest way to operate those -- we've been seeing accidents on some of those vehicles. I think those accidents are getting a lot of publicity. When you look at them statistically, it's really not that high. But nevertheless, you know, our goal is always as few accidents as possible, and this ROVA association is working towards that end.

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

COMMISSIONER FRANKLIN: Certainly.

First off -- turned off the mike -- thank you for your hospitality out there. And as you said, you know, ROVA has been in the forefront of safety training and developing a program for side-by-side vehicles. Currently we have an online component. It's free of charge. Anybody can go on rova.org and take an online driver's training course. And then we -- second phase of that is to develop an actual hands-on operator's course. And obviously, as you said, it takes a long
time to do these things, and there's proofs of concepts and trainers and master trainers and things like that. And the ROVA board, which is -- I'm a better member of, we had to go out and, you know, sign off on the course and participate in it ourselves, which was very good. We blessed the course. It has the typical driver's training similar to ATVs, and then there is an on-trail component based on the availability of the surrounding environment at a particular SVRA or riding area throughout the country. Whether it's trees and mountain riding or sand or water crossings, it will be tailor-made for that.

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

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

CHIEF JENKINS: It was great to have you guys out there. And it's interesting about that training as well, there's been discussion over the years about the ATV safety training program, which right now is a four-hour training block. And there has been discussion
over time about breaking that up and maybe having a
shorter, perhaps two-hour hands-on training block,
couple, with some online training. This ROVA training
is set up just that way with the online training first
and then going and spending time out with hands-on
operating the vehicle. So it's going to be interesting
to watch this develop and see if that does prove out to
be a model that we can adopt and then look for approval
down the line of training.

CHAIR LUEDER: Chief, Commissioner Perez has a
question.

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

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

COMMISSIONER PEREZ: Right. I do understand
that children do drive at times. And so what
information are you providing in this training for
parents and adults?
COMMISSIONER FFRANKLIN: The training in it is, again, tailored for adults. And all of the marketing materials and information materials and owners materials repeatedly caution, warn and educate the intended operators of these vehicles and the unintended consequences of having somebody under age and under-skilled operate them.

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

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

CHAIR LUEDER: Commissioner Kerr.

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

COMMISSIONER FFRANKLIN: Well, I would say no ROVA member would train --

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

CHIEF JENKINS: No, the -- so if you go back to the Vehicle Code, so the sections of the Vehicle Code that deal with off-highway vehicles address green sticker, red sticker vehicles. These side-by-side
vehicles are green-sticker vehicles, and as such you
don't have to have a driver's license to operate them.

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

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

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

COMMISSIONER KERR: So, I don't know, maybe that
needs a little more study.

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

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

CHAIR LUEDER: All right. Please continue.

CHIEF JENKINS: All right. Where was I. So Ocatillo Wells, there's also -- I thought I would at least address this and see if you wanted to talk about it any further. A letter was written -- we had sent it out some weeks prior to the meeting -- from a rider down at -- about Ocatillo Wells who had raised some concerns about whether or not Ocatillo Wells could be legally operating open areas because of the part of the Public Resources Code that says you have to maintain and continuously maintain areas and trails. So that letter was sent to the Commissioners at large. And so when we received that, we just forwarded that to all of you. We have been looking at the concerns that were raised by the author in that, been looking at it very carefully. And we feel that all the concerns that he raised are being addressed by the park appropriately. One of the things in there or the concerns that the author raised was that it could only be in trails area, that open areas by definition, if you read that section in the Public Resources Code, wouldn't be allowed. The section in question reads, "The OHMVR Division shall promptly repair and continuously maintain areas and trails, anticipate and prevent accelerated unnatural erosion,
and restore lands damaged by erosion to the extent possible." The key there is that it talks about areas and trails. And the way that we've always worked with that code and the way it's always been interpreted is that we should maintain open areas and we should maintain trails. And those of you that were on the Commission tour yesterday saw that combination of some open areas, some trails, how were we addressing that. And, you know, our goal in all of these situations for all of our areas that we maintain and that we fund with grant funding is that the environment is healthy as a whole. And so where you might have erosion in one area, we're looking at both trying to stop it at its source, but most importantly what's leaving the park, what's happening down in the watersheds, where it's being transported. So I think that's the case at Ocotillo Wells where you have this mix of open areas because much of the landscape down there is very flat, very hard-to-define designated trail when you're just looking at a hardpan that is, you know, acres and acres in extent.

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

CHAIR LUEDER: Yes, Commissioner Van Velsor.

COMMISSIONER VAN VELSOR: Yeah, I did want to
just add a few things.

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

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

CHIEF JENKINS: The -- all good points. And
like Carnegie -- and I'm not using these -- I know
yesterday at times -- I was being quite serious, but in
sort of a flippant way that, you know, let's hold that
discussion until the General Plan. I don't mean to be
flippant about that at all because I know these General
Plan discussions are very serious. These issues that
we're discussing are very serious. In this case, when I say let's bring that up at the General Plan, I'm not trying to put you off. We are struggling with those issues daily out in the desert. We have engaged with UC Davis to go down and do a review of our entire environmental monitoring programs down there -- habitat monitoring programs. The key there is so if you're driving out in those open areas, and how does that affect the environment as a whole? And so we are trying to address it from that perspective. It's a very complex issue for all of us. Perhaps a meeting in the future, and we can put it on as a specific item and then really delve into it much more deeply. But I do want you to know we are taking these concerns in this letter very seriously. We're looking into them. That is feeding into the discussion that's going on down in the desert for the General Plan revision that's going on the Ocotillo Wells. So that General Plan is actually ahead of the Carnegie General Plan. So you, as a Commission, will be looking at that general plan. In the not-to-distant future, we'll be going out to the desert, and we can, once again, tour through the park and look at these issues as we're standing there and looking at the ground and have this discussion in a much more informed way, I think.
COMMISSIONER VAN VELSOR: Yeah, I think that would be a good idea. And I would encourage, because of the progress that is being made in the General Plan, that we get down there as a Commission soon because I think we really need to have input in the early stages of the General Plan considering that we do actually approve that. And I believe on-the-ground experience with it is certainly necessary. So I encourage that.

CHAIR LUEDER: All right. So noted.

Commissioner Willard.

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

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

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

CHIEF JENKINS: Absolutely.

I just want to make a comment that I've been to Ocotillo Wells several times, and I've found generally the management is pretty responsive to issues, and they
have taken action in a lot of cases where there has been a problem to take an area off line and work on restoration and protect it. So I do know that some of those restoration projects that we saw yesterday also occur at Ocatillo. And I look forward to getting a full tour of the property with all the Commissioners. And, also, you know, we border Anza-Borrego, and there is motorized use of that property as well, which is managed by State Parks. The difference there is that you have to have a street-licensed vehicle but you can drive your vehicle up the sand washes for many, many miles throughout that park. So I'd be interested to see how they are handling that situation as well.

So thank you.

CHIEF JENKINS: Okay. Moving on in the report then. Just a word about the Division-wide Natural Resource Program. There was recently a meeting of all the resource professionals in State Parks. It was held out at Marconi Conference Center, and they invited OHV Division environmental scientists to attend that meeting and make a series of presentations on the programs that we do within the Division. It was very well-received. There are times when those that aren't working directly in a program just aren't sure how far we go in some of these issues. And it was a great opportunity for our
environmental resource professionals before their peers and really show some of the programs that we're doing, featuring that habitat monitoring system that I spoke of that we've been working with UC Davis to improve and perfect over the last couple of years. It really has become -- and this became clear as we were demonstrating it to the other professionals in the department, it's becoming the standard of how you can really look at your entire environment and get kind of a check on are the activities that we're performing causing a degradation of that or maintaining it or, in some cases, improving it, and how do you measure that. So that was a great kind of validation of what we're doing in some of those programs.

Also, it's notable that one of the programs that they featured was an employee that we have in the division that works with the fish there, you know, the ichthyology -- love saying that word without stumbling on it; I got it out there -- the works on those issues at Oceano Dunes where we have the creek coming out onto the beach and a lot of vehicles crossing there. And Doug Rischbieter is our environmental scientist that works on those issues, and his presentation was very well-received. It turns out that he is perhaps the foremost authority in State Parks on these issues. And
we're very fortunate to have him in the Division. So it's one of those meetings where programs kind of came out of the dark. We really day-lighted some of the stuff we're doing. And I think the rest of the Department is looking at that and in some cases is now a model of how they can improve some of their own systems.

COMMISSIONER VAN VELSOR: Chair Lueder?

CHAIR LUEDER: Yes.

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

CHAIR LUEDER: Yes, Commissioner Kerr.

COMMISSIONER KERR: Well, when we were down at Pismo, you know, we did see this gentleman's fine work. And I recommend that the next time we get an opportunity, you attend. Because, you know, that park is almost half sort of set aside for environmental restoration for habitat maintenance. And this guy appears to be somewhat full time down there trying to keep track of all these birds and fish and everything
else. So, yeah, we're doing quite a job down there. And maybe it's in the minutes or in the video that was taken from that tour.

COMMISSIONER VAN VELSOR: Follow up?

CHAIR LUEDER: Yes.

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

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

And, of course, Chief, we do have experts in the
monitoring of various --

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

COMMISSIONER VAN VELSOR: Great.

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

CHIEF JENKINS: It's also worth noting just recently, in the last couple of weeks, we concluded a lawsuit that had been going on for a number of years. We had seven years ago, just to give you a little background on this -- and this is on the over-snow vehicle program that grooms trails for snowmobiles up in the mountain areas. Seven years ago, that was part of the Grants Program. So if a forest -- someone in the U.S. Forest Service areas that has groomed trails wanted some funding to continue grooming those trails, they would come in to the Grants Program and apply for grants and compete against that larger pool of grant applicants for funding. Seven years ago, we switched that program over to be funded from the operations part of the program and began working with the forests directly because this was -- the feeling at the time, and this was before my time -- or, actually, it was the first year I was here in the Division that they were just getting this put in place, that would provide a little more continuity for this part of the program. It was switched so that we'd come out of the operations fund and we'd enter into challenged cost-share agreements,
contracts with the various forests to do this program. After several of years of that, we began looking at it a little bit differently. Previously when it had been grant by grant, forest by forest, you would do your environmental documentation on each grant separately. We looked at the fact that we were doing this as a larger program with a comprehensive state-wide program and felt it was more appropriate to do the environmental documentation as a program -- entire program. So roughly three years ago -- two years ago, actually, we did a comprehensive Environmental Impact Report on the entire snow-grooming program. That resulted in a lawsuit where some folks came forward and felt like we had been deficient in that EIR in several specific areas. And so we've been in a legal back and forth on that for several -- or since that time. Just this -- what was it, two weeks ago, I think -- two weeks ago, that action was concluded, and the court found that on every count State Parks had done our environmental documentation appropriately. And so that lawsuit is now in the past. And we're continuing with the program and making sure that we do everything by the numbers on that. So we shouldn't have any more legal challenges on that.

COMMISSIONER WILLARD: Any appeal coming?
CHIEF JENKINS: There's 60 days for an appeal. And so it's far too early to speculate on that. One last thing.

And, Debbie, do you have a clip of the non-resident permit? If you come into California from out of state and you want to operate your off-highway vehicle, you, of course, won't have a green or a red sticker. And so if your state doesn't have an OHV Program, then you need to have some sort of authorization to operate the vehicle here in California. So we have the non-resident permits. Up until very recently, if you wanted to get a non-resident permit so you could operate your vehicle in California, we had a list on line of the vendors and we worked with vendors up and down the state that would sell those. But there were times when folks would come in and they wouldn't be near any of those vendors, and so they just didn't have access to these permits. So just in the last month, we have put those available on line. And so you can go to -- if you go to our page, this is the first page you'll see. You can click on that and go to the next screen, and there's a very simple system on line where you can buy your non-resident permit. It gives you a little menu of choices to go through. You can pay with your credit
card. And it can be mailed to you within -- I think two
days we can -- they get those out. So this should make
it far easier for folks coming in with just a very
little planning ahead of time to get those and have them
in their hands before they come into California. So
it's one of those where our IT folks found a way to get
that accomplished. Something that seems at times very
simple for private industry; you try to do that in State
service, and something as simple as putting something on
line on a credit card can be a little challenging. So
thanks to the staff that worked on getting through those
bugs.

Two final issues -- oh, first of all, I did want
to mention this is the 40th anniversary of the OHV
Program in California. It was actually authorized --
40th anniversary of its authorization would have been
last year -- 40th anniversary of our actual
implementation of the program is this year. So we're
going to be planning a series of things through the
second half of the year as we move into the year that
are going to feature some background and history on the
program; we're going to feature the roots of the program
of that balance between providing OHV recreation and
environmental sustainability. And so at the next
meeting we should have some really interesting stuff to
show you. We hope to use this as an educational tool to really reemphasize the roots of the program. I just wanted to make that little note.

CHAIR LUEDER: Commissioner Slavik.

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

CHIEF JENKINS: I was.

COMMISSIONER SLAVIK: I don't remember you there.

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

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

CHIEF JENKINS: We have a small group that we're putting together at the Division, including folks from
the SVRAs and folks from the Division. If you felt that a subcommittee to work with that group would be appropriate, that would be a great opportunity for us to work with you.

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

Commissioner Slavik.

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

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

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

All right. Chief, please continue.

CHIEF JENKINS: On a sadder note, many of you might have been aware back in the turn of the New Year, National Parks Service Ranger Margaret Anderson was killed in the line of duty at Mt. Rainier National Park on New Year's Day. That -- anytime we lose somebody in the law enforcement community, of course, it hits close
to home, and when it's a Park professional, it really
hit close to home for a lot of our State Parks folks.
We have a desire for a lot of our -- officers wanted to
go up and attend the memorial service. And getting
out-of-state travel authorized and finding ways to get
permitted so we could go up there in uniform officially
representing State Parks, once again, with all the
various travel restrictions going on right now, was
quite challenging. Some members of the OHV community
stepped forward and made it possible to get tickets
through Southwest Airlines. The folks at Southwest
Airlines were extremely helpful with us once we got that
connection from the OHV community members to Southwest
Airlines. And as a result, we were able to have from
State Parks, both from the OHV Division and from the
operations side of State Parks some representation up
there at that memorial service. So -- and it was thanks
to the efforts of members of the OHV constituents that
we were able to do that. So for those that were
involved with that, a huge, huge thank you from the
Department, and also to Southwest Airlines who, I think,
comped those tickets for those officers who went up to
that event.

Not quite that serious but also of great concern
to us, there was a flier out on the front table, if you
get a chance to look at that, one of our life guards at Oceano Dunes, Ethan Hadley -- and you may recall at a recent meeting we mentioned him not by name but just as one of the life guards that was involved in a very large rescue at Oceano Dunes where there was a lot of young boys that were pulled out in a pretty significant rip tide. The life guards went in and were able to rescue every one of them or bring them in. And that was one of those serious rescues where, you know, sometimes we do preventive rescues, we'll call them, where it's like somebody's about to get into trouble and you rescue them. This is one of those where it wasn't preventive; it was they were on their way out and gone. And our life guard service there at Oceano Dunes was able to successfully rescue all of them. Ethan Hadley was one of those life guards.

Go to the next shot.

Ethan was working recently up on the Nipomo Mesa helping a friend clear some trees, and one of the trees fell. And this is Ethan here. One of those trees fell and hit him -- fell on him. And he was in the hospital in a coma for a number of days. And I understand he's coming out of that now, but he's having a very difficult time. Ethan is one of our seasonal employees, which means he doesn't have as much coverage as the permanent
employees do for medical costs and for all of those sorts of support. So there is an effort to provide some support for Ethan. A lot of our own employees, of course, are pitching in. But the flier indicates a website that people can go to with various things you can do if you want to support Ethan as he goes through his recovery.

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

COMMISSIONER VAN VELSOR: Can I ask a question?
CHAIR LUEDER: Yes. Commissioner Van Velsor.
COMMISSIONER VAN VELSOR: Is there workmen's comp or something to cover that type of thing? It was on the job where he was hurt?
CHIEF JENKINS: No. This was on his off-duty time. He was helping a friend clear some trees. And so he's just one of our employees who got hurt off duty and is having a very tough time. The seasonal employees in State Parks have to go through this period of that seasonal time based on where you're working, you're looking for that permanent job. And so when you're not working, you have very little coverage as a seasonal employee. And so that's why we're trying to help him
CHAIR LUEDER: I'd like to go ahead and get the Item No. 2, General Plans, update, see where we are on time.

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

COMMISSIONER KERR: I had a question.

CHAIR LUEDER: Commissioner Kerr.

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

CHIEF JENKINS: So subsequent to that meeting, I
went back and checked. I think I spoke at the last
meeting saying that it was my understanding that they
were working towards LEED certification on those. Based
on your comments, I went back for further investigation
on that. They are working for a lot of the
LEED-qualification-type construction on that. So as far
as being environmentally sustainable, using solar
technology, using a passive technology so that you can
reduce your heating and cooling costs for the
facilities, et cetera. But doing all of those things,
when I went and checked with our Service Center who does
the -- oversees the construction, they said they weren't
actually going through the checklist for the LEED
certification. I do have a copy of the LEED checklist
if you'd like to see that that I brought down. They
said that the -- there is -- on the mandate that the
Governor had put out, that buildings -- new building
construction needs to meet at a minimum LEED Silver
Standard, turns out only applies to buildings of 10,000
square feet or greater. These were smaller buildings
than that. So we've been continuing to work with the
Service Center. They said it's not too far into the
program to try to take the work that they're doing and
then go through the administrative process to make sure
that the -- we get that LEED certification. So we're
kind of midstream on trying to change from doing the LEED-certified-type work but not going through all of the administrative process to get the certification to changing over to how much extra expense is going to be involved in meeting those so that we can officially say it's LEED certified. We're working towards that. Don't have the final --

COMMISSIONER KERR: You know, I just want to --
I know some of the members of the Commission may be aware of this already, I have done a number of LEED-certified buildings. I can tell you, frankly, that it's definitely worth it. That when you get done with the building, the commissioning process, the creation of extensive operation manuals for the facility -- I mean I've even LEED -- I'm just about to get a LEED certification on an equestrian center that was built in the town of Los Altos Hills. So I can tell you when we went back through and we dealt with the LEED issues in order to get our certification that there were a number of things that came up that we've, you know, realized different systems weren't working or they weren't properly documented. And so the LEED certification is a management tool that allows some -- the State or this Commission to ensure that, you know, they're getting a quality building that's built in a sustainable manner.
And I think that the Governor's mandate intended for facilities like this to be LEED certified. And if you take the total amount of square footage that you're going to be building there, it's probably way over 10,000 square feet, right? And so I don't know how we can affect this decision, but I strongly urge the Commission to pursue this.

CHAIR LUEDER: Commissioner Willard.

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

CHIEF JENKINS: Well, the Commissioner does have a good point, that while we're trying to incorporate energy-saving techniques, LEED-type things, that is, often not going all the way to reaching that bar to actual LEED certification where you have to ensure that your sourcing materials are from sustainable areas. So there's a lot of stuff that feeds into that more than just incorporation of energy-saving design. It's a larger picture. And so certainly it's something that we can continue to look at doing here.
COMMISSIONER WILLARD: Yeah, I guess my concern is that I'm all for having sustainable buildings, and I think that's the mandate anyway from the State. And I think that they should be built 100 percent to the LEED standard. But in a smaller, you know, public building like this, I'm just wondering -- because there is a cost associated with getting the certification.

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

COMMISSIONER KERR: Yeah, but there's a benefit. I would say the cost is probably a minimum of $20,000 and it -- but there's -- a lot of that money goes into commissioning, fixing problems that you find, and adequately documenting the building and providing that information for, you know, future maintenance and future people that, you know, come into the park. And maybe you get a new director or you get a new supervisor. I mean I don't want to belabor this point too much, but the USGBC -- United States Green Building Council -- is not, to my knowledge, you know, a commercial enterprise. It's -- this is a -- anyway, this is management technique. I've had my headaches with it. I've had my concerns and complaints about them, but overall it -- it allows -- these guys are going to be building this building. We're not going to be out there watching
them. So this is a management technique to make sure that they're doing the right thing. That's why almost every public building that I've ever been associated with has been, you know, built under some kind of LEED standards. And what will happen here is they'll start not meeting the LEED standards because, you know, it's either LEED or it's not. So that's all I'll say about it.

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

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

CHAIR LUEDER: Great.

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

CHAIR LUEDER: All right. Thank you.

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

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

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

Back in 2007, the Division conducted a review of all the SVRA General Plans. At that point, it was determined that six of the SVRAs needed to initiate or update their General Plans. The Division worked with the Department of Finance to secure funding for these general-planning efforts. And once preliminary funding
was obtained, the Division worked with the Department of General Services to obtain or to secure a qualified contractor. A table identifying the status of the SVRA General Plans was included in the 2011 Program Report. We've taken that table and updated it to reflect the changes that have occurred since the 2011 report was published. That is Attachment 1 of your report and is also projected on the screen. I'd like to take a moment and go down that list and then highlight some of the new developments.

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

Later in 2012 a website will be launched that
will also provide updates to the public on the status of the general-planning efforts as well as upcoming events. We will also be doing visitor surveys as we move forward in the General Plan process. That's kind of a highlight of Carnegie.

Next on the list, Clay Pit SVRA.

COMMISSIONER SLAVIK: Dan?

MR. CANFIELD: Yes.

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

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

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

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

CHIEF JENKINS: You're way ahead of us.

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

Clay Pit SVRA, the proposed General Plan and Draft Environmental Impact Report is currently available for public review and comment for Clay Pit SVRA. This is a 45-day comment period that's going to run through March 24th. I've included in the report, that's Attachment 2 -- is the formal notice that discusses how
the public can get involved, review the proposed General Plan and make comments. I would also encourage all interested parties to do so. That was Clay Pit.

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

Hollister Hills SVRA, the General Plan is current.

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

Oceano Dunes SVRA, General Plan is current.

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

That leaves Ocatillo Wells SVRA. The general-planning process for Ocatillo Wells is underway. As Chief Jenkins mentioned, they're a little bit ahead of the Carnegie process. In fact, just this last
weekend, public workshops were held for the Ocatillo Wells General Plan. The purpose of these workshops were to facilitate public involvement in the general-planning process, to share information that's been gathered so far, and to collect input from the public on draft goals that would be included in the General Plan.

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

(Video presentation.)

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

(Applause.)

CHAIR LUEDER: All right.

Commissioner Willard has a question.

COMMISSIONER WILLARD: Yeah. And thank you for the report. Just one quick question. I see that there are three or four General Plans that are currently underway. And as you know, this Commission is sort of the final stop for final approval. Just trying to get an idea of our upcoming workload. Can you give me an idea roughly -- I'm not looking for a specific date,
but, you know, third quarter of 2013, that type of thing, as to when we might be, you know, seeing these documents?

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

COMMISSIONER WILLARD: Any idea when --

MR. CANFIELD: Later in this year.

COMMISSIONER WILLARD: You know, those are --

okay.

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

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

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

COMMISSIONER WILLARD: Thank you.

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

CHAIR LUEDER: Commissioner Kerr.

COMMISSIONER KERR: So, you know, I know you
guys were out there yesterday. I was out at Carnegie
on -- I guess it was Sunday during the holiday weekend
and the place was packed. And certainly there's an
urgent need to move forward with some facility
improvements at Carnegie. I know you're doing some
great work with environmental restoration as well and
we've got these other properties that we've had for
years. So I don't know how we can inject a little sense
of urgency into creating this General Plan for Carnegie.
But, you know, frankly, waiting until 2013 is not really
a good answer for me. And I don't -- I don't
understand, you know, what -- is it a money issue? You
know what I'm talking -- I realize the Environmental Impact Statement -- it's a big thing to come up with, but I mean the people of this part of the State have been waiting a long time to have Carnegie adequately built out. And it's certainly changed since I was last there a couple years ago. But I think we need to expedite this a little bit. I don't know if anybody else feels that way, but...

COMMISSIONER WILLARD: Well, yeah.

(Applause.)

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

CHAIR LUEDER: Chief, did you have a comment?

CHIEF JENKINS: I was going to say, if it would help, what we could provide you with at the next meeting is a more detailed timeline. There's a lot of work that's going on currently. So it's not like the
Carnegie General Plan is idling somewhere. We've got a tremendous amount of resources, a tremendous amount of funding dedicated to that. We have a contractor that has some staff that are virtually focusing full time on the issue. Once we start into the public comment period, then your timelines are pretty set. And you can't push that process too quickly because you have to engage with the public, you have to incorporate those things, do your re-writes, re-engage with the public, see if you got it right. So we're coming up to that time frame where we're going to start hitting those landmarks that are pretty set as far as how quickly you can push that process.

That being said, we will make every effort to move this just as quickly as we can. Because we recognize the people have been waiting a long time for this General Plan, that there's been several false starts in the past. We're sensitive to that. We're going to be pushing it as hard as we can. But Commissioner Willard makes great sense. It's like the first time I ordered a really good beer, they said, "Do you want it fast or you want it now?" And they poured it up and set it on the back bar until foam settled down. I wanted it right. If we get this plan wrong, then it's not the fastest way. If we get it wrong,
we'll be tied up in lawsuits and wrangling -- legal
wrangling until we do get it right. So we're trying to
strike that balance between moving as quickly as we
possibly can while hitting all of the important points
and doing it correctly.

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

CHIEF JENKINS: Yeah. And that one that we
brought up at the meeting yesterday, and one of the
things that we said then, I'll reiterate for everybody
here is that one did take an inordinately long time to
get to the final product. When we got towards those
final couple years of getting that done, we had learned
a lot of lessons. We're taking those lessons learned
and bringing that forward to this effort that we're in
at Carnegie. We think that we have a planning team now
and we have experienced staff now that have figured out
how to get around a lot of those blockades that tend to
hold us up for long periods of time. I have every hope,
every assurance from our staff that we're going to be
able to move this process forward in a timely manner.
So, you know, time will tell, but that's our -- that's our belief at this time that we're going to be able to move this in a timely manner.


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

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

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

CHIEF JENKINS: Well, certainly yesterday's tour, today's discussion about that park is part of that giving you all as a Commission a chance to engage. And everything that we're hearing yesterday from you all,
everything that you're discussing today, all of that
goes into this kind of developmental process where we
can put something out for the public to respond to. So
this really is one of the first steps. And as you had
indicated earlier, getting to Ocatillo Wells fairly
soon, while that General Plan is still, you know,
approaching that final period is also important.

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

COMMISSIONER VAN VELSOR: Okay.

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

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

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

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

MR. CANFIELD: Thank you.

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

(Brief recess.)

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

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

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

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

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

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

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

As you might imagine, Grant staff has been fairly busy since that early January working with potential applicants, making sure everybody's able to access OLGA. And we have a couple important dates coming up that I'd like to point out. On March 5th, which is in my opinion, from a Grants administrator's eyes, right around the corner, preliminary applications will be due for this grant cycle. What that means is everybody who wishes to compete for the funds this year will have to have their preliminary applications submitted on the online grant application system. At that point, from March 6th through April 2nd, we enter into the preliminary -- or, I'm sorry, the public review and comment period. Applications are due on a Monday. On that Tuesday, all of the preliminary applications are available on the website for the public to go on, make comments to the applicant and to the Division, recommendations, suggestions to the applicant, that sort of thing, in hopes of identifying problems or creating a better application for the applicants. That will continue, like I said, through April 2nd. And then up until May 7th, applicants will have an opportunity to revise their applications based on the comments that they've received. On May 7th, the final application is
due. At that point, the Division will be reviewing the applications through the month of May, and -- excuse me -- we will be scoring the applications according to the scoring criteria contained in the regulations, and we will be making a recommended funding list available on our website on June 4th. That is called the Intent to Award. That will be posted online. And then pending a 30-day appeal period, we anticipate the final awards for funding being made available on July 6th, 2012.

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

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

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

CHIEF JENKINS: That $1.1 million is in this grant cycle. The proposed budget that we're going to be commenting on in just a moment, they did not put that additional $1.1 million in the budget for the next grant cycle. Right now, I think that was a result of when
they were pulling all that money for loans out of the OHV Trust Fund at the time not knowing how much money was going to be reverting and pulled the balance down near zero for a time during that process. And so they began that -- sometimes it takes a while for things to get into the hopper, but they pulled out the $1.1 million bump until they knew that there was adequate money in the Trust Fund to cover that. So the proposed Governor's budget that's out there for the '13/'14 -- 1213 -- for 1213 does not currently have that $1 million bump and that $1.1 million bump in it.

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

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

CHAIR LUEDER: Right.

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

CHAIR LUEDER: Okay. Thank you.

Any other comments on the Grants Program?

Yes, Commissioner Kerr.

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

MR. LONG: Yes.

COMMISSIONER KERR: Where's that fit?

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

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

MR. LONG: Thank you.

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

MS. MOWREY: Good morning, Commissioners. My name is Maria Mowrey. I'm the Administrative Chief for the OHMVR Division. I will be giving you a budget
In your binders you will see behind Tab 3 after the Grants Report the Fund Condition Statement.

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

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

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

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

COMMISSIONER WILLARD: I don't have one.

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

So the Fund Condition Statement is part of the Governor's Proposed 1213 Budget. It gives a summary of the OHV Trust Fund, revenues and expenditures. It will show the actuals for 2010, the estimates for 2011, and the proposed budget for 2012. The first line you'll see is the beginning -- beginning balance for the fund for those three fiscal years. And you will see the opening balance dropping over the last few years from $140 74
million to $67 million in 1213.

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

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

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

And that concludes my report.

CHAIR LUEDER: All right. Just one quick question. So we've got the $10 million reduction on
this fiscal year, which also is carrying over to the
next fiscal year. Five million of that was the Grants
Programs --

MS. MOWREY: Correct.

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

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

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

CHIEF JENKINS: So essentially what we did with
that was we felt that the most important thing that we
do is provide the service out on the ground. And so
rather than taking just an across-the-board cut to our
entire field operation, meaning headquarters and the
SVRAs, we weighted it towards the headquarters. And so
we're taking most of our cuts out of administrative
costs, administrative overhead, every place we could
possibly find cuts up at headquarters so we could get
every dollar we can out on the ground and keep that out
in the SVRAs where the real work of the Division is
being done as far as providing for direct service to the public.

CHAIR LUEDER: Okay. Great.

Commissioner Van Velsor.

COMMISSIONER VAN VELSOR: Is it necessary to cut staff?

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

CHAIR LUEDER: Commission Kerr.

COMMISSIONER KERR: Okay. So that was a pretty quick overview. I'd just like to get into the numbers a
little bit more here. So we still have revenues of
$75,000 -- or 75 million, excuse me, a year, right?

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

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

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

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

CHIEF JENKINS: Yeah, but there's a complete
description -- we didn't bring it today. We could get it for later in the meeting, if you want us to --

COMMISSIONER KERR: How about just the high points.

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

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

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

COMMISSIONER KERR: And these have all been
approved by Finance?

CHIEF JENKINS: Yes, they have.

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

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

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

(Multiple speakers.)

COMMISSIONER KERR: And the camping facilities, anything -- I mean how much are we actually spending at Carnegie under this plan outline in this document? So
you've got 60 million going somewhere. How much is
going to Carnegie?

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

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

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

(Multiple speakers.)

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

MR. WILLIAMSON: As part of the Cleanup and
Abatement Order and some of the issues that are going
on, we're doing work on the Corral Hollow Creek and
doing some realignment on it, reconstructing the
functioning streambed as part of this --

(Multiple speakers.)

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

MR. WILLIAMSON: Yes.

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

COMMISSIONER KERR: Right.

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

COMMISSIONER KERR: Right.

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

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

CHIEF JENKINS: Right now this is the proposed
Governor's budget.
COMMISSIONER KERR: Uh-huh.

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

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

COMMISSIONER KERR: Okay.

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

Commissioner Willard.

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

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

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

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

CHIEF JENKINS: Getting that money back would be
critical to doing future acquisitions or capital outlay. So the potential for running into deficits certainly exists in that these capital outlays are discretionary, if you will. In other words, if we don't have the money, we just don't plan the capital outlay. That being said, we can't not do capital outlay and have a sustainable program.

COMMISSIONER WILLARD: Correct.

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

COMMISSIONER WILLARD: Yeah, and I think staff ought to be using our financial condition as a primary rationale for getting paid, you know, at least some of our money back.
COMMISSIONER KERR: So do you summarize the operating expenses on this document somewhere? It's got a lot of numbers on here. What are your operating expenses?

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

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

(Multiple speakers.)

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

COMMISSIONER WILLARD: Well, you've got the
Grants Program.

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

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

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

COMMISSIONER KERR: Half of what?

CHIEF JENKINS: Half of our total income each year.

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

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

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

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

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

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

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

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

(Multiple speakers.)
COMMISSIONER KERR: Then we have nothing left for capital expenditures. If we've got $20 million going into the Grants Program, we've got 55 million going into operating expenses, we've got nothing.

CHIEF JENKINS: So as we move into the future, if that continues on that trend, what we would need to do would be to look at a reduction in both programs. Commissioner Willard brings up a good point. The federal programs over time have come to depend on support from the OHV Trust Fund to be viable. When you take into consideration that the bulk of the actual land -- surface land that's available for OHV recreation in California is controlled by BLM and U.S. Forest Service and then to a small extent to the county parks and other municipalities, not supporting those things would have a much more detrimental effect than it would be worth pulling large amounts of money out of the Grants Program. So we collectively have that balance continually in front of us of supporting the State Vehicular Recreation Areas, which are dedicated -- long term dedicated to this form of recreation, and also supporting this larger land base of federal programs. It is a difficult decision of where that line is, and certainly we're always open for better ideas and suggestions of how to move forward.
COMMISSIONER WILLARD: Yeah. For instance, the U.S. Forest Service is the largest recipient of grant funds. You know, you cut them way back, and you're going to end up seeing trails closed in the forest.

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

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

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

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

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

CHAIR LUEDER: Commissioner Slavik.

COMMISSIONER SLAVIK: Has there been
consideration to the ongoing gas price increase and how that's going to impact our budget down the road here shortly?

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

COMMISSIONER SLAVIK: And maybe less recreation is occurring.

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

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

CHIEF JENKINS: We are. We are. We're trying to address internally as we're looking at our
projections for how we're going to support the SVRAs and
the Grants Program moving forward. We're constantly
doing scenarios to figure out -- worse-case scenario,
how do we move forward.

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

CHIEF JENKINS: She always switched numbers --

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

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

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

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

So first we have Diane Mead, followed by Kevin
Abernathy.

Diane. All right. Thank you.

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

So, Diane, thank you.

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

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

But what I need for you guys to understand is
this should not be a partisan issue. If we make sure we
have managed, safe places to recreate, we cannot disturb
the portion of society that seems to find us offensive
and we can manage this well. It's what we want. It's what we need, and it's what we're asking for. And I'm asking you respectfully, Commissioners, to help us protect this Trust Fund so that we can continue to do what we're doing well and represent these folks behind me.

Thank you very much.

(Applause.)

CHAIR LUEDER: Thank you.

Kevin Abernathy, followed by Tom Tammon.

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

The reason that I am here is -- has to do with the Travel Management Program that has been implemented in the National Forest. I was stopped two weeks ago and told by a ranger that I was traveling illegally. And he was a very, very nice gentleman, and we had a nice conversation. But when he pointed out on the map the areas that were open and the areas that we had used to access where he found us, which was at an intersection, basically the old adage of "you can't get here from
there" became the joke of the day. And I was -- I was ultimately utterly dismayed at the fact that he did point out some of the areas that were able to be ridden in but you had no access to get to those areas from anywhere in the geographical area that we were at.

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

So I wanted to leave the Commission with that.

And so from my personal standpoint, as Pamela and others know, I represent the California Air Industry
on regulatory issues and on the Federal and State side, and I am telling everybody that I know that as an off-road enthusiast to get involved in this. I mean this goes way back to as a -- as a child riding up in Clarks Fork Area, I mean as we all know that the areas and the ability for us to enjoy the great outdoors in whatever means or mechanism that we choose to enjoy that in has been taken away at an alarming rate. And I think where we're headed today is -- is even more -- more -- more told that we -- we really need to actually get involved.

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

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

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

CHAIR LUEDER: Okay.

MR. ABERNATHY: Yeah, we'd been told that -- I actually have a place in Long Barn, and we'd gotten rumor that Deer Crandall Hole Creek, that whole area was closed. So we actually tried to be good stewards, excuse me, and we moved south as the snow pack, or lack thereof this year. And so we were -- actually had -- we
were doing the second half of our 100-mile dual -- dual
sport ride out of the Greeley Hill area. And --

COMMISSIONER WILLARD: And what forest was that
again?

MR. ABERNATHY: I believe the Stanislaus.

COMMISSIONER WILLARD: Oh, the Stanislaus.

MR. ABERNATHY: Yeah.

CHAIR LUEDER: All right. Thank you.

Tom Tammone, followed by Dean Stanford.

MR. TAMMONE: Good morning. This is Tom

Tammone.

I was going to ask that the Commission revisit
an issue that was visited about three years ago in
regards to the minimum number of commissioners we need
to have a meeting. Looking at the transcripts from
the -- the last meeting, the previous Deputy Director
brought up that on the -- March 15th is going to be the
drop-dead day for three seated Commissioners to either
be reappointed or evidently they are going to be off the
Commission for at least a year. So my concern is we
have eight seated commissioners now. The last meeting
we had five show up at the meeting. At our present
Commission policy, that's the very minimum we need to
have a meeting. Now, if that drops to five, I think
it's rather unlikely we're going to be getting every
single one of those five Commissioners to show up to a meeting -- so we could have a meeting. So I'm going to ask that legal counsel and the Commission reconsider this and, you know, take into consideration the number of actual seated commissions -- we need to have a -- possibly a majority of those rather than nine, which we haven't had for quite some time.

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

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

Thank you.

CHAIR LUEDER: Thank you, Tom.

Dean Stanford, followed by Dave Duffin.

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

I just want to say thanks to the Commission for showing support and interest in the -- the urban electric OHV park. I proposed the City of San Jose to be included in the 2,600 acre restoration around the water treatment plant at the bottom of San Francisco
Bay. And thanks to staff for sending somebody to one of
the public comment meetings.

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

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

Thanks.

CHAIR LUEDER: Thank you, Dean.

(Appause.)

CHAIR LUEDER: Dave Duffin, followed by Dave
Pickett.

MR. DUFFIN: Commissioners, thank you very much.

I would like to ask the people that are in this
room that can get their hands around the idea that Carnegie is really not an environmental danger to California to please stand up for a minute.

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

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

I'd like to talk about canaries and turtles. Honest. There's a coal -- or there was a coal mine at Carnegie. And when you went into a coal mine, you always brought a canary with you. The reason for bringing the canary in was to let you know that if something was going to be going wrong that canary would not be in the cage chirping; it would be laying down, and that would be a signal to get out. Now, of course, we don't have coal mines at Carnegie anymore. But I
think we're getting some warning signs about what could happen to the park and even into the OHV system. We're looking at these budget matters, and these are incredibly intrinsically important. The ridership has gone down. The revenues have gone down. You know, you have to say to yourself: Sustainability? You know, we're talking about environmental sustainability, but now we have to talk about financial sustainability. So somehow the ladies and gentlemen that are up here have got to make some incredibly strong decisions for the future. It's a tough one, a really tough one. Our organization, Carnegie Forever, 13,000 people, we have -- three of our board of directors are here. One of them could not attend; his daughter's at a race. So we're here to support what's going on, and we can get information out to 13,000 people that's critical. We'd also like to have a meeting in the future with a smaller group of people about Carnegie. I talked to Phil about that, and he said his ears are open; he'd like to hear some more about that. So a more informal kind of a working situation.

So let's see. I think I'm down to turtles. A cowboy down in Texas told me one time that if you ever see a turtle sitting on a fence post, you know that something's wrong. The amount of money that is being
spent on the creek in Carnegie that doesn't run is
difficult for me to understand.

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

(Applause.)

CHAIR LUEDER: Dave Pickett, followed by Karen
Schaumbach.

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

This is a tough public comment because
everything I want to talk about's already on the agenda.
So I'll try to skirt it as tightly as I can. It has to
do with the budget but not the content of the budget.
So I don't think we have a revenue problem. I don't
think we have a spending problem. I think we have a
State of California theft problem. With this
$10-million take that is occurring, that breaks down to
like $200,000 a week every week during the course of a
year. Now, on prior meetings I mentioned that what the
State owed us was over $200 million, which is $100,000 a
week. They've taken this every week for 40 years. So
does this mean they're now taking $300,000 a month from
us? I think we need a serious investigation into this.
This is wrong. This is trust-fund money. And the word
"trust" is gone. And it's not anybody sitting in front of me's fault. But as Commissioner Kerr talked about a minute ago, we need to look deeper into this. And why is our money being taken at this level? I heard earlier that we had a lawsuit that was defeated. The question I have to pose is, is the attorney general, who we pay on an annual basis, going after legal fees that cost the Trust Fund through their representation? That's a question; I can't answer it.

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

Thank you very much.

(Applause.)

CHAIR LUEDER: Karen Schaumbach.

MS. SCHAUMBACH: Can I sit here?

CHAIR LUEDER: Followed by Bruce Brazil.

MS. SCHAUMBACH: Good morning. Karen
Schaumbach, Public Employees for Environmental Responsibility.

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

I believe that as the -- the rider from Ocatillo Wells, or whoever sent the letter to the Commissioners, that you can't comply with the Public Resources Code while you have open riding. These particular pictures are actually taken in a portion of Ocatillo Wells that has -- is supposed to be managed as designated routes only. But as you can see, there's riding everywhere. The impacts of that are -- some of them you'll see the -- you know, the dust. You know, the more -- the more disturbed desert land you have, the higher the dust that you're going to have. Vegetation -- you can see the one guy with the -- the big flag -- thinks it's patriotic, I guess, to run over vegetation. It's just not compatible, and it's not sustainable. And I don't think that we have to wait for a General Plan to -- at least in this particular park, this portion where it's supposed to be designated routes only, you don't have to wait for a General Plan update to start enforcing existing rules. That park has a lot of arc sites. How
do you protect arc sites when people can drive anywhere they want? The -- the park brochure advertises open camping anywhere in the park. Well, how is that compatible with the areas that are supposedly restricted to designated routes? You can see that there's people, you know, with big RVs, and they're driving off the designated routes to park. And they're given the impression that that's okay. I'm not blaming them. I didn't see a ranger the whole time I was out there. So there's nobody even trying to enforce that.

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

Thank you.

COMMISSIONER VAN VELSOR: Question. Question.

Chair Lueder?

CHAIR LUEDER: Yes.
COMMISSIONER VAN VELSOR: Down here.

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

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

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

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

CHAIR LUEDER: All right. Thank you.

COMMISSIONER VAN VELSOR: Thanks.

MS. SCHAUMBACH: Thank you.

CHAIR LUEDER: Bruce Brazil, followed by Troy Scott.

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

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

My other comments kind of follows up on Tom Tammone's concerns about the Commission membership. And that's how many of you are really going to make that -- whose term is about -- or has expired, how many of you are up for re-appointment? How many of you have been asked by the body of the government that appointed you to stay in your positions? I know myself and other members of the public would be interested in hearing
that today. At the next scheduled Commission meeting, your terms would have been gone. So hopefully we'll be seeing all of you up here in the future. And I'm just wondering if there's any sort of updates on the filling of the Deputy Director's position, also.

Thank you very much.

CHAIR LUEDER: Thank you, Bruce.

Troy Scott.

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

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

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

Thank you.

(Applause.)

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

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

CHAIR LUEDER: Certainly.

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

COMMISSIONER KERR: And I hope to have that -- share that hope. However, this is the last meeting before our next meeting, and our next meeting will be after that March 15th time certain has passed. So I'd like to ask if the Commission will consider bringing up an emergency item. I'm not clear whether we can affect the quorum requirements here. You know, who sets the
quorum requirements? Can the Commission modify them? If that was on the agenda, could we be doing that? And if we could, then I'd like to request that we add this as an emergency item.

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

CHAIR LUEDER: Commissioner Slavik.

COMMISSIONER SLAVIK: I'd like to answer Bruce Brazil's question, and I think probably a lot of other people's in here. The three of us that are the Governor's appointees have all re-applied for the Commission seats, and we've all had interviews with the Deputy Director at the Governor's office. I can say the interviews probably went as well as we would have thought. I'm kind of speaking for the rest of us. I think if anybody here is interested in continuing the commission as it stands with the questions that have already been brought up, it would behoove you to write the Governor's office. I mean if you want to get involved and you want to see things continue the way they are, and that goes for Deputy Greene's -- Deputy
Director Greene's status, too. So we all need to speak
up and -- otherwise, you might as well as go away.

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

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

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

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

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

Now, I imagine some of you have an insatiable
appetite for long-winded oral reports, or perhaps you
have a real glutton for punishment. But I give you my
word I'm going to shoot for a brief report. But in case
it does go long, I hope you checked off all the boxes on
your civic duty Vasquez card because I'm certain this
report will prove to be one of the driest, most balanced and duller reports you'll hear today.

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

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

The first bill I'm going to briefly review is AB 1589. This bill was introduced by Huffman, Chesbro and Dickinson. This bill will be addressed later today under Business Item C, so I'm just going to be very brief. This bill requires the Department to be more transparent on how it evaluates and selects specific
parks for closure and places a cap of 25 State Park
units on the number of park closures allowed from 2012
to 2016 without legislative approval. This bill also
provides various mechanisms to raise money to support
State Parks and provide ongoing funding for operations
and maintenance of the parks.

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

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

SB 1073, existing law requires the Department,
prior to the development of any new facilities and any
previously classified unit of the State Park system to
be -- to prepare a General Plan or advise an existing
plan for the unit. This bill would require the Department to revise instead any relevant existing plan for the unit. Now, with this bill, I'm still looking this over in more detail. We are unclear exactly the author's intent behind this bill and whether it will have an effect on OHMVR Division. But perhaps it wouldn't in regards to our general-planning process. It may have an effect on that process, but it's too early to tell. And we'll be sure to keep you posted as the bill advances to committee.

SB 1078, this bill would create a plan to develop long-term funding for State Parks utilizing money already owed to the State through the State Lands Commission from delinquent rents and undervalued State land leases. In August 2011, the California State Auditor released a report on State Lands Commission indicating a failure to collect rent or renew -- renegotiate undervalued leases worth billions of dollars. This bill would fund the State Lands Commission to collect past-due monies through a General Fund loan that would be paid back via the overdue collections. This bill provides a loan of $1 million from the General Fund to develop and implement a Collection Plan. The loan would be repaid with the first 1 million created. The bill would also require
additional revenues collected by the State Lands Commission to be deposited into a new Delinquent Rent Collection account in the General Fund. From that account, the second million dollars collected would be allocated to State Parks to study ways to increase park revenues.

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

It's also important to note these bills that I just reviewed with you were only recently introduced, within the last few weeks, in fact. Accordingly, there are no committee analyses, and there are no Department analyses -- State Parks analyses. Because it's still very early in the process, in all likelihood these bills will change, and the authors and committees will make adjustments. And in all likelihood we'll see changes over the next few months. But generally analyses are done after they are assigned to committee. So at this point, we don't know if any of these bills will have an effect on the OHMVR Division. And as soon as we learn more information, we'll keep you posted.
So next up I would like to address a couple federal bills we are tracking. And for -- in consideration of our time, I'm only going to go over a couple bills with you. And, again, I'm happy to discuss those off line.

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

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

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

(Video presentation.)

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

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

The two in particular that I will review from that last meeting is HR 1996. That's the Government Litigation Savings Act. The companion bill was Senate
Bill 1061. And HR 2852, Senate Bill 1524, the action plan for the Public Lands and Education Act.

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

S 1813, introduced by Senator Boxer, is the Moving Ahead For Progress in the 20th Century, Map 21. This bill is a two-year funding authorization that specifies funding for certain transportation programs. But of particular interest to the Division and the Commission, dedicated funding for the Recreational Trails Program would be eliminated, instead giving states the option of dedicating a portion of their Transportation funds to enhancement programs like the Recreational Trails Program. This bill will be discussed further under Business Item C. So I'm going to move on from these bills and allow Dan and others to discuss that bill further.
Now, HR 1996 and the companion bill, the Government Litigation Savings Act -- so let me say that again. The Government Litigation Savings Act. I recently read an article related to this particular act titled "Legislation Obfuscation" I think the author's musings were spot on. From the title of the bill, it's almost impossible to know what the bill is really about. But hardly anyone likes lawyers -- sorry, Tim -- and saving money can't be a bad thing when trillion dollar -- trillion dollar deficit's threatening the economy. But unfortunately the summary provided of this bill by Congress isn't much help either. After reading the summary in your Legislation Update, I'm sure more than a few of you responded with a, "Say what?" because that's how I responded. Turns out the litigation savings in these bills are realized through amendments in the Equal Access Justice Act. That will make it much more difficult for advocacy groups to sue the federal government for failures to follow the law. So at a recent Judiciary Committee hearing on HR 1996, Chairman Lamar explained further. In an ideal situation, parties in civil litigation would follow the golden rule, treating one another as they would like to be treated. In the United States, each party must bear its own attorney's fees and costs. This can allow a party with
weak legal claims but deep pockets to gain a significant advantage by dragging out a case. When this happens, rather than the golden rule, it may be that he who has the gold makes the rules. Well, nobody has more gold than the federal government. If it runs out of money, it just prints more. The federal government has thousands of lawyers on staff, none of whom bill by the hour. No person or corporation could ever hope to compete with such overwhelming public resources. To prevent the federal government from abusing its superior litigation resources, Congress adopted the Equal Access to Justice Act. When the government loses in court, the EAJA allows the court to order the government to pay the other side's attorney's fees and costs if the government position was unreasonable. The EAJA was meant to be an anti-bully law to help small businesses and ordinary American taxpayers defend their rights in litigation against the federal government. Congressman Cynthia Lummis is the sponsor of this bill, indicates she's found a number of problems with the EAJA and questions whether the EAJA is still serving its original legitimate purpose. Lummis points out a number of issues, in particular with transparency and excessive lawsuits by 501(C)(3) nonprofit organizations. Lummis explains these organizations have the benefit of being
exempt from the EAJA net worth limitation and indicates some of them appear to be financing their lawsuits with large awards of attorneys' fees. And under the EAJA, this act, H 1996, would limit these awards. 1996 prohibits organizations with a net worth exceeding 7 million from filing for EAJA funds. It also requires the EAJA filers to show a direct and personal monetary interest in the action to be eligible for payments. The author explains the intent of the EAJA was to help the little guy fight back against the wrongful actions of a huge faceless government. The situation became worse when Congress decided to end the requirement that federal agencies keep track of the amount of money paid under the EAJA. The author indicates the lack of transparency has led to exaggerated claims on both sides of the issue, and this bill essentially seeks to correct that lack of transparency. Cynthia Lummis also wants to know how much money the federal government is paying out every year in attorneys' fees and costs under the act. And the Litigation Savings Act restores the reporting requirement. So from the point of view of the author, the act seeks to discourage repeated procedural lawsuits and encourage substandard ones. And it represents a move toward enhancing the ability for the EAJA to serve its intended purposes. So it's long-winded, it's a very
complicated bill, but I think it's very relevant for you

guys to be aware of what's going on with this bill.

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

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

CHAIR LUEDER: Great. Thank you very much.

I've just been informed that we have a bit of a
scheduling conflict. So, Phil, I believe we're going to
move to Item V(A), which is the Central California Water
Quality Board -- Control Board and the Carnegie SVRA
Cleanup and Abatement Order. Is that correct?

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

So, Pamela.

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

MS. CREEDON: Am I on? Thank you.

Hi. I am Pamela Creedon. I am the executive
officer of the Central Valley Water Quality Control
Board. And we are a regulatory agency for the
protection of water quality throughout the Central
Valley. And we have worked a lot with Parks, both the
off-highway as well as your other Parks -- Park
Departments to deal with some of the regulatory
activities from our board. And in particular, this
Carnegie, we -- we had a real run-in with you a while ago for Rubicon Trail, if you'll remember, and now it's Carnegie. And this was a much different dynamic for us working with the Parks. This was as a result of a lawsuit against Parks and the potential closure of Carnegie as a result of that with the direction from the judge for us to issue orders. We were able to successfully fight back asking the judge not to take over our discretionary authority on how -- how to regulate the parks and Carnegie in particular. And so we were able to work collaboratively with Carnegie and your staff and Daphne Greene and now with Phil and others on staff to work towards a workable solution for you in how we implement a Water Quality Control Program in terms of protecting the creeks and the streams and the environment there while still allowing the park to operate as it's to operate.

And we had moved forward cooperatively with you, working with your staff to -- with the staff to develop a Management Plan for Carnegie. We had intended to use a General Order that's been in place that we've been actively using through the State Board, general -- a statewide General Order for stormwater run-off. That was a tool that could expedite the process, get us -- the Water Board and the Parks Department out from some
legal threats of potential lawsuits. And this permit has been in place for a number of years with the state board, but unfortunately there is a provision in the permit that said that if the permit's expired, we cannot enroll new permitees under it. While we have been doing that for a number of years, because the permit's been expired for a number of years and administered -- extended administratively, it wasn't until this action and because of the controversy around it that that provision of the permit was highlighted. And so it was on our agenda for adoption to move forward, but we had to pull it because of the controversy and the fact that the permit explicitly said we could not have new enrollees under it.

So this put both the Water Board and the Parks at another potential legal threshold to where we could have potential lawsuits against us. And so what we've done to -- for the board so that we have a regulatory tool in place and for the Parks so that you have the regulatory coverage that you're required to have, we issued a Cleanup and Abatement Order, which basically is directing you to do exactly what you were going to be asked to do under our permit. But this gives us all some cover and a -- and a tool for us to take enforcement on provided -- if -- if the parks should
fail to operate or do what they've promised to do, but it also gives you some legal coverage because you now have regulatory coverage from our board.

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

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

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

So I just wanted to come to you because it is an enforcement order. It does look like we're taking enforcement against the Carnegie Park, but -- and -- and in legal terms, we are. But it's a friendly one, and
it's -- as long as we continue to work together, we shouldn't have any problems with it.

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

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

So I'll be happy to answer any questions for
CHAIR LUEDER: All right. Thank you.

Commissioner Silverberg.

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

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

MS. CREEDON: Uh-huh.

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

MS. CREEDON: Uh-huh.

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

MS. CREEDON: It doesn't feel good, does it?
COMMISSIONER SILVERBERG: Yeah, it doesn't feel good.

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

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

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

COMMISSIONER SILVERBERG: No.

MS. CREEDON: So Cleanup and Abatement, that's -- and, in essence, that's what a permit was doing. Our permit was asking you to abate -- abate the impacts to our waters and to clean up that that you've already impacted, which you're doing. And so that is an appropriate order. I would have preferred to have you under just a regular permit. And I should say that we -- you know, because of the need for this at many of
our parks, we're working with either the State Board or within our region to develop a -- a region-wide or a statewide permit for off-highway vehicle parks so that you -- you have consistent requirements throughout the State for -- for you to comply with.

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

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

MS. CREEDON: Uh-huh.

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

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

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

MS. CREEDON: Well, they did put it out for public comment, and it was -- there was a significant outcry. So they're renew- -- looking at that now. So
I -- I'm -- I'm told within the next six months. But I have no control over the State Board and their staff and their schedule. I know it's a high priority. But apparently the current draft as it is has just received much opposition from many, many fronts in terms of it. So the State Board's now looking at that to revise it a little.

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

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

CHAIR LUEDER: Okay. So what I'm hearing is, is there's another process but it's more labor-intensive.
MS. CREEDON: Individual order is the only option I have for you at this time.

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

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

CHAIR LUEDER: Okay.

MS. CREEDON: Uh-huh.

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

MS. CREEDON: Uh-huh.

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

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

CHAIR LUEDER: Great. That's exactly where I was going.
MS. CREEDON: Yeah.

CHAIR LUEDER: So thank you for --

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

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

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

CHAIR LUEDER: Okay. So key interested parties --

MS. CREEDON: We've --

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

MS. CREEDON: In Cleanup and Abatement Orders, we typically will -- when we're issuing it, we issue it to -- we send it out to the party that's receiving it and any others. So in this case, you had a neighbor of the park, a Mr. Connelly, I believe is his name, and then, of course, CSPAW and their representation and those -- so we sent it out to those parties, the ones that had expressed an interest in seeing it. It's
typical, especially ones -- the Cleanup and Abatement Orders that I signed. They're not going to the board. If they were going to go directly to the board, which if you're asking me to do that, we can take it to the board, but that's a public process. It goes out for our agenda, and people can comment on it at that time.

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

Commissioner Kerr.

COMMISSIONER KERR: Yeah, I did.

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

MS. CREEDON: Lawrence Livermore.

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

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

COMMISSIONER KERR: So could you just briefly -- I mean there's been some concern that, you know, some of the measured water quality problems might be resulting from that operation. And I wondered, you know, how you've addressed that concern.
(Cell phone interruption in the proceedings.)

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

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

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

MS. CREEDON: What -- what they contribute?

COMMISSIONER KERR: Yeah.

MS. CREEDON: We have -- we have data -- we have their monitoring data, yes. I -- I don't know what -- it's typical and natural of dischargers who are new to our system to ask us to go find the other party that's
causing all the problem. And -- and that's not unusual. And so we -- we look at that data. This -- this is about what's happening within your park, in the creeks within the active areas of the park. And I don't know how we can attribute that activity to anyone else. Where it might be run-on or runoff, that -- I -- Lawrence Livermore -- you guys are upstream of Lawrence Livermore.

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

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

COMMISSIONER KERR Yeah.

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

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

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

COMMISSIONER KERR: Thank you.

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

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

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

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

CHAIR LUEDER: Okay. Well, thank you.

MS. CREEDON: -- activities this afternoon.

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

MS. CREEDON: Sure.

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

MS. CREEDON: Sure.

CHAIR LUEDER: Okay. Thank you.

So we do have two items on the agenda today for Carnegie. So if we're going to have public comment, this will strictly be regarding the Water Board. So if you filled out a card that says "Carnegie," I'm going to
call your name. If you don't want to talk about the
Water Board stuff, please don't. If you do have
something to say about the Water Board situation, then
you'll have your three minutes, and then there will be
another time for you to comment about general park
stuff.

So Dave Duffin, followed by Don Amador.

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

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

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

There's a lot of erosion areas coming off their
weapons site, and this run-off literally does come down
to the road. And I posit the idea that it eventually can move into our area and be covered and, you know, pulled back into the creek areas. So I would say that -- that that is worth another look when we take in the total impact of heavy metals in the Carnegie Creek. And I think it's very worthwhile looking at that.

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

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

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

Thank you.

CHAIR LUEDER: Okay. Thank you.

Don Amador, followed by Karen Schaumbach.

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

I just had a question to the Water Board that you guys can ask when she comes back up. And a lot of our State Parks, not just Carnegie, are tied to, you know, the mining industry, cattle, timber industry,
historic -- historic uses in California. And my
question is, are there other lawsuits -- have other
lawsuits been filed by public interest groups against
other State Park units that have mining or cattle or
some other runoff industry impacts, or is it just
Carnegie SVRA that has been -- had a water lawsuit filed
against it in a State Park system?

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

Pass.

Dave Pickett.

MR. PICKETT: Pamela, thank you for being here.
David Pickett, District 36 Motorcyclist Sports
Committee.

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

MS. CREEDON: (Unintelligible.)

MR. PICKETT: Okay. But I'm feeling more
comfortable, now that it was explained that this Cleanup
and Abatement Order, it sounds so terrible, that it
allows the park to stay open, and that's the most
important thing as we go through the process.
But regarding the litigation against Carnegie, based on what Pamela just said, does this meet the requirements of going back to finish this lawsuit up even though there's and interim process that's going on while the Water Quality Control Board gets -- was it the MS-4 permit in place? That's my question.

Thank you.

CHAIR LUEDER: All right. Thanks, Dave.

Rick Mead.

UNIDENTIFIED SPEAKER: Pass.

CHAIR LUEDER: Jerry Fouts.

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

CHAIR LUEDER: Yes.


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

The Cleanup and Abatement name worries me tremendously. It is going to come back and bite us in the rear-end. I absolutely guarantee it's going to.
And I -- I really appreciate the idea of doing a press -- a press release on it to try to help explain it, but it somehow infers that Carnegie did something wrong. They didn't. They've been following the rules since day one. They've been complying since day one, and to somehow brand them with that is unfair.

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

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

COMMISSIONER KERR: Superfund.

MR. FOUTS: -- Superfund cleanup site. Okay?

I'd like to see -- I'd like to see the numbers and the
homework on that. And that firing range is right across
from the ranger's station. It does dump water into that
creek sooner or later, either that or groundwater.

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

Thank you.

(Applause.)

CHAIR LUEDER: Mark Connelly, followed by Tom
Tammone.

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

There's no good way to put a positive spin on an
Abate, Cease and Desist or and Abate Order and cleanup.
It is what it is. Carnegie was, in fact, and still is
dumping large amounts of total dissolved solids and
total suspended solids into the Corral Hollow Creek in
violation of the Public Resources Codes and in violation of its soils sustainability. And you can't put a positive spin on that.

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

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

Second thing that I want to put to rest is, you've heard a lot of information that is incorrect today in the last two minutes. The Hetch-Hetchy, there are massive studies that have been done on the Corral -- on the Carnegie area. The largest ones have been done by the Superfund site across the street that are all available online: The map, all of the water,
contamination and non-contamination of water that comes off the Lawrence Livermore Lab National site. That's all available online. The contamination of the Corral Hollow Creek, particularly in terms of total dissolved solids and total suspended solids is not coming from that source. Water studies were submitted to the Water Board, which, again, are part of the public record, and your staff knows about, that indicates that the total dissolved solids material in the creek are coming from the park. They're not coming from Hetch-Hetchy. They're not coming from nearby ranching operations. They're coming from your newly acquired Tesla site. They're not coming from the Alameda property. They're not coming from Lawrence Livermore Lab. They are generated in the park. And they will continue to be generated in the park until there's some type of control over areas like we visited yesterday. The first site that we went to, which shows vertical hill climbs, no way of collecting that water before it hits the Corral Hollow Creek, and it goes to the Corral Hollow Creek and it exits. So we have to stop dealing with the rumors and information that is verifiably not true about Hetch-Hetchy and Site 300, Lawrence Livermore National Lab, the irrelevant issues about the firing range, and we have to deal with the reality of what you have, which
is a park that is operating in violation of the Public Resources Code, your own regulations, and resulted in part in the issuance of an order from a board for which there is no positive spin possible.

CHAIR LUEDER: All right. Thank you.

Tom Tammone, followed by Bill Harr.

MR. TAMMONE: Yeah, Tom Tammone.

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

I took the Grizedale Trails layout and design class there six years ago with Cam Lockwood. I'm going to tell you, what is going on there as far as erosion control is definitely a lot better than what I saw in my drive this morning up Creek Hollow Road from Highway 580. I took the liberty of driving by, and unfortunately I couldn't -- I couldn't make the tour yesterday. But if I remember, the Creek Hollow Road, as it goes west and ascends upward up the hill, it drains directly into the creek. And that was one of our classic examples of how not to build a road or a trail. You've got basically two-foot water canons that are just taking out the side of the hillside. I've seen half the hillsides on the other side of the creek basically ready to just -- the whole -- half this hillside is ready to
just come down, and nobody's doing anything about it.
This is just obvious stuff that I've seen and somebody
that's had training in this stuff. And I'm going to
tell you what, as far as erosion control, whatever's
going on at Carnegie is a lot better than everything
else I've seen in that creek. I don't care what you're
talking about.

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

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

Thanks.

CHAIR LUEDER: Thank you.

(Applause.)

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

MS. GRANAT: Thank you very much. Are we on?

All right. Now? We're good to go.

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

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

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

Thank you.

(Applause.)

CHAIR LUEDER: Pete Krunich, followed —

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

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

For us to be scrutinized by people that use property around us for different reasons -- cattle are not indigenous to our area. They are in the river bed. They sit in there and they go to the bathroom in the water they are drinking. Some of that is ranchers doing their job, but are they trying to keep the water clean in their aspect and their use of the Corral Hollow Creek? I think the State's done a great job, and I'd
like to work with them a little more to make serpentine
trails more appropriate in riding for the people that
use the park.

Thank you, guys, very much for being here.

(Applause.)

CHAIR LUEDER: All right. Thank you.

We have Doug Holcomb. Doug?

Okay. Is there anybody that I missed out there?

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

MR. ABERNATHY: It's a blue one.

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

MR. ABERNATHY: Yes. Kevin Abernathy.

CHAIR LUEDER: Kevin Abernathy. Thank you.

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

Pamela, thank you for taking the time to come today. And a couple things I would like to point out. The -- the working relationship with -- with the RB5, which we commonly refer to as the Central Valley Regional Water Quality Control Board, in short, RB5, when you have the ability -- I mean they have a job to do under (unintelligible), Title 27, State Water Board regulations. And fortunately or unfortunately, we
get -- we tend to get caught in the cross hairs of that. And it sounds to me on the onset of -- of working with the RB5 with our own General Order for the California Dairy Industry that the plan of attack that -- that they took by issuing a Cleanup and Abatement Order that will ultimately get into the General Order, which you will have an appropriate time to negotiate through that, was a very, very sensible way. Nobody that is not regulated ever likes to be regulated, but, quite frankly, I think the mechanism in which Pamela moved this forward was -- was a very sensical one.

A couple things that she had brought up I'd like to make a quick comment on. She -- she had mentioned the monitoring plan for runoff coming onto the property and going off of the property. There's a lot of factors involved with that, but most importantly, you are going to have the ability to know what's going on above you and around you, and potentially what you're discharging out down below you. And this kind of goes back to Mr. Connelly's comment. If I'm not mistaken, their farm is upgradient to Carnegie. The gentleman may really want to try to create some friends and allies with the off-road enthusiasts because, number one, as Pamela had mentioned, they are going to be looking at other sources of discharge moving forward to put underneath a
regulatory program. The livestock industry, predominantly the rangeland will be after some of the different KAFO regulations that are coming along with irrigated lands. So Mr. Connelly may want to develop some friendships with this group because he's probably going to really need us because when he goes through his regulatory process, you will all have the opportunity to go through the public review and comment on their General Order. I'll leave you with that.

(Applause.)

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

And, Pamela, could you please approach again.

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

MS. CREEDON: Yeah.

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

MS. CREEDON: Just go on and --

CHAIR LUEDER: Right.

MS. CREEDON: Okay. I -- I think Mr. Abernathy raised a good point, and I was going to bring that up, was the fact that part of our non-point source activities, we'll be looking at ranchers and cattle. We
do regulate currently irrigated pasturelands for cattle, not for dry -- dry grazing right now, but we're moving into that arena as well. So he makes a good point.

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

In terms of the question on lawsuits on the parks, I can't speak to how many individual lawsuits -- your attorney can speak to how many lawsuits are against the Parks Department. I know that there are a number of lawsuits around different activities. I think this Carnegie one was one of the first for the off-highway. I don't think it would be your last. So I think it
would behoove us to work together to get a permit in place that covers all your parks as soon as possible, whether at the State or -- I -- I usually have the statistics on the Central Valley Board and how many we have. I don't have that information on how many are within the Central Valley Water Board jurisdictional area. We tend to have the majority of almost everything since we cover the 40 percent of the land area of California. But I just don't have that stat, so I don't know if it would be worth your time for a statewide permit or a region-wide permit. But we'll be happy to work with you on that to stop the flow of lawsuits that would fall under that so that we can begin to work on compliance as opposed to fighting the legal arena. And that's an expensive process.

In terms of the permit, the General Permit, it's not unusual for our permits -- the General Permit is issued under -- the MS-4 General Permit that we were hoping to put you under is issued under the authority of the Clean Water Act with which the State of California has been delegated authority to issue permits under that. It's under the National Pollutant Discharge Elimination System process -- or NPDES is the acronym. And under those rules, you can administratively extend permits while the staff or the permitting agency works
to renew the order. Why the State Board has taken so long to renew that order, I don't know. It's been expired a number of years. And it didn't seem to bother the process -- other municipalities have been enrolled. Even though that provision of the permit's there, we're not going to go back and take them back out of the permit coverage. It was just the controversy around this particular site that brought that up that legally my attorney said we really can't do it. And so I could not move forward with adopting that order or asking my board to move it forward for approval to have coverage under it. So I have to defer to my own legal counsel on those types of matters.

So the State Board is very aware of this. They are very aware that we need to add the fact that Carnegie can be put under that order when they re-issue it. It's a priority permit for the State Board, but I have no authority over the State Board or their staff or the executive director of the State Board. So this whole activity is solely at their -- their authority and their ability to move it forward. I do know it's a priority for them. So it may be a matter of months before it comes back to their board for approval -- consideration and approval. With that said, I do have a say over how I use my resources, and I am telling you I
am not inclined to direct my staff to develop an
individual order at this time. It's time-intensive. We
have a lot of other priorities. We have a Cleanup and
Abatement Order on you that gives us the appropriate
authority over you. It gives you the time and the
coverage of having coverage from the Water Board. And I
would prefer to just let the State Board finish their
process so I can get you covered under the General
Order. Because I just -- my staff -- I -- their --
their work -- and they work really, really hard, and
they just -- I don't want to divert their time away from
what they're doing now to develop an individual order.

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

And, also, I -- I -- you know, anytime this
happens, whether it's, you know, your constituents here,
the people who are promoting the parks and want us to go
look at other sources or it's Mr. Connelly and having a
different take, we listen to all comments and concerns,
and then we do what we can to make the changes to
accommodate those if we think they're appropriate;
otherwise we move forward. My staff is very experienced
in -- in these activities. I have my Redding staff
who's very -- very attune to run-off in these types of
non-point source activities. And they're the ones who
are working on this and working with the erosion and
sediment control and the restoration project's
activities going on at this park. I rely on their
expertise and advice a lot. And according to them, your
staff -- the staff with the Parks at this site, they're
doing all the appropriate things. There are some who
want us to do more, and we're not inclined to do more.
We feel that there's sufficient information and that the
Stormwater Management Plan is adequate, and that if it's
implemented, we should see noticeable improvement in
full compliance with our requirements. So we're not
inclined to change things simply because someone tells
us to. I rely heavily on my technical staff to advise
me on how we should move forward. And right now they're
very comfortable with what's proposed by your staff to
address the issues.

CHAIR LUEDER: Okay. Commissioner Franklin,
COMMISSIONER FRANKLIN: It covers everything.
CHAIR LUEDER: Pretty much covers everything.
Okay. Commissioner Willard.
COMMISSIONER WILLARD: Does staff have any
comments on the situation?
CHIEF JENKINS: My mike developed a buzz. I
don't know.

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

As Pamela pointed out, the meat of the Cleanup
and Abatement Order, the things that we're being ordered
to do are the things that we have been working with the
Water Board and developing over years. And so it's just
re-enforcing those things that we have been working
towards all along. So what I'm saying is it does not
limit our ability to continue operating as we have. It
does not get in the way of our continued interaction
with the Water Board. So from a strictly operational
point of view, setting aside the kind of political
ramifications of the appearance of a Cleanup and
Abatement Order, just looking at it from an operational
point of view, it's re-enforcing what we're doing and allows us to move forward in a really, you know, judicious manner that keeps the park open and keeps the resource available to the public. So in that sense -- there's not a problem in that sense.

CHAIR LUEDER: Yes, Commissioner Willard.

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

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

COMMISSIONER WILLARD: Yep.

CHAIR LUEDER: Commissioner Van Velsor.

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

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

CHAIR LUEDER: Any other questions?

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

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

CHAIR LUEDER: Okay. So that's separate.

MS. CREEDON: And there's the State Water Board, and then there are nine regional boards. I have a board that's nine members. It's much like your quorum issues. I have seven now that are appointed by the Governor. And we are semi-autonomous from the State Board. My board members are part time, and the State Board has five board members that are full time. And it's not
like a headquarters department. They don't direct us. We're semi-autonomous. My board makes their own decisions. We operate independent. We do have a close relationship with the State Board that administers our budget and things like that. But my board acts on its own authority. And if you don't like what we do, you can petition the State Board to either tell us to do something or to tell us to stop doing something. That's the way it works for us in the Water Board. But we're under the CalEPA umbrella.

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

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

CHAIR LUEDER: Okay.

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

CHAIR LUEDER: Right.

MS. CREEDON: -- parties in the same watershed, I agree.
CHAIR LUEDER: Okay. Because we are talking about the same watershed that we share with Lawrence Livermore.

MS. CREEDON: But there's absolutely nothing wrong with -- even if you have individual orders -- with working with them and working with staff for us to put together a joint monitoring program or something like that. We have that authority. When it's out of the federal law, we have a lot more discretion. But we still have some -- some room within the federal permitting structure.

CHAIR LUEDER: Okay. Thank you.

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

COMMISSIONER WILLARD: Sure.

And I'm not 100 percent sure it's appropriate, but I just think that that's something that the Commission could do is to supply a letter from -- through the Chair and maybe with input from staff that would cover things like, you know, setting the stage first that we've always tried to comply with all of the regulations, feel that we are in compliance. And then there was -- there's a paragraph here that I thought was good, the park has implemented or is in the process of implementing the activities required by the SWMP, such
as maintaining trails, restoring areas damaged by
vehicles, et cetera. So that paragraph, I think, states
what we've been doing. We could also suggest that it
look at some of the neighboring properties within the
watershed, which I know you will do. Suggest also a
press release, and also ask that the process be
expedited.

So those are the things that --

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

CHAIR LUEDER: Okay. Commissioner Kerr.

COMMISSIONER KERR: Why don't we just issue --
why don't we just take her up on this press release, you
know. Because -- and I don't know if she -- you know,
because I think there were certain areas of agreement
here. One is that the OHV Division has come up with an
adequate Stormwater Management Plan. It is implementing
that plan on schedule. And this plan does meet -- you
know, I think -- I use the word "approval"; it meets the
smell test or the approval of the Water District staff.
And also stating that the Abatement Order is the
most expeditious and convenient mechanism --

MS. CREEDON: At this time --

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

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

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

MS. CREEDON: I get letters all the time. And
especially if you're going to add in something to the State Board or ask the State Board to expedite, then I can forward that over to the State Board, unless you send them a separate letter. But it's just the comment period's closed.

COMMISSIONER WILLARD: Right.

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

COMMISSIONER WILLARD: Okay.

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


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

COMMISSIONER WILLARD: Sure.

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

CHAIR LUEDER: Okay.
COMMISSIONER WILLARD: I'll take the easy way out.

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

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

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

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

COMMISSIONER KERR: Second.

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

Okay. I heard a second.

Discussion?

Commissioner Van Velsor.

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

Secondly, it seems to me that we are generally comfortable with what the Water Board is doing. I think the Division is comfortable with what the Water Board is doing. The Division is doing what they have been doing
with the blessing of the Water Board. So it doesn't seem to me that a letter is necessary.

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

CHAIR LUEDER: Okay.

Commissioner Silverberg.

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

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

COMMISSIONER SILVERBERG: Of course.

CHAIR LUEDER: Any other comments?

Commissioner Slavik.

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

MS. CREEDON: Uh-huh.

COMMISSIONER SLAVIK: I mean it's worth a letter.
COMMISSIONER VAN VELSOR: I remembered my other point.

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

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

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

CHAIR LUEDER: Correct.

COMMISSIONER NR WILLARD: That was the gist of what I understood, was that we weren't necessarily completely accepting, but we would acknowledge the fact that the Water Board staff has worked with the Division, and due to the circumstances, this is where we are with the Cleanup and Abatement Order, and that we hope to have a transparent process and continue on based on what we've
talked about already. So that's kind of what I think I'm hearing from the other Commissioners as far as what the letter's going to contain.

Okay?

MS. CREEDON: Okay.

CHAIR LUEDER: All right.

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

CHAIR LUEDER: Thank you, Pamela.

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

All those in favor?

(Commissioners simultaneously voted.)

CHAIR LUEDER: All those opposed?

All right. Motion carries.

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

(Lunch recess.)

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

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

CHAIR LUEDER: So the next item on the agenda, we're returning back to Item IV, Reports, (B)(6), which is our Public Safety Update.
MR. ROBERTSON: Good morning, Commissioners.
Good morning, members of the public. Good morning,
Chief.

CHIEF JENKINS: Good afternoon.
MR. ROBERTSON: Good afternoon. We were
supposed to go before lunch, so...
Okay. We're going to go ahead and make a -- a
change in the schedule for our law enforcement update.
We're going to go ahead and launch right into our Law
Enforcement Training Presentation. Supervising Ranger
Kevin Pearce will go ahead and take off from now.

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

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

We just had -- January 25th we just presented
our first of our new POST Proof class up in Clear Lake.
We had eight agencies, 22 officers attended. Great
class. We coordinated with Chris Real, DPS Technical, and for a second day, we had sound training, sound testing. Our officers walked away with hands-on training and certification of the Stationary Sound Measuring Devices and the process.

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

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

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

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

What this allows us to do is answer or to present questions within our presentation and get immediate feedback from our audience and, basically,
answering the questions that we present on the screen, and we can go ahead and talk about that throughout our training.

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

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

Part of that is -- part of our training is getting these demographical questions and kind of a pre-test to our test questions to kind of get a basis of where we are. So we're going to answer the questions -- or ask questions about employers, agencies that are
coming to the training, and just get a wide variety of
information from -- from this process and this
technology.

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

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

Yes, ma'am.

COMMISSIONER PEREZ: I don't have one.

MR. PEARCE: Could we get --

COMMISSIONER PEREZ: Okay. Great.

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

In what year was the Chappie-Z'Berg Off-Highway
Vehicle Law enacted: 1942, 1972, or 1984?
So now up at the top we see poling open. We can see the responses coming in by the class. We have 30. So if we need to get a couple more people motivated by punching in their answers. So we lost one. So somebody didn't answer. But that's all right. So 79 percent of respondents, 1972, and that would be the correct answer.

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

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

CHIEF JENKINS: They were listening to my presentation apparently.

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

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

So what we'd be doing in the class, we'd be doing this pre-test. We would not reveal the answers. We'd go into instruction. At the end of the class, we would present the same questions in different formats. All right. Hollister Hills. Sharp group. That is
1. First meeting of California's Off-Highway Motor Vehicle Recreation Commission was held in Sacramento on March 17th of which year: '65, '83, or 2003?

And a little SNAFU there. Everybody's right.

Good job.

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

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

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

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

Uh-oh. That is true. Good job.

SB 742 extended the OHMVR Division's program
sunset to: 2014, 2018, or 2016?

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

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

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

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

(Multiple speakers.)

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

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

All right. So, again, talking about our data
that we would again -- again, we would do the pre-test, 
we would do our block of instruction, and we would do a 
post-test where we go ahead and go over the same 
questions again. During our pre-test, too, we'd 
identify areas that maybe we need to kind of tweak and 
refocus our attention and, you know, change our lecture 
up a little bit to address those issues.

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

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

Seeing the difference, the dark blue showing the 
post-test; light-blue graph showing the pre-test and 
where our strengths and weaknesses were.
Again, data from Clear Lake: Which one of these forms of identification has seasonal limitations? Clear Lake is in the northern part of the State. There's not a lot of green sticker, red sticker issues up there. So we had a mixed result of -- of answers. After our training, though, we got our point across and presented the information in a well-delivered process, obviously, and we were -- outstanding instructors that day. Hundred percent compliance or understanding of our interpretation. And, again, the comparative slides for those.

And, again, another question from Clear Lake: Do all California OHV laws apply on private property that is open and accessible to the public? Class actually -- hey, somebody slipped in -- this actually shows worse, doesn't it? Well, actually, we -- as instructors, we actually look at this and say, What did we do wrong? Did we word the question wrong? Were we confusing in how we delivered the question? Our information, how we presented it in class, do we get them confused between public land or private land? So these are issues and instructions that we take seriously and we want to go ahead and tweak it and make it work. And Tim had contacted all the officers after we had got this data from our Clear Lake class, said, Hey, just
want to follow up. What did we do wrong? What could we have done better? Here is what we were trying to say. And, again, with the registration process, we know who our students are and how they answered so we can follow up individually with those people.

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

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

UNIDENTIFIED SPEAKER: We pulled the clickers.

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

Well, in that case, our last question there for you mountain bikers are to -- mountain bike trails or mountain bikers as legal OHV areas would be to which group? Clickers are gone, but hopefully we'd receive responses for No. 7, "All of the above and more."
With all the clickers, I don't need to warn you that those devices will explode if they're taken a hundred feet away from the computer.

So thank you very much. Any questions?

COMMISSIONER FRANKLIN: When did you implement this training?

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

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

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

Anybody else have any comments, questions?

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

Tom Tammone?


Dave Pickett.

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

CHAIR LUEDER: Okay.

Tom? Tom Tammone. Thank you.

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

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

CHAIR LUEDER: All right. That concludes those reports.

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

COMMISSIONER VAN VELSOR: I abstain. I abstain.

CHAIR LUEDER: Okay.

COMMISSIONER VAN VELSOR: Thank you.

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

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

Jim Keeler.

AGENDA ITEM C(1) – BLM REPORT – GENERAL UPDATE

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

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

Also, in keeping with Chief's idea that we only had two weeks to prepare for this stuff, I tried to focus mainly this report just on the land-use planning
stuff that's happening right now rather than sort of
generalized news. But I'd be happy if there's questions
that answer any specifics. And I know Commissioner
Slavik had a question earlier.

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

Right now planning's underway and a public draft
document is scheduled to be released around June 12th --
or, I'm sorry, June or July -- or June of 2012 for the
first public review. It's -- it's -- like I say, it's a
massive project. I finally got involved in it. I was
trying to stay away as long as I could. But on the
recreation and off-road vehicle side, there's just huge
implications in this thing, too. So it's a big project coming at us.

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

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

Next one for us is the California Desert District WEMO Plan, the Western Mojave. It's another one that we thought we had completed, and through litigation we're back reviewing it again and doing it a second time. The planning area for WEMO is 9.3 million acres in the western portions of the Mojave Desert of which 3.2 million are public lands or BLM lands. And what we're trying to do there is to re-evaluate the
entire road and trail network for off-road vehicles and
do a better job of demonstrating their reliable
environmental and other issues involved with it. To get
there, what we've been doing most recently is to go back
out to the public. We had a series of nine public
meetings that are just concluded to look at our
inventory of stuff that we're reviewing as a starting
place.

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

Going on with WEMO, BLM Districts are -- all
have a public body, which some of you guys know about.
In most cases they're called RACs or Resource Advisory
Councils. The California Desert District was created
with a Desert Advisory Council or a DAC. So BLM has, I
think, 56 RACs and one DAC. In any case, the Desert
Advisory Council has appointed a subgroup that is going
to be advising the RAC on issues. They'll look deeper
into the issues of the West Mojave and bring those back
to our management through the -- the DAC. That group
was just appointed, and it looks like they'll have their
first public meeting the week of March 12th. And Roxie
Trost in Barstow is the designated public official
working with that group.

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

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

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

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

CHAIR LUEDER: Commissioner Willard.

COMMISSIONER WILLARD: Thank you for the report,
Jim.

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

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

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

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

COMMISSIONER WILLARD: Oh. Okay.

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

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

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

COMMISSIONER WILLARD: Yeah.

MR. KEELER: But I believe you even have to have
standing for having --

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

CHAIR LUEDER: All right.

Thank you.

COMMISSIONER WILLARD: Thank you.

CHAIR LUEDER: Commissioner Kerr.

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

MR. KEELER: That's correct.

CHAIR LUEDER: All right.

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

COMMISSIONER SLAVIK: The permitting process.

MR. KEELER: Yeah. I think -- I would have answered you at lunch when we were talking, but I decided it's probably better to take it public. And I think what I would like to tell you is that I'd be happy to take specific comments, but, in general, a vague dissatisfaction is kind of hard for us to deal with. So what I guess I'd ask is that if people would -- I would love to help them hook into the right people to complain or to deal with their issues. There is a very formal process through the DAC. Ever since Johnson Valley and the big issue we had there, we have been tinkering and
trying to get this process a lot better managed, and in
some cases, that's a difficult thing for people that
have long-standing issues or long-standing events. But
I'd be happy to take a phone call or -- from either you
or the people that have problems.

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

MR. KEELER: That -- that -- that's fine. And
I -- you know, in general, I try very hard to push those
back to the fields to deal with, but just note that
there was issues. But there is, through the same --
Desert Advisory Council also has a subgroup that works
with these. And in general, the -- the official
comments have been pretty comfortable that things are
improving. So --
COMMISSIONER SLAVIK: I can't imagine District 36 down there hasn't made their complaints known to the field office -- 37. I'm sorry.

(Multiple speakers.)

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

COMMISSIONER SLAVIK: Yeah. I understand.

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

Thank you.

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

MR. KEELER: Thank you.

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

Dave Pickett, followed by Amy Granat.

MR. PICKETT: Dave Pickett, District 36.

Our relationship with BLM is perfect in District 36. I would ask Jim if he might advise the -- the Commission on an update concerning the H2930-1 Permit Guidebook. There was a meeting down in southern California about a complete revamp of the process that would be more amicable to an event plan rather than hard
guidelines that may not apply to one type of recreation versus the other four-wheel drive versus a motorcycle. And I would say something about BLM in Nevada, but that's not in this case.

So that's — that's my main comment. Thank you.

CHAIR LUEDER: All right. That you, Dave.

Amy Granat, followed by Tom Tammone.

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

There's just one piece of information. I asked Mr. Kenna if it was okay if I quoted him because he indicated that he'd like a new wave of integrity to go through the BLM office. And I really liked what we had to say, and I suggest we hold him to it. So I actually wanted everyone to hear it. He's talking about three forms of integrity that are very important: The process, agency, and decisions. What it basically boils down to is that the public needs to understand the process, there needs to be integrity throughout all the steps of the process, and that the behavior inside the agency is going to reflect on what the public -- how the public views the BLM. And I think he's right. And some
of the options -- some of the issues that we have had specifically with Clear Creek we have seen a lack of integrity, you might be able to say. So I'm looking forward to -- very much to this new behavior and suggest that when it comes time for these EISs to come through, these Final EISs, we remember the word "integrity" and -- and use it to really probe deeply into what they have concluded.

Thank you.

CHAIR LUEDER: Thank you, Amy.

Tom Tammone.

MR. TAMMONE: Thank you. Tom Tammone.

Recently last year I attended two DAC meetings, and a lot of people that are attending these meetings are very unhappy with the public process as far as BLM and -- and these alternative energy projects. A lot of them feel they were disenfranchised and they were shut out of all the processes. And I'm a little concerned. It seems like there's been a real effort to ramrod these things through. A lot of the environmentalists, along with myself, are not all that thrilled about surrounding public lands for this purpose. You're putting these things out there way out in the desert that are going to require more infrastructure as far as transmission lines and a power grid to deliver the power they produce as
far as solar energy. It pretty much shines just as
bright in the areas where they're bringing the energy to
as they do out in the desert. So a lot of us feel are
you better off putting the solar panels on homes or
locally closer by them and -- which would tend to take
the stress off the power grid rather than overloading an
already overworked power grid, especially with talk
about wanting to bring more electric cars into the fold.
Every electric car out there uses about the same amount
of power as a house. At some point they're going to
have to start being managers as power meters. Every
time someone buys them, at some point the equivalent of
one person in that area is going to have to be powering
their house through alternative energy. So the only way
to accomplish that is with what we call point-of-use
generation. (Unintelligible) ought to be funding people
to get involved with solar projects or
alternative-energy projects on their own property as
opposed to swallowing up our public lands. And it makes
perfect tentacles and some economical sense to do it
that way, too. The problem I also have as an OHV'er, it
seems like every time there's an energy project, they
wind up surrendering about four times that in land for
land to be set aside as part of some nature preserve or
something. So it's -- it's not good for our interest,
and it's technically not feasible, and not everybody agrees with it. And I understand that there's even falls out -- fallings out amongst the upper leadership in the Sierra Club over the issue. Everybody likes dealing with the big companies. They like the donations, they like the perks, but it's not necessarily the best way to go.

    Thank you.

    CHAIR LUEDER: Thank you, Tom.

    COMMISSIONER KERR: (Unintelligible.)

    CHAIR LUEDER: Yeah, Commission Kerr.

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

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

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

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

CHAIR LUEDER: All right. Thank you.

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

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

GENERAL UPDATE

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

CHAIR LUEDER: Yeah.

MR. VILLALVAZO: Yeah. Good afternoon,
Commissioners, Chief, staff, and folks in the audience.
My name is Ramiro Villalvazo. I am the director for
Public Services for our Pacific Southwest Region for the Forest Service, which covers all of California and the 18 National Forests.

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

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

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

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

Each of these maps is available and is found on
websites at each national forest website and also at a
central website that you have before you.

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

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

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

Also, speaking maybe to the concern brought up
this morning of -- of maps that folks use in the field
that are not user-friendly or clear, we are working on a
very important project to have what are called -- and --
and I think all of you have seen these, the user-friendly motor vehicle maps which are not printed on newspaper print, which are weather resistant and provide color and provide a much better opportunity for the public to know where they are and where they can go and -- and that sort of thing. Although I was pleased to hear that the encounter with the law enforcement officer was a friendly one and -- because we have heard other types to reports.

In terms of our budget, our budget is -- continues to go down. We are -- we all are facing similar issues. This year another 6 percent for our trail-specific funding, and that is for all our trails not just for OHV trails, includes hiking trails, et cetera. And we're doing all we can in our offices to make sure that as much of that funding can get down to the field. And I think it's valid to share and appropriate to share that we continue to rely heavily on the Trust Funds. I've been with the agency 30 years, started with the -- with the Forest Service as a landscape architect and have been able to participate in -- in providing facilities through design and planning for OHV facilities, and now management -- my previous job was as a Forest Supervisor on the Eldorado National Forest, and very, very much had an opportunity
to see the value of the relationship that we have
with -- with the Commission and use of the Trust Fund.
So we don't take that lightly, I just want to assure
you. And in my role as director, I will continue to
work very -- have a very important relationship now
with -- with Phil and with -- with you folks, too. I
look forward to that.

Litigation, we have our share. Recently a judge
vacated the Trail Management decision -- aspects of the
Trail Management decision on the Eldorado National
Forest; coincidently, the last forest I was on. It was
a decision that I had signed. But it had to do with
vacating an aspect of the decision that removed some
segments of trail from meadow areas, wet crossings and
that sort of thing. And all in all, it represents less
than five miles, but all tolled in terms of overall
trails that connect to them and access to these areas,
we're talking about a hundred miles. So the court
ordered the Eldorado National Forest to prepare a
Supplemental Environment Impact Statement. Just this
week they were in the Regional office talking to our
NEPA folks and other key parts of -- of the staff in the
Regional office to get going on that. I don't have
information as to when the judge said that was due, but
I know they were already starting on it. The decision
was just about a week or two weeks ago.

There's still a couple pending litigations: One with the Klamath National Forest and another with the Stanislaus. The issues have to do with NEPA sufficiency, concern for wildlife issues and that sort of thing.

As you may or may not know that there is a national litigation that the Washington office was served concerning Subpart C having to do with over-snow travel. And that is challenging the Forest Service regulation that stipulates that doing Subpart C is voluntarily not mandatory. In other words, we will do Subpart C if we -- if there -- if a forest finds that it is necessary to do so because they receive sufficient snow to have snow activities. And if there's conflicts there, they will embark in that. But the challenge is the folks that are challenging the Forest Service do not like the fact that it is not mandatory. So our national office is dealing with that.

A potential for new litigation. Right now we've been notified but we haven't been served about the over-snow vehicle program that is funded by Trust Funds. I'm not sure -- it's not the green sticker, but it comes out of the General Operations Funds. I'm not sure if I'm saying that correctly, but -- so we're -- we're
looking over that. Our Office of General Counsel is reviewing that. And, again, we haven't been served; we hope we are not. And only time will tell if we do receive -- get served on that.

The Subpart A process, we're working on -- we have until the end of September of 2015 per direction from our Chief to get Subpart A completed. And our Regional office is working on template tools for our 18 National Forests to get working on that.

And also want to mention that earlier we heard of the Cleanup and Abatement Order on Carnegie. Well, a couple years ago we received one for the Rubicon when I was there, also on the Eldorado, and we just completed the Draft EIS for working through that.

That concludes my -- my formal update. Any questions?

CHAIR LUEDER: Commission Van Velsor.

COMMISSIONER VAN VELSOR: Yes.

Ramiro, thanks much for being here and providing that update for us.

I did have just one question regarding the wet-weather strategy. Could you just expand on that a little bit.

MR. VILLALVAZO: Well, we understand that -- you may know -- most of you may know that through the Travel
Management, there have been seasonal -- a lot of forests adopted seasonal closures. But we're also looking at other opportunities. If they weren't seasonal closures, what kind of strategies could be used to determine parts of the forest being open or closed. Some of you know the Rock Creek area, which is managed -- when there's a certain amount of precipitation, it's closed, and then there's a 48-hour drying period, and then it's opened and then it's closed. And it's been somewhat difficult to manage. And so the strategies that we're looking at, other opportunities how we might be more efficient that would provide the best opportunity to both protect the resource and also provide the most amount of opportunities for folks to recreate on the forest.

CHAIR LUEDER: Commissioner Willard.

COMMISSIONER WILLARD: I just want to make sure I understand on the litigation on the Eldorado. It says that the judge vacated the decision on routes and meadows, and you said it was five miles, and then -- but a hundred miles worth of trails. So does that mean that there's a loss of a hundred miles of riding opportunity in the Eldorado now?

MR. VILLALVAZO: You understood correctly, that of the total vacated -- the vacated decision, they're concerned about wet crossings and meadows. And they are
in the forest, and the total of those areas only are five miles, but -- because these are connected to larger segments. Part of what our folks were doing in our Regional office this week were looking at opportunities of where we can avoid the larger impact, because as -- as you correctly understood, when you add all the connected routes, there -- it is over a hundred miles or approximately a hundred miles. So what we're looking at is opportunities, what -- what we can do with signing, strategic closures so it wouldn't affect that many miles. But just all tolled, just looking at it grossly, that's what it looks like. But we are looking at how we can avoid impacting so many of those miles. But the order is the order, and we have to make sure that our -- our public cannot reach those areas.

CHAIR LUEDER: Commissioner Slavik.

COMMISSIONER SLAVIK: Ramiro, am I to understand that you are now our liaison with the Commission and -- and staff?

MR. VILLALVAZO: That's correct. Kathy Mick is on my staff, and she directs -- has most of the communication, but she works for me. And yes, I -- I am the primary connection.

COMMISSIONER SLAVIK: Well, welcome.

MR. VILLALVAZO: Thank you very much. It's good
CHAIR LUEDER: I think that concludes our questions.

Thank you very much, Ramiro, for coming down on a Saturday. We really appreciate it. And we're going to have public comment. So thank you.

So Dave Pickett, followed by Diane Mead.

MR. PICKETT: Dave Pickett, District 36.

I have a -- a couple of comments here. Maybe Ramiro can address them. I'm not trying to put him on the spot, but it's -- I'm passing on the information that was supplied by a lot of folks that call me looking for answers.

One of them is the wet-weather closures that are taking place. As an example, I live very close to the Eldorado National Forest. It's 72 degrees at my house at 4,200 feet right now, and all the forest trails are closed for wet weather. So I called Lester Lubecken up at the Placerville office and said, "Give me some kind of -- something to tell these folks." And he says, "Well, we have to do a full-blown EIS for the Forest Supervisor to open it." And that's not what I've been led to believe, that it's the Forest Supervisor has the decision to close an area early if there is possible resource damage because of wet weather in excess of the

standards, but the reciprocal, when it's dry like right now, it is choice riding in the Sierras. Usually Mother Nature shuts it down. But I have a -- I have a problem with that. So I'd like Mr. Villalvazo to address that.

The next thing is one of my clubs was notified that all motorcycles at permitted events are not to be unloaded out of their pickup trucks unless there's a noxious weed inspection of the vehicles to make sure that they're clean. This may be part of permits for the near future. I really have a problem with this one.

And one that's occurred last year is -- this is a highway issue, called Mormon Emigrant Trail. It goes from the back side of Placerville up through to Highway 88. And normally it's closed in the wintertime so that OHV can use it, but there was a change in that where it's to remain open even with eight feet of snow on it. Since it's an open roadway, OHV is not legal. I find that very, very punitive for the OSV crowd.

And that's what I had to say. Thank you.

CHAIR LUEDER: Thank you, Dave.

Diane Mead, followed by Amy Granat.

MS. MEAD: Diana Mead with CORVA.

I would like to also comment on the wet-weather closures. Stoneyford is located in the Mendocino National Forest, premier riding. And we're very lucky
to have such large places to ride. But the problem with declaring wet-weather closures is that where they're measuring the rainfall, the precipitation I believe is something like 75 miles away, still in the forest. There may have been no rain at Stoneyford. The trails are closed; the users are angry. But conversely, it may rain at Stoneyford and the trails do not close because 75 miles away there has been no precipitation. If there might be some consideration given to having staff on the ground look to see if it's actually raining before a closure takes place, it might be more beneficial to both the users and -- and our resources.

Thank you.

CHAIR LUEDER: Thank you, Diana.

Right. Okay. I'm going to close the public on that item.

And we are going to move on to Item E, Carnegie SVRA. I'd hoped to have these items together, but due to our...

MS. McFARLAND: Wow, I should have brought a box.

AGENDA ITEM IV(E) – CARNEGIE STATE VEHICULAR RECREATION AREA (SVRA)

MR. WILLIAMSON: Good afternoon, members of the Commission, honored guests. My name is Bob Williamson.
I'm the District Superintendent for Twin Cities District, which includes Clay Pit, Prairie City, and what we're here to talk about today is Carnegie SVRA.

Carnegie, as you have found out the last two days, inspires passion among a great many people. And you'll be hearing from people about the subject that they're most passionate about. But first I'm going to introduce some members of my staff that will be coming up to give portions of a presentation to you. We'll be covering park history, Resource Management Program, the Public Safety Program, and Education Interpretation Programs.

First up is going to be State Park Interpreter Elise McFarland.

MS. McFARLAND: Thank you, Bob.

Now it's a little low. Let's see.

All right. Well, thank you for having us. And we're going to take probably about a half an hour here to go through the things that Bob just mentioned. And we'll start with history and overview.

Are you switching it, Debbie, or am I? Sorry.

MS. BURGESON: (Unintelligible.)

MS. McFARLAND: Okay. That works.

Okay. I'm going to start with a quick history of the human use of the canyon. I know you all -- many
of you saw our Carnegie and Tesla yesterday. So we're
going to go back in time a little bit today.

For at least 5,000 years, people have used
Corral Hollow Canyon for various things: Hunting,
gathering, as a travel corridor, mining and industry,
and recreation.

Hey, it works. Cool.

So the periods of use are Native Californians,
Spanish explorers, gold rush, coal mining, brick and
pottery, and OHV use.

So hunting, gathering, and ceremony.
California's Native People, ancestors of today's Ohlone
and Yokut, left evidence in their time in the canyon in
the form of ceremonial carvings. The upper photo that
I'm showing you is actually a rock-art site with a
beautiful view. So that was one of the uses. Also,
trading in the canyon, and hunting and gathering. I
mentioned yesterday that there's not a lot of water in
the canyon, and that's a possibility why we find very
little evidence of home sites.

So Spanish explorers. Something happened in our
canyon in 1776. Does that date ring a bell with
anybody? 1776? Yeah, it -- it -- it wasn't the
Revolutionary War. Juan Bautista De Anza came through
the canyon on his way from San Francisco back to
Monterey on one of his voyages of discovery. So the Spaniards named the canyon El Arroyo De Las Buenos Aires -- my Spanish is terrible. Sorry about that -- or The Creek of the Good Winds. And De Anza's route later became a trail heavily used by the Spanish to get through the Diablo Range.

So during the gold rush, Corral Hollow Canyon became a way that people got from San Francisco to the southern mines around Yosemite. And because of this, there was a group of people who got together and started a business in the canyon called The Zinc House. And The Zinc House provided food and drink for travelers coming through.

Let's see. And then in the mid-1800s and later, people raised sheep in the canyon, but it was rough because getting from -- getting the sheep from grazing to water was a challenge.

So yesterday we talked about the Tesla Mining District. Here's another view of what we saw yesterday. You might recognize those tailings piles. We were standing, actually, right about smack dab in the middle of that picture yesterday.

So in 1855, surveyors for a railroad found coal in Corral Hollow Canyon, and different operations mined coal until 1890 when John Treadwell bought the area up
and started the San Francisco and San Joaquin Coal
Mining operation.

A town sprung up around the mines that included
a hospital, library, community center, hotel, general
store, and Catholic Church. But the town of Tesla only
lasted for 15 years.

Carnegie Brick and Pottery started in 1902 when
clay mining began to supplement the income of the coal
mines. Let's see. And Treadwell named his newest
operation after someone he admired, philanthropist
Andrew Carnegie -- but we say "Carnegie." It's funny,

By 1910 as many as 110,000 bricks a day were
being shipped out of Carnegie to build some of
California's most beautiful buildings. The plant closed
in 1911 despite high -- high demand for brick. And what
we're looking at now, if you're at all familiar with the
park, is we are looking northwest down the canyon from
above the ATV track. So the ridge that we see at the
lower side of the picture is the railroad right-of-way,
and you can still see that today next to our ATV track.

So in the 1930s and '40s, people started
dirt-bike riding at Carnegie. The large photo is from
the Tracy Gear Jammers. They had a hill-climb event in
the 1950s at Carnegie. And it wasn't long before
Carnegie became known for hill climbing.

So I'm going to turn it over to our Superintendent Joe Ramos here.

MR. RAMOS: Thank you, Elise.

Good afternoon, Commissioners, Chief Jenkins, members of the audience. Joe Ramos again, Sector Superintendent.

It was a great privilege and honor to have everybody that was able to make the tour yesterday because we were really able to show you some of the challenges, but those challenges ended up being unique opportunities for our riders. That really challenging terrain, as we saw, also prevents -- or, excuse me, presents some management challenges as well. So before we can really look at the park today, it's really helpful to take a look back, just as Elise has been saying, and see where we've been, look at our routes.

So in 1979, the park -- the State actually purchased the privately owned Carnegie Cycle Park. And by 1981, the General Plan was approved, and Carnegie was on its way. But even prior to that time with the Carnegie Cycle Park, there was a -- really a rich tradition of special events, of legendary riders and the -- actually tradition that we are actually able to inherit. And part of that time, in the early 1970s,
there was this new up-and-coming sport called motocross that was really popular in Europe. And one of the international motocross stars and kind of the unofficial ambassador, Roger Decoster, was kind of on the forefront to say, You know what? We need to bring that exciting sport to the United States. And luckily for Carnegie, that was one of the tours on that Trans AMA race that -- that inaugural circuit to bring that sport to Carnegie. And, actually, some real safety history was made at that time. As I'm sure most of our riders know better than I do, that in that -- 1970s, there was a legendary race where Roger Decoster was competing, a slower rider got in his way, he had to take a little bit of an offline that he didn't like, went flying through the air, didn't land correctly, actually landed a bit flat and literally broke his motorcycle in two. It separated at the triple clamps. Roger De Coster -- and, again, at the time, it was an open-face helmet. Roger De Coster did a nice amazing face plant, suffered some really serious injuries, but being a statesman, that spirit of "I care about other people as well as myself," Roger refused to be transported to the hospital because he knew if he did that that would take the only available ambulance away from the event, and Roger wasn't going to have that because they would have to stop the race. So he waited,
let everybody else finish, and then and only then would
be -- allowed himself to be taken to the hospital. But
after that, with the next racing season, Roger Decoster
started wearing this newfangled Bell helmet, full face,
again, to protect himself. And that next racing season,
if it was good enough for Roger Decoster, it was good
enough for everybody else. So that bit of -- of safety
tradition was born right at Carnegie.

As we look now into the -- into where we are
today, Carnegie's still primarily a motorcycle park, as
we understand, because of the nice challenging and
exciting hills. But also with the advent of technology,
we've got quads, side-by-sides, four-wheel drives,
trials motorcycles, specialty construction vehicles, all
providing an amazing array of -- of recreational
opportunities for our visitors. But also with Carnegie
we provide 25 campsites, 71 covered shade ramadas. We
also have two kids' tracks, a beginners' riders' area.
We have a special -- special-event hill-climb area. In
addition, we have combination quad and motocross track
or MX track, the adult MX track, a four-wheel drive play
area, and a trials area, in addition to 170 miles of
trails. So if you look at all that mixed together, we
provide an amazing array of recreational opportunities
in what's really a very small footprint. And as I
talked about the legends and the legacies of the past, we keep hearing today about the future, about what Carnegie means to our public, to our riders. That tradition of competitive spirit and events continues to this day as an example. We have one of our local Carnegie riders, Casey Martinez, who is actually lucky enough to be able to participate in the 2011 X Games in Los Angeles. And not only did she compete, she was actually leading for a large part of that, and still managed to be a bronze medalist. She was also named the 2009 AMA Female Rider of the Year. She's also a multi-time champion that works racing series, and just a great ambassador for the sport. It all started at Carnegie because, again, of the unique and exciting terrain.

We also have another legendary rider now, an exciting rider, youngster, Petey Krunich, who has become such a professional rider, his dad Pete teaching him, that now he is one of the premiere riders in the hill-climbing industry. Petey Krunich, more often than not, is the rider that people look at to say, "We've got to beat that guy," and, in fact, again, on a very, very small list of people that have been able to challenge and conquer the legendary Widow Maker Hill Climb. Petey Krunich is one of the very few people in the world to
have made that happen. And so I don't get in trouble
with his dad Pete, Pete also made it over the top. So I
got them both in there. But that is an incredible,
incredible accomplishment. Again, it shows the
multi-generational connections that we -- we foster at
Carnegie thanks to the exciting terrain.

Also, when we talk about looking at some of the
tracks and the facilities, as we showed yesterday in our
tour, we've also -- we've been able to do a major
upgrade of our 70cc kids' track. We've also continued
to use recycled mulch on our tracks. We're talking
about dust control, and it not only helps with dust
control, but it also helps just for the better track
surface. And as you saw, we did some major upgrades to
the four-wheel drive play area, and also we actually
were able to move our trials area to -- that was
actually displaced because of the creek realignment.

Again, as we look at our maintenance areas
now -- and catch up with my slide here -- it really is
helpful to look at our -- at our maintenance series and
our park operations. It's just like a small town.
We've got sanitation to worry about. We've got roads
and trails. We've got park facility maintenance just
like a city park, signs, public safety, all the things
that help us to really operate the park on a day-to-day
basis. And we've been really lucky at Carnegie to actually, basically, get some -- some of our -- our best trade and maintenance staff and retain them. The level of competence now, from when I first got there, is amazing. We've been able to really bring some good crews in. Because of that, some of the projects have included -- we looked at our antiquated smaller wooden buildings in our maintenance area; they were no longer in fire code. We needed to get a large metal structure. So we were able to -- from pouring the concrete foundation to all the way to construction of the entire building was done in house, and it saved us tens of thousands of dollars by keeping that in house.

Also what we've done is major campground improvements. We found our deteriorating shade ramadas were too low. We, again, constructed and poured concrete pads, made them a lot higher. We purchased barbecue grills and bird-proof trash cans, which may not sound like a lot, but anybody that knows that goes out there, those birds, after our campers are gone, they love to spread trash everywhere. So it actually helps us with our Stormwater Management Plan.

We also continue to upgrade into the days areas. We've added those same bird-proof trash cans. We've also added those same new barbecue grills. Our park
maintenance facility staff also deals with septic systems, replacing entire tanks; well-pumping systems and well tanks. And we've actually worked to increase the first impressions by -- as you saw when we were first gathered at that Pals' Trading area, planting some trees, redesign of the -- of the front entrance because it is important. That first impression that our visitors get of Carnegie is extremely, extremely important.

Some additional amenities that we have at Carnegie are the Moto Market concessionaire's store that we saw yesterday. We also, thanks to a visitors' survey, realized a few years ago we didn't have a shower facility. Our visitors say we really needed to do that. So we went ahead and said, okay, we can construct that -- that shower facility for that. We also have loading ramps strategically placed throughout the park. And we do have a free pumping tire station over by our maintenance yard.

So as we look to the future -- and I love that little picture of the little guy down there -- we see that same connection, just like we had when we were talking about in our tour, that yes, we know there are challenges moving into the future. You know, our riders, I think, have stepped up in a really big way.
We've asked a lot of them recently, and they understand, it's like this is the way of the future. This is the way to be responsible stewards of that land, but it's also important that we don't forget -- and our riders have made it really clear to me, we cannot forget our heritage, our legacy. What brings people to this park is the unique and exciting future that that can bring, the challenges and the opportunities. And it is our -- it is our intent as we go into the future to maintain some exciting, outstanding recreation while still being environmentally good stewards of the land.

Thank you.

(Applause.)

MS. BUCKINGHAM: All right. Good afternoon, everybody. I'm Jennifer Buckingham, the Twin Cities District's Services Manager. I'm here to talk about our Resource Management Programs. It's a good deal of information; bear with me, but we're really proud of what we've been doing and what we currently offer in terms of recreational and natural and cultural resources. So I'm going to try to get through slides and show you some of what we're all about.

So we'll begin with cultural resources. Carnegie has a number of prehistoric and historic resources, which truly tell the tale of this canyon and
are extremely important and valuable artifacts that require both protection and consideration in our everyday operations. We work side by side with our division archeologists to determine whether any cultural resources are present in an area where work or restoration activities are proposed and can then ensure these features are avoided and protected.

We've over a hundred features that exist and are recorded, and we actually contracted with Sonoma State to come out and do a full inventory and record for us, which has been fantastic. We own quite a bit of property out there, and we've got some tremendous resources. With that in mind, we work with the California Archeological Site Stewardship Program, also known as CASSP. And they assist with providing training to volunteers statewide and locally to come out and assess and monitor these archeological artifacts, and then they provide us, the land managers, with site reports, which include critical information about the sites and about the conditions, and that way our archeologists and managers can ensure preservation of these features.

What's fun to note is -- actually, the top picture was a very intensive partnership with Federal and State agencies to close a number of mining features
throughout the Tesla site. This was due to deaths that
had occurred in other mines in California and
nationwide. But we really looked to also include
species management in that. So that's why you see the
grates; it protects the site and vandalism and the like,
but it also allows for access to bats that we have that
fly in and out.

Next I want to talk about our Habitat Monitoring
System. As with all of our SVRAs, Carnegie implements
Annual Species Surveys under the Habitat Monitoring
System Program. Recently we contracted with an expert
group of scientists under UC Davis who provided some
stringent review and evaluation of the HMS Program and
survey protocols. A number of recommendations were made
to better assist our staff in determining the value of
these survey results as they relate to the goals and
objectives set forth in park management planning
efforts. So the new protocols have been implemented and
are quite cutting edge for State Park Resource
Management.

Did I skip one there?

Okay. We have amphibian surveys, and these are
conducted throughout the winter and spring months. The
park unit sustains very healthy populations of many
frogs and toads, salamanders and newts, including the
presence of red-legged frog, California tiger salamander and spade-foot toad, who are all listed species. We have 20 active ponds throughout the park that we manage.

We have active bird monitoring. This occurs in spring and fall through point-count surveys, and it's conducted with the assistance from Audubon members who have been fantastic. We have approximately 130 bird species found within the park unit, included listed species such as the golden eagle and Cassin's Kingbird.

We implement small and large mammal surveys, again, throughout the year, using Sherman traps, track plates, game cameras as well as nocturnal surveys and site-specific monitoring during restoration and maintenance activities.

Now we get to the meat and potatoes of what we've been talking about a lot today. Trails done for vegetation surveys, they occur as needed as well as every five years on the vegetation survey side through field measurements and aerial photography. The surveys look at the amount and quality of the vegetative cover which assists staff in determining the effectiveness of our habitat restoration efforts, our trail re-routes, and our species succession. The results also allow us to properly plan trail and habitat projects and prioritize our funding.
All of these inventories and survey data are mapped and tracked on the ground using GPS units, which is then uploaded, stored, analyzed, and displayed using our GIS Database, which is huge. This allows us to accurately map all of our trails networks, species trends and habitat health. We also track project-related expenses in our Computer Asset Management Program, known as CAMP, which provides specific details on the staff time, equipment we used, and the materials cost.

Trails Program, our Trails Program is extensive and it serves as a long-term management strategy to provide a sustainable OHV trails system while also protecting the surrounding natural and cultural resources.

Trail design and management, as Superintendent Ramos mentioned before, we have quite a few trails, about 170 miles of multi-use trails, including open riding areas, trails-only areas, and designated hill climbs. Primary trails are maintained annually and on an as-need basis. And trails that are showing signs of excessive erosion are re-routed or removed, and new trails are properly designed to account for topography, proper drainage and the type of use we anticipate.

Soils sustainability and monitoring. For those
of you who were able to join us in the field yesterday
or who frequent the park quite a bit, you're able to see
our various soil types and vegetation. And certain soil
types, like the hardy clay, are very durable and often
show very little change over many, many, many years. So
there's very little soil displacement; therefore, we're
able to support steeper trail slopes, higher intensity
use, and require less maintenance over time. Other soil
types, the loman (phonetic), the rocky soils, typically
show more signs of erosion and are less sustainable. So
in order to lessen the impact to water quality, we
monitor and evaluate all of our trails and our soils
annually. and this includes assessing soil type, trail
gradient, signs of erosion -- woop, pardon me -- signs
of erosion, condition of the trail tread, conditions
occurring both up and down slope of the trail, and
determining the causes of those erosion features. Data
stored and analyzed in our database, and, of course, is
then used to prioritize trail maintenance, activities,
redesign projects and rehab projects. In areas where
trail redesign is planned, we often work with a number
of volunteers, many of whom are in this room today, and
we look at the layout of new trails. This also provides
all of us the opportunity to share in meeting the goals
of providing sustainable trail system where we work
together to design trails that are actually fun and connected to a network of other riding opportunities while considering the soil type and the slope and long-term maintenance goals.

All right. So I've discussed the basic resources, both recreational, natural, and cultural. Although this park unit isn't particularly huge in considering our -- the other SVRAs and, of course, federal lands, we have a tremendous amount of resources and legacy issues that we need to maintain and manage. To do this effectively, we've developed Resource Management Areas, RMAs. And they allow us to focus on specific areas, specific concerns, and implement projects that directly benefit that area. There are nine RMAs, and they encompass trail use and watershed tributaries. So it allows us to close off those areas while we implement maintenance activities and then re-open those areas with proper trail signage and rehabilitation efforts in place. One example of an RMA that many of you probably saw yesterday was the SRI Loop. We fenced the area. We removed the trails and the gullies. We re-contoured and stabilized the hill slope. We constructed a new trail system through there as well as connected existing sustainable trails. Prior to fully reopening that area, our law enforcement staff
provided guided trail tours and took people through the
new trail system and spoke with them about why we did
what we did and how it affects all of us. We got some
great comments and questions back. And then we did a
full re-opening. It's a trails-only area which now
requires us to monitor every day for off-trail riding.
It's been really successful. If we find a location
where off-trail riding has occurred, the unit
closes, the area closes. The RMA can be fenced off. It
closes for a minimum of one week so that we can have
rehab efforts occur, but it's also proven very
successful because we've only needed to close SRI six
times since it re-opened over a year ago. So people
know what we're doing. They're working with us; they
understand that we've got to work together, and they
want to keep their riding opportunities. This is a
great example. We will continue implementing the work
in the RMAs going from east to west through the park
unit.

Carnegie Stormwater Management Plan. All of
these activities, from providing recreation to managing
habitat have an effect on stormwater and water quality,
which led us to the development and implementation of
the Stormwater Management Plan. So our plan, which
actually, it was originally drafted back in 2004 to 2007
during the Corral Hollow Watershed Assessment, also
known as the CHWA, provided watershed-wide assessment of
water quality and activities that impact water quality,
including historic mining, mass transit on Corral
Hollow, Tesla Road, ranching operations, explosive test
sites at Lawrence Livermore and SRI, the SVRA,
residential and agricultural uses. Many issues were
discovered. Don't get me wrong, we all had a lot to do
in that canyon. But State Parks decided that we wanted
to take on addressing the impacts to water quality that
were within our jurisdiction, within our park unit while
continuing to support other agencies. We've a great
relationship with Lawrence Livermore. We share a lot of
monitoring data with them, and we plan on continuing
that relationship as well as implementing our own goals.

So the goal of the SWMP is to limit the amount
of sediment in the stormwater through erosion control,
sediment control and monitoring.

So our SWMP, as Pamela Creedon had mentioned, is
regulated under the Small MS-4 Program under the USEPA
and State Water Board, and it provides an explicit
framework for action in an action-based document with
specific goals, objectives, activities, projects, and
timelines that allows us to improve and maintain water
quality through implementations of the actions we list.
These actions are called Best Management Practices, BMPs, and truly speak to the way in which manage and operate the SVRA. BMPs include scheduled trail maintenance, removal of unsustained trails, removal of gullies, replanting and protection of native vegetation, keeping the visitor facilities, days areas, campgrounds clean, free of garbage, educating visitors on how to lessen their impacts on the environment and monitoring and evaluations of these actions -- of these BMPs. And as I'm sure many of you noticed in the park, but these are great pictures, these are the most kind of common BMPs that you see for erosion control. We re-contour hill slope, we put in straw waddles, native seed, hydro seed and mulch helps to dissipate and slow stormwater. We close off areas that need a level of protection. All of this, including designated creek crossings, help us to ensure stormwater and water quality compliance with objectives in the Basin Plan.

Specific BMPs that are unique to this park and oftentimes other OHV areas that we've put in for OHV trails and facilities include the use of sediment basins; these are at the base of all of our tributaries. It collects our stormwater and it allows the sediment to settle out before the water then goes into the creek. These are actually scheduled for a pretty big upgrade,
which will really assist us in having them function even better. It's been a long time coming, but it takes a while to get funding in place. So this should be occurring over the next year and a half. It will be wonderful.

Trail design based on erosion, hazard rating scale models, which we use throughout the park. They include drainage features, rock-lined crossed drains, vegetative buffers, proper trail signage that's been real helpful. It's hard to say, "Please stay on an existing trail," but then we don't necessarily have a trail sign that says, "This is the existing trail." It's part of the RMAs. Takes time to go through the park, but it's getting done, it's looking good.

Another one which we've heard quite a bit about and it -- it definitely is something that impacts riding opportunity but also impacts resource management is the wet-weather closures. The wet-weather closure for Carnegie has actually occurred for many, many, many years. They actually install a red flashing light at the kiosk to notify people of when the hills were closed. Most folks these days realize that if we have a big storm front coming through, it's highly likely that the park is going to be closed. However, similar to other areas, the canyon is a very interesting micro
climate. You may get dumped on in Livermore and see not a drop in the canyon. Therefore, we actually installed our own automated weather station. It's right at the kiosk, and it provides continuous data to us about what's actually going on. We also use the Lawrence Livermore data stations. They've got one in Livermore and one that's directly across the hills from us, which is similar to our highest peak in the park unit. So we've got really good data.

So what this does is, back in the good-old days, we'd close the hills because site conditions were muddy. And if you couldn't get up the hill safely, you closed the hills, and then at some point someone decided, okay, let's ride again. But staff complained and even some of the park visitors complained because it was really subjective. So what we did was we brought in consultants who looked at actual precipitation measurements and the soil's ability to hold that moisture. And they determined when and how much rain could be pretty much absorbed by the soil until they needed to be closed, of which is .3 inches of rain within a 12-hour period. That's when we get sheet flow and when excessive erosion occurs. We also do this through site conditions because if we can't get up into the hills safely, then it's not safe for anybody to be
in the hills if we can't reach ya.

So I'll break this down a little bit. It's a little bit confusing. But if you have additional questions, let me know. So the current wet-weather closure guides that are in effect state that the hills will be closed upon receiving .3 inches of rain within a 12-hour period. Additionally, if rain stops for a while but then returns, the additional rainfall is measured and calculated over a 24 and 48-hour period. The measurements are really important as they dictate the ability of the soil, as I said, to hold water before becoming mud. These closures of the hills stay in effect for 24 hours, one full day, after a period of no rain. So the rain has to have stopped and be done for 24 hours. I realize our canyon is very windy and actually dries out extremely quick. So in terms of riding conditions, you could probably get back out there within a few hours pending weather. However, there are few soil types in areas in the park that require 24 hours. So it's closed for 24 hours. We do also provide information to folks as they call or come through the kiosk. The MX track, campgrounds, those areas remain open, but the hills are closed. So I like the fact that it's not a full seasonal closure or anything like that, but this really does help us to -- to lessen our impact
on water quality.

So this part of it, BMP and water quality monitoring is a huge part of our Stormwater Management Plan. We monitor all of the BMPs that we put in place. That's the basins, above and below them, all of our restoration sites, trails. It includes also taking samples of stormwater through a variety of locations through the park. It's not just above and below, not just the basins. We actually have a very aggressive monitoring program we're continuing to work on, but it will look at water sources that come from every aspect of our surrounding and adjacent lands. So it's in the park; it's what's coming into the park, and then we can better determine how to deal with it, which is helpful.

We also work with a variety of science-based technologies that are helping us to improve water quality whether they relate to OHV or not. A big part of that is education and helping our visitors to understand what it is that we're doing. We provide panels throughout the park, brochures, verbal information to visitors about how they can protect water quality, properly maintaining their vehicles, using the appropriate receptacles for garbage, staying on trails, using our designated creek crossings. Our park interpreter, Elise, provides information at a staffed
booth every weekend during the busy season to share information about park resources, protecting the resources. She provides kids' activities, Junior Ranger Programs, Litter Getters. We also have Visitor Services staff who are instrumental in talking to folks as they come through the kiosk, and they also give heads-up if we've got maintenance projects and the like going on.

To talk a little bit more about Visitor Services is Superintendent Ramos.

MR. RAMOS: Okay. I'm here to talk a little bit about the Public Safety Program. As everybody can quite imagine, the steep terrain -- exiting terrain can provide some unique medical challenges. So part of our component for the Public Safety Program is, in deed, medical response, how we train, how we respond. And all Carnegie State Park peace officers are -- receive yearly written and scenario-based training to maintain their level as first-responders, and that qualifies as the basic life support or BLS Medical Services. Also, Carnegie works hand in hand with a local Alameda County Fire Department who, as many of you know, they have a station right there at Lawrence Livermore Labs, Site 300. By partnering and having that inter-agency agreement, they're able to have advanced life support services, which include much better cardiac-care
equipment as well as pain management. So as anybody knows, if you crash out there, pain management is an extremely critical component because it takes a little while to get to you, it takes a little while to assess what is going on, and, of course, package you safely to get you to an area where we can actually maybe get a -- either an ambulance or an air ambulance depending on how far up you are.

In order to get to our patients out in the park, Carnegie staff uses a wide range of -- of vehicles besides just the patrol vehicle, motorcycles, quads. And luckily in 2008, we're looking at just some of the difficulties involving and getting to our patients, getting to our park visitors. Pretty much before that time we were either able to -- if you couldn't get there by vehicle, you'd have to literally run up those hills with your gear bag or hopefully have air support come through, and that increases the patient-response time obviously quite a bit, to a critical level. And, of course, by the time our first responders get there, they're pretty well gassed. It's a -- it's a heavy climb. And then once you get to the patient, you have to safely again assess them, package them, and -- and many times, prior to this vehicle, you'd have to carry our patients out, again, steep, slippery terrain. So in
2008, advances in side-by-side technology let me do, actually, research and look around for some solutions. And luckily after a lot of work, I was able to find a company that pretty much had a turnkey emergency response vehicle, that six-wheel vehicle you see on the slide. Not only did it give us amazing technical capabilities to get to the patient quickly, safely, but also once we were there -- and we'll have some other photos that show that -- you'll be able to -- we were able to actually package the patient, transport the patient. There's an oxygen holder on that vehicle as well as a place for our first responder to ride back there. And it was decided now before I put any of the public through that, I went to one of our training hills, and -- and I guess I was the crash-test dummy. But they worked on me. I had them strap me in there, go up and back, forwards and backwards, and we're doing constant training to make sure, again, for our public safety that -- that it's safe, that it -- that it's reliable. And -- and what a difference that -- that piece of equipment alone has made to our public safety response time.

Another part of our -- our public safety component is the law enforcement section. And as referenced in our mission for Off-Highway Division,
enforcement efforts are part of an overall program that will have to ensure that quality recreational experiences will remain available for future generations. So that is part of that component. State Park Peace Officer Rangers are really entrusted with protecting the public as well as natural, cultural, and historic resources, which as we know, are all found at Carnegie.

You would think that obviously there are the -- the -- I won't call them typical, but the gamut of off-highway vehicle recreation contacts like noise, equipment, spark arrester, that type of thing, but our State Park Peace Officer Rangers also respond to arc site vandalism, that type of calls, we've got burglar alarms that have gone off at our Motor Mart Store that they've had to respond to, a wide range of -- of other law enforcement type of contacts in addition to the normal off-highway regulations. We really want to focus on our enforcement. It's part of an overall program of education and interpretation. So there has to be a -- a reason when we make these contacts -- and, again, the primary goal is for compliance, it's for education, it's for working together so that all components put together -- that is one -- one part of the overall program.
Carnegie currently has seven rangers providing these public safety services. And, again, one of the components that will -- maybe people don't think about is when we have vehicles, particularly quads go down into these really steep areas, many, many times their -- either the equipment has been ripped off or they're in no shape to get back. So frequently our State Park peace officers or rangers will -- will be involved in rescue operations and recovery. And sometimes that's half a day of blood, sweat, and tears trying to get those vehicles back up to provide that service for our visitor. If we absolutely can't do it, you know, then it -- only then will maybe some other tow agencies -- and the public has been a great, great help. The public knows -- they ride that park so much. Many times, again, that spirit of cooperation. The public is part of our public safety component because they'll -- they'll suggest things we don't think about. They'll come in there and help physically. So it's -- it's a great, great resource to have everybody working together.

One other thing, too, as part of our Public Safety Program is our rangers sometimes have to go out onto the -- the frontage road or the county road in front of the park, and we've responded to vehicle
accidents, motorcycle accidents, bicycle accidents, medical emergencies on that roadway. And we are an important link in that public safety system because as -- as most of you know, there is no cell phones service out there. So it is a really important first-responder link that our -- our rangers are able to provide gladly.

We also have an active volunteer program. We have 17 active volunteers. These volunteers care about the park so much that they bring their own motorcycles in, they donate their time and experience. They help us with safety patrols, even outreach to the communities. They're working with us on traffic control. And in 2011, the volunteers donated 1,450 hours of service with all of these contacts combined. And we really appreciate their help and working together with us in our -- in our volunteer program.

One of the other components for our public safety is the rider safety component. And as part of the Off-Highway Division -- Division-wide efforts to promote and improve safety for all-terrain vehicles, Carnegie has developed an ATV Safety Training Program, and that started in 2007 for park employees and allied agencies. And we also provide the location, as we saw, that area where we first started out our tour. We've
also taught for the Motorcycle Safety Foundation and the American Safety Institute working with their instructors. And in 2011, over 70 of these courses were conducted in our training area.

So Carnegie's Public Safety Program, as we go into the future, will continue to try to utilize the best and most available technologies and strategies to safely and responsibly fulfill our public safety mission and make sure that we provide safe enjoyable recreation for our visitors at Carnegie.

Thank you.

CHAIR LUEDER: Thanks.

MS. McFARLAND: All right. Just a few more slides on our Interpretation Education Program at Carnegie. Carnegie's Interpretation Education Program supports the other programs, Visitor Services, Trails, and the Environmental Science to share the unique park resources with visitors and local communities.

One of the ways we do this is through in-park interpretation. We share information with visitors about protecting park resources, recreational opportunities and local and natural, cultural -- local natural and cultural history through interpretive booths in the park. We have these at our four hill-climb events every year. The center bottom photo shows our
hill-climb booth; also, on weekends through our
Information Station.

One of the components of Carnegie's Stormwater
Management Plan is education and interpretation. And
we're doing that through handouts like the one that you
see here, also the interpretive panel that Jennifer
showed earlier. Education outreach provide better
compliance by teaching individuals about the
responsibilities expected of them, including actions
they can take to protect or improve their environments.

A great way to get the interpretive message to
visitors is through panels. Panels are available
throughout the valley floor and are updated periodically
to share the latest information with visitors. I don't
think we got a chance to see some of them yesterday, but
you did see the one that Jennifer had earlier. The
nice thing about panels is they're there when I'm not.
So we have a way of always getting that message out.

We also do outreach at Carnegie. The trailer
photo that you show is, I see, the Division trailer. We
go to local events to take the message of safe and
responsible riding and caring for the environment. This
is a picture that was taken last year at the Tracy Dry
Bean Festival. We also go to the Livermore Motorcycle
Safety Event. Other outreach things that we do, we have
information on our website that's updated regularly, and we have a Carnegie Facebook page. Outreach also includes I go out to schools and talk to the local kids about the environment, about local animals program for kindergarten and first-grade students, and I do a local history program for third-graders, and we do Career Day for high school students.

And that concludes this part of our presentation. Thank you for your time.

(Applause.)

CHAIR LUEDER: Yeah. Okay. So I really thank everybody for that wonderful presentation. We do need to take a break for our stenographer to take a few minutes, and then we're going to roll into public comment period. We'll let the public have their say, and then we'll bring it back to the Commission for any follow-up questions we might have.

So let's come back at 4:15 exactly, please.

(Brief recess.)

CHAIR LUEDER: Okay. Could everybody take their seats, please. We're closing in on it. We'd like to keep going.

So I just wanted to thank everybody on the Carnegie staff, obviously, for the great tour we had yesterday and also the great presentation today.
Also, Bob Williamson, thank you and also Division staff because I know it took a -- it took a team to get all this together. And so I think we all really appreciate all the effort that you put into it, especially given the short time frame.

So with that, we'll move into public comment. First up will be Tyler and Kory Lupica. All right. And Jerry Fouts following.

Welcome. Thanks for waiting all day. We really appreciate whatever you have to say.

MR. T. LUPICA: Thank you.

Good afternoon, Commissioners. We are 17 years old and we attend West High School in Tracy, California. I guess you can say we're a true part of the Twin District City -- the Twin Cities District. We're not involved in any gangs. We don't do any drugs, and definitely don't hang out with stoners. And we like to use our time to do great in school, get straight As. We're ranked 7 out of 650 students, and we have 4.25 GPAs. And I recently have become interested in the aviation field, and I plan to become a professional pilot one day.

MR. K. LUPICA: And I'm looking into the medical field. I'm really interested in human physiology and the brain. And when I grow up, I'm going to be a
neurosurgeon. And now most of our generation doesn't really look into the future like we do. Most of our generation has developed some bad habits, such as drugs, gangs, thefts, disrespect for property, their peers and older generations. But my brother and I, we like to stay away from all that, and we don't want anything to do with it. But there's a problem, and the problem is we have to be exposed to it every day because we go to school, and we have to hang with our -- I mean we're always around our peers. And so the Rangers at Carnegie, they are always worried about endangered species and the endangered beauty of the park. But consider this: We are the real endangered species because we're being exposed to all this garbage. So get away from it, we go to Carnegie. And at Carnegie we learn, we grow, we prosper, we get -- make new friends, and we enjoy time with our families. So next time that you are thinking about endangered species, please consider us.

Thank you.

MR. T. LUPICA: Do you have any questions?

CHAIR LUEDER: How long have you been coming out to Carnegie?

MR. K. LUPICA: Seven or eight years.

CHAIR LUEDER: All right. All right. Well,
thank you for your comments. We appreciate you.

MR. K. LUPICA: Thank you.

MR. T. LUPICA: Thanks.

CHAIR LUEDER: Hold on a second. Which one of you is Rory and which one's Tyler?

MR. K. LUPICA: I'm Kory.

CHAIR LUEDER: Kory. Kory. Kory's the gentleman in the blue shirt. All right. Thank you for that clarification.

Jerry.

MR. FOUTS: You know, before you start my time, I'd like to say -- I'd like to say thank you to somebody really special. Jennifer Buckingham has been the Environmental Scientist that's been at Carnegie and Twin Cities for a long time. And she and I have a unique relationship because we've had a lot of conversations over the years on both sides of the fence. But I would like to say that she's going away to greener pastures, I guess, and that's -- that's a shame because, as you saw by her presentation today, she's really got her act together, and she makes me step up to the plate and think about everything I do when I deal with her. And I appreciate that, too. I just would like to say thank you very much to Jennifer and good luck in your -- in you new endeavors, Jennifer. Thank you.
MR. FOUTS: Now, with all the warm fuzzy stuff out of the way, you know, I have a great respect for the environment. I was a Boy Scout. I've hiked sections of the John Muir Trail. I've hiked the Emigrant Wilderness. I've back-packed a bunch of areas over my life, and that's why I have to shake my head in -- in total disbelief over the lawsuits at Carnegie SVRA by PEER, by the -- the Sport Fishing Association? Really? I've walked that creek. I've walked it all the way to the end. It goes into a big field and doesn't go anywhere. Twice it was pumped into the San Joaquin, twice in the entire history -- 50 years of history of Carnegie. Okay? It was pumped into the San Joaquin. I just shake my head. And -- and for all of us that remember -- for all of us that remember why this program was created, it was created to keep illegal riding off property that people didn't want them to be on. Okay? And I shake my head because I think that -- that these environmental groups simply hate off-highway vehicle recreation more than they like the environment. And Carnegie's a perfect example of that. You ask the typical fisherman does he want -- does he want the motorcyclists to go to someplace that -- that is -- that is a park that has enforcement, that is sustainable,
that has outcomes that are measurable? Does he want them to go there, or does he want to meet that guy legally or illegally on his favorite trout trail? I can tell you everybody in this room knows what that answer is. And so that just leaves me shaking my head. I just can't believe it.

The second part I'd like to make is -- is yesterday when we went on the tour, it was really neat. I came down from -- I came from the Pleasanton side, came down through the hill, and I saw the -- the new split-rail fence was awesome. It looks really good. And it really highlighted the riparian area that's made a dramatic, incredible comeback over the last few years. And during the tour, we went down, the riparian area got better and better and better until at the end of the watershed, the downstream part where it ended at a park, there was trees, there was bushes. It's incredible. It's a really wonderful thing. The park has recovered great. Okay? Then you drive a few yards further into the grazed pastureland, and what do you see? The ground is totally denuded, devoid of any kind of bushes, trees, anything. So you know what? I'm not picking on anybody? I'm not a scientist. I'm just telling you, look at the Carnegie that you drive by now, look at that motorcycle park, look what those guys have done and
compare it to the land that is east of there. And you
can't help but wonder what the heck is going on. We're
doing a good job.

Thank you.

(Applause.)

CHAIR LUEDER: All right. Dave Duffin, followed
by Pete Krunich.

MR. DUFFIN: Thank you. I thought I would have
left by now with the youngsters here.

Just a -- just a quick one talking about
fishermen and heavy metals. If we thought about the
last hundred years of fishing in the San Joaquin Delta,
how many fishermen have dropped lead weights out in that
water over the last hundred years? And, of course, we,
in our little canyon, are getting blamed for disturbing
soil that's bringing lead up and heavy metals and things
like that. But one of the groups that, of course, is
trying to get rid of us is dropping lead in the
San Joaquin Delta every -- every day of the year,
perhaps.

I also wanted to talk about the -- the -- the
rain closure. On a typical -- I'm a pilot, so I
follow -- I follow the weather really well. We've had
some El Nino years and so forth. There have been days
when it rains down there, you know, consistently for
maybe a month or two. And following the present concept of rain closures, it's possible the park would be closed for a month at a time. In other words, it rains every three days, half an inch here, an inch there, two inches there, couple days in between. So you might have some serious days when the park is closed. And -- and you look at some of the financial figures, and you look at the amount of ridership over the last few years, it's kind of depressing. But if you want to plan for the future, you know, plan on your customer base which are behind me and the people that have been here today, try to keep your customers coming back, customers happy, customers satisfied, and -- and, you know, everything will work out very well for everybody.

Thank you very much.

(Applause.)

CHAIR LUEDER: All right. Is Pete here?

MS. MEAD: He had to leave.

CHAIR LUEDER: All right. Rick Mead.

MS. MEAD: I -- I know this doesn't look like Rick, but he had to leave.

CHAIR LUEDER: Okay. All right.

MS. MEAD: Put his name down anyway because -- actually, why he left is he saw his name was on a green sheet.
CHAIR LUEDER: Okay. Could you state your name again for the record.

MS. MEAD: Diana Mead.

CHAIR LUEDER: Okay.

MS. MEAD: That's not true. He would have stayed; he just had other commitments.

Yesterday I was fortunate enough to go on the tour, and I left Carnegie yesterday afternoon extremely proud, proud of our State Park system, proud of their ability to recoup after being threatened, proud of the people that were with me on that outing, and proud of the future of this park.

Watching how we've evolved and how we've changed and -- you know, my off-roading actual activity is pretty limited. I ride in a -- in a sand rail, and I would like very much to see Carnegie as an SVRA be open to those kinds of vehicles as well. I'd like to see it be the kind of park that is OHV across the board. Hollister has made that happen, and I think it could happen again at -- at Carnegie as well. But that aside, I can get on a quad, and I wasn't kidding, I can be the Pottery Loop queen if there's no one else out there. But the pride that I felt coming off of that afternoon was pretty incredible. And I want to praise the staff at Carnegie for all that they do for all of us and for
giving us this venue, managing it, for speaking for
those of us who don't speak well, don't have voices
protecting our resource.

Special events at Carnegie, you'll notice we
have all of the recycling bins all over the park. For
special events, those were not there. And I simply
mentioned it at the front gate that I would really like
to see us recycling at the hill-climb events. You know
how many cans and bottles. They did research for me.
And the recyclables from Carnegie going in the trash all
get recycled. However -- and that happens in Tracy at
the station, and they go to some kind of good cause.
However, if the items are placed in the bins at
Carnegie, the money goes to Carnegie. We have arranged
for them to make announcements at every hill-climb event
to that effect. They're engaging us to allow us to be
empowered to make changes there. This is huge, guys.
We need your help. Keep it open.

CHAIR LUEDER: All right. Thank you.

(Applause.)

CHAIR LUEDER: Chris Cameron? Is Chris Cameron
still here? Nope.

Mark Connelly, followed by Dave Pickett.

MR. CONNELLY: Yes, Mark Connelly again
representing the Connelly Ranch.
First of all, I want to deal again in real studies and statistics and not anecdotal observations that aren't really accurate like a couple of immediate speakers have.

One of the issues is -- as Jennifer Buckingham told you, you did a prior water assessment study; you know where the sources of contamination are. You know they're not coming from surrounding cattle ranches. You know they're not from Site 300. You know this -- these facts. So, again, we need to put that aside. We need to talk about the studies that we really do know about.

I want to talk a little bit -- since this is a Carnegie General Plan and the Carnegie Park, I want to talk about your Tesla acquisition. You have on your Tesla acquisition studies identifying endangered, threatened species: Tiger salamander, red-legged frog, possible kit fox, yellow-legged frog. These are all species that you have to deal with in part of your plan. It's not reasonable to come in at any point and say these species are doing wonderful in Carnegie, as was implied; we have lots of ponds. The fact is, from the studies that I've seen, and I'm perfectly willing to be corrected, but the -- the occurrence of red-legged frog and tiger salamander in the Carnegie ponds is greatly
reduced from any of the surrounding ranch property, both upstream, downstream, across the street at Site 300 or any other. It is not a dead zone; they're located there, but that's what's to be expected. But it is not what it should be based on proper environmental management.

I want to ask, also, that -- you talk about an open process in terms of Carnegie and you've talked about having people contribute to Tesla. It's been our experience that if you're an OHV user, either four-wheel drive, off-highway vehicle, it's pretty easy to get Parks & Rec cooperation in getting people to look at the Tesla acquisition. If you're not an OHV user, if you're one of those alternative uses, it is not. So I would like to ask for some cooperation from the Department to be able to get people in there to look at that site and with cooperation. We've tried to get elected representatives into that site and have been unable to do so because it was just simply not possible for the Department to make those arrangements, but at the same time, OHV users were getting in to view those sites on a fairly frequent basis.

You've talked about measurements and other things. You have a weather station that's located at the highest portion of your park. If you go on Google
Earth, Google "Carnegie SVRA" and it identifies that weather station. That weather station is where storms come into the park at the highest point. It needs to be managed by the park. It needs to provide real-time data to the park so that you're not relying on weather stations located at Site 300 or in the Range Shadow Creek Base that don't provide you accurate information about when it rains, when it arrives at the park.

The damage with the park is really the loss of soil. And finally, you don't have an accurate way to represent a measuring-soil loss. Like the first site we looked at yesterday, photographic records of that area are going to provide you with no information. You need to actually go in and measure the soil loss as it's occurring in real-time.

And Jennifer talked also about testing the water. I remember -- and I read your -- your Stormwater Management Plan. And unless I'm mistaken, your Stormwater Management Plan has very limited points of testing that are required at your newly recognized Stormwater Basin plans and at the upper end and lower end of the park with none at point-source testing. And that's a major defect because it doesn't provide you with the information that you need.

So those are the comments that I have at this
point. I'd be happy to respond to any questions.

CHAIR LUEDER: Thank you.

Dave Pickett, followed by Bill Harr.

MR. PICKETT: Dave Pickett, District 36 Motorcycle Sports.

During the course of this meeting today, as well as all day yesterday, I kept hearing people refer to this SVRA as their park. The passion by the folks that go out there and use this great facility, it's -- it's just unbelievable. I've watched staff work hard, create a science-based process, educate the OHV community, go through tough times working together, and it's turned into a great facility. As Mr. Fouts said, it's awesome. And Jerry has been known to -- what's the word I'm looking for -- be a little over-exuberant on some issues. But Jennifer was gentle on him and taught him his ways. And now he's a huge advocate for the entire park as a whole: Environmental side, water quality, as well as recreation. That's the message that I think you've heard today. Well, one of the landowners is very, very upset with this facility that's there. Well, there's millions of folks through the years that have used this facility. If you really hate that place that much, move. That's my two cents. Don't take this away from the millions of families that go there and recreate
legally, safely, in an environmentally responsible way.

I ask the people that have filed a lawsuit against this State and this facility to drop their lawsuit because if they didn't learn anything yesterday, then I'm sorry, because it is best management practices in place and it's serving the public that this whole program was designed for in the first place.

Thank you very much.

CHAIR LUEDER: Thank you.

(Applause.)


Karen Schaumbach, followed by Tom Tammone.

MS. SCHAUMBACH: Karen Schaumbach, Public Employees for Environmental Responsibility.

I'd also like to thank the Division and the staff at Carnegie for a very eye-opening tour. And I appreciate the hard work they put in short notice to get us all out there and for an informative day.

SVRAs are -- became a part of the State Park system back in -- you know, the 1970s is when the program started. And the idea was that we could have a program that provided both off-road vehicle recreation but do it in an environmentally sound way. And I keep hearing about historic use and, you know, hill
climbing -- climbing hills there for -- for 40 years.
And why can't we keep doing it the way we used to?
Well, it didn't used to be an SVRA. And SVRAs, for
those who don't understand it, are State Parks and they
have the same mission as the rest of the State Park
system, plus they're managed under a Public Resources
Code that -- that, you know, is very explicit about
protecting the soils, the water, the wildlife. And, you
know, I -- I hear -- I come to these meetings and I hear
criticism about -- you know, these remarks about
lawsuits. I first went to that park in 2003, and I had
a conversation with Daphne and -- and -- the then
Division Chief about it, and it was -- you know, and
there was obvious problems. There was -- there was huge
problems. And -- Well, just wait; we're doing a
watershed study, you know, then everything's going to
all right. Well, the watershed study was completed and
in place for years and nothing happened. And it seems
it's -- it's a shame because I don't enjoy filing
lawsuits, and I certainly don't want to see the park
close. That was never our intention. We want to see it
managed responsibly. And if it takes lawsuits to do it,
then that's what's going to happen. But you can -- you
know, it doesn't have to be that way. I mean Carnegie
and some of the other parks that, you know, have
problems like Ocatillo Wells, fix them and just follow the -- the Public Resources Code. And -- and yeah, maybe some of the users won't like it, but, you know, this fomenting the idea that, oh, we -- you know, they want to close the park, that they want to close the park. No, we don't want to close any of the parks -- at least I don't. But I do want to see them managed the way that the program is intended -- it intends for them to be managed which is in an environmentally sound way.

Thank you.

CHAIR LUEDER: Thank you.

Tom Tammone, followed by Amy Granat.

MR. TAMMONE: Well, one of the ways we can reduce a lot of the concerns is if we had more area to ride on. Back in the '90s, I was heavily involved with the National Rifle Association, and in southern California we had 16 shooting areas which got reduced to four, which eventually got closed because, well, they just got too overcrowded and we couldn't manage them. I kind of see that same situation happening with us and the OHV Parks. The Oceano Dunes, they're down about a quarter of the area they had, you know, some 20, 30 years ago. And now they've got everybody in one spot, and now they're saying, well, we're creating too many PM-10 dust emissions more than the rest of the park.
Well, you spread things around a little bit, you
wouldn't have that. I would imagine they're probably
going to have the same problems 15 years or so down the
line. You know, they get us all in tiny little areas,
and then they're going to say, well, we're generating
too much fine dust because we've got everybody going
over the same patches of dirt all the time. When we had
everybody spread around, well, it wasn't a problem.

So we're getting put in a box here, and it's --
I'm under the impression that we're buying
the materials sometimes to construct our own gallows and
we're volunteering the time to put them together at the
same time. So we get less and less to ride on, and then
everybody complains we can't keep all the dirt in place
in the little tiny patches of dirt that we have left to
ride on.

So I don't know, but I've gotta say one thing
for sure, if anyone thinks all these people here are
going to go away, well, they're not. I got pushed out
of the -- out of my love for firearms and guns and
shooting. I got pushed out of racing back in the
nineties. And you're not pushing me out of this.

Thank you.

CHAIR LUEDER: Amy Granat, followed by Brooks
Simes.
MS. GRANAT: Amy Granat for the California
Off-Road Vehicle Association, CORVA.

I find it interesting as I'm listening to
everybody, and you can't deny the passion from actually
every side. And I find myself agreeing with everyone.
No, we don't want the park to close. We want the park
to remain open. But we do want the park to be
ecologically sound and environmentally sensitive to the
issues on the ground. I propose that all concerned
continue to work together. And I say continue because
it's obvious that Carnegie and Hollister Hills are an
example of things being done right. You can see the
differences on the ground. You can see the -- the --
what has been done to address the issues that are there.

So I invite Mr. Connelly, I'd like to take a
look at the new property, too, and invite him for a ride
in my Jeep and we can go together with everyone else who
wants to follow that through. Might have some fun while
we're doing it, but it's not illegal. It's very easy to
criticize. What it's hard to do is make a difference on
the ground. It's hard to find that collaborative effort
to move forward. And I am increasingly asking people to
move forward in a collaborative fashion. Condemnation
sounds good, but it doesn't achieve anything. So if we
move forward, we can protect these areas for our
children to use for future generations. And let's avoid
the rhetoric and work together to make this happen.

Thank you.

CHAIR LUEDER: Thank you, Amy.

Last person I have is Brooks Simes.

Brooks? Okay. That's the final comment on
the Carnegie item. I'd like to bring it back to the
Commission for any other follow-up questions.

Any Commissioners have anything they'd like to
say?

Commissioner Van Velsor.

COMMISSIONER VAN VELSOR: Well, first, I would
like to say that I'm not a single-track rider; however,
after being on the tour yesterday, I can see why folks
would enjoy riding there. It looks like quite a
thrilling sport. And so I -- I was impressed, and
sometime I might try it, actually.

(Applause.)

COMMISSIONER VAN VELSOR: I -- I do have a
couple questions I'd like to follow up on as well. As
we were standing at the first stop yesterday on the tour
and we were discussing the monitoring and how
restoration activities proceed once monitoring
determines that there's a need, my understanding was
that the area we were looking at had been identified as
an area that needed restoration. And so I'm curious
what the time frame is for starting the restoration on
that area, or how -- not that area specifically, but
what the time frame is once you determine that there's a
need for action.

And my -- my second question is, I'm curious
what the cost is associated with the restoration. And
it would be hard to estimate that one, but what the cost
of one of the restorations that had recently been done,
just curious on that.

Thanks.

MR. RAMOS: Well, actually, there -- there's
several parts to the questions. We do have staff
members here who can answer very specifically the time
frames and the costs on that. Randy Calderas is the
Maintenance Chief for the District, and he's -- he's in
charge of the -- actually monitoring the costs and the
time on that. And I'm sure Randy would be able to come
up with some -- something specific on that. Also,
Justin Mink is charge of our Trails Program.

More generally, the time frame that it takes to
get through it, it's -- as we described yesterday, it is
a -- is a process -- is a progressive route from the
east to the west end of the park. And each of those
management areas has a -- has a plan for working through
them. The area at the west end of the park at this point is -- is just by -- just by the location on it, is scheduled later in the -- in the process, but that doesn't mean that we can't move a specific individual area in that -- in that management area into a different part of the process.

We do have a number of projects that were completed in the last few years. The Rocky Knob Project and the SRI Project involved a fairly major amount of -- of work that was done on that. If you'd like, we can put together some numbers and get them to you that can give you a good idea of the specific costs, them an hours, equipment costs and such to complete each of those projects and the amount of area that were done at that time.

COMMISSIONER VAN VELSOR: Yeah, I'd appreciate that.

MR. RAMOS: We'd be glad to take care of that for you.

CHAIR LUEDER: Commissioner Kerr.

COMMISSIONER KERR: Well, I'm glad you brought up the issue of costs. And, by the way, I did ride my own motorcycle on the SRI Trail, and it's -- it's clearly a -- an interesting trip. It was obviously well-planned and executed. And I think it would be
valuable -- you know, as -- as I rode around the park, I think somewhat as a typical visitor would, I was struck by two things: One is the park is much nicer than it was the last time I was there. Secondly, it's a little bit distracting to have all of those open riding areas. In other words, I think -- I don't think it would be appropriate to convert the entire park into just trails only, but I think that there's probably, you know, a mixture of controlled single-track trails and some open riding areas, and then obviously providing for the historic hill climbs that would be -- would be a mix that would be popular with the visitors. So I just hope we'll have a good mix. And I do think that these developed single-track trails are a benefit to our customers. So it's not all bad when -- when an area gets closed down and then re-opened in a more organized fashion.

The other -- there's a couple things that I wanted to comment on relative to the Management Plan, which I think is -- this is the appropriate time for Commissioners to get an input into that. I am shocked at how much money is going into this. I think -- you know, we talked about money earlier. You can't be taken on a tour of that place and you can't hear -- you know, we have excellent staff. They're obviously top people
in their field. I'm sure they're paid in some fashion for their expertise. We've got all kinds of stuff going on in there repairing the environmental damage for the last hundred years out there. Okay. I want a return on our investment. So I want -- I think it's good for the -- I'm glad the environment's being well-served. This is not one of the hot -- the hottest visitation spots for hikers and environmentalists in the State of California. It's really actually quite suitable for OHV. I want us to get a -- I want us to get a return on our investment. So that -- that means -- that means opening up the areas where we've acquired property. That means providing for additional opportunities for the -- the four-wheelers, of which I'm not one, but I think we need to, you know, serve a broader customer base. I mean we've got to be spending 15, $20 million out there. And that's money that could be used to acquire other parks, to develop someplace down in San Jose instead of -- you know, there's a lot of things that could happen with this money. And I want a return on our investment.

So I think -- you know, congratulate the staff on the excellent environmental work. I mean I think this Stormwater Management Plan, with all due respect to the neighbors, it's done. It's been accepted. It's
been approved. You know, people a lot smarter than I am have decided that we're doing the right thing. So let's just move on and figure out how we're going, you know, develop this as a recreational opportunity. We know we have a lot of riders in Northern California. We know if we have the right facility they will come. I'd like to see us move expeditiously to serve those riders, and I hope we can do so.

CHAIR LUEDER: All right. Commissioner Willard.

COMMISSIONER WILLARD: Yeah, thank you.

You know, the twins were great. And in listening to them, it -- it reminded me of a situation that a very good friend of mine went through that I had kind of forgotten about. But he -- he had a son 15 years old that was getting in trouble and flunking out of high school. But the crisis occurred when he was arrested one night for firing off an automatic weapon in a park. And my -- my good friend's response to that was to go buy a couple of Hondas. And they began riding at Carnegie and Hollister, and the kid got hooked on it and ended up coming up with a whole new set of friends and turned his life around, and now he's in college and doing -- doing really well.

So I just wish that people that would, you know, just think that the best thing would be for -- for SVRAs
or riding areas to go away, they really should consider the human toll that a loss of a recreational opportunity for our youth -- I mean it's -- it's got a huge impact. I mean this is a kid that could have ended up being a criminal and being a huge cost to society. Instead, he's -- he's getting an education to be a productive member of society. And it's only because of -- sorry, I'm getting little a choked up because -- I -- I just wish people would -- would see that part of it because it's so important.

CHAIR LUEDER: All right. Thank you.
Commissioner Perez, did you have a comment?
COMMISSIONER PEREZ: Yes.
CHAIR LUEDER: You're on.
COMMISSIONER PEREZ: I just wanted to say that -- am I on?
CHAIR LUEDER: Yeah.
COMMISSIONER PEREZ: I -- I enjoyed the tour yesterday. I -- I was very impressed with the restoration areas and seeing that. I did get -- I did leave with the impression that the staff cares, that they're doing the best that they can, that they are paying attention. I mean I think that that was clearly visible. You do the best that you can.

I -- I agree with Amy Granat. I think that
there has to be a way where we can work together and meet somewhere in the middle where -- and I know that maybe that doesn't seem realistic sometimes because you hear both -- two sides that sound extreme sometimes on both ends. But I think it is possible to meet somewhere in the -- in the middle and -- and maybe take care of a few things to assure that we get the best of both worlds. I mean I -- I'm thinking about my son, okay, because my son has been to Carnegie, and he loves -- he loves this park. But I'm a parent and, you know, I have my own concerns. And so I'm -- I also feel kind of torn sometimes. But I definitely do believe that -- that it's always best to -- to provide opportunity and choice than no choice. And so I just think that there's -- there has to be a way that we can -- we can work this out.

CHAIR LUEDER: All right. I don't hear any other comments. That concludes that item on Carnegie.

And I truly do appreciate everybody's efforts. I look forward to the general-planning process and having an inclusive process. I hope that both sides, all sides can come to the table and through the general-planning process we can come up with, you know, some great recreational opportunities and continue to improve our environmental protection. I think what you
heard today obviously was a lot of passion on both sides for all different kinds of reasons.

So every time I go to an SVRA that I haven't been to in a long time, I learn a lot and I come away feeling like the staff is doing what they can do to advance it, you know, step by step. And it's not a quick process, but it is a process and, you know, we're getting there. So I really do appreciate everybody's efforts on that.

CHIEF JENKINS: Just wanted to correct one thing. Somebody in the public -- one of the public comments mentioned that they were having trouble getting a tour out there. I just wanted to reassure everybody, we'll take anybody out there. The only tours I'm aware of where we have declined people access to the area is when they weren't going out with us. Right now until the property is open, we have to go in there and accompany anybody on a tour. So we've taken school groups, other groups that are -- have no relation whatsoever with OHV recreation: Politicians, nature groups from the Bay area. We'll take anybody in there that wants to see it because it's a great resource, and our goal is to make that available to the public. So I just want to reassure everybody, if you want to go, contact Joe or Bob or Elise, and we'll set up a tour and
we'll assign a staff and meet you out at the park.

CHAIR LUEDER: Great.

CHIEF JENKINS: Elise has one coming up soon, I think. Right?

AGENDA ITEMS V(B) – ALCOHOL POLICY FOR SVRAS and AGENDA

ITEM V(C)(1) – ASSEMBLY BILL 1589

CHAIR LUEDER: Okay. Very good.

So in the interest of time, I think we're going to move on to Business Item IV(B) [sic]. And I would like to continue that item. It's not a pressing issue. So I'd like to continue that the next meeting unless somebody has an objection to that.

Hearing none, we will move on to Item C, No. 1, Assembly Bill 1589 is brand-new in the State Assembly. And in the interest of time, I think we could spare everybody on that one and move that to the next -- the next meeting.

AGENDA ITEM V(C)(2) – S 1813

CHAIR LUEDER: So with that, we'll get to (C)(2), S 1813.

MR. CANFIELD: Hello -- hello again, Commissioners. Dan Canfield, OHMVR Division, Acting Planning Manager, presenting Business Item (C)(2) on the agenda regarding the Recreational Trails Program, or, as it's fondly known, the RTP. It could be found -- the

271
The RTP is a federally funded program that provides funding to the State to develop recreational trails and trail-site facilities, as well as OHV education.

The federal program that makes the RTP possible actually expired September of 2009. The United States Congress is currently debating whether or not the RTP is going to exist in the future. Will it exist, they debate. The RTP funding comes from the Federal Fuel Excise Tax relative to OHV recreation nationwide. Back in federal fiscal year 2009, nationwide the program was funded at approximately $85 million. Of that amount, California's portion was approximately $4.6 million. That gets split: 30 percent of that funding is available for motorized trail projects, and 70 percent is available for non-motorized trail projects.

As I mentioned, the federal program that makes the RTP possible has expired; that is, the Federal Surface Transportation Program, the same program that brings us carpool lane construction, highway bridge replacements, interstate highway maintenance. So obviously the program itself is extremely important to the nation for commerce and transportation reasons.
Currently in the United States Senate, Bill S 1813 is working to re-authorize the Federal Surface Transportation Program. As introduced, this bill does not include specific funding for the RTP. In the United States House of Representatives, Bill HR 7 also addresses re-authorizing the Surface Transportation Program. This bill does include specific funding for the RTP at that 2009 level. The difference between these bills is going to be worked out in congress in conference committees.

This report is being provided as a business item to allow possible action by the Commission.

And that concludes the report.

CHAIR LUEDER: Okay. I don't know if anybody has any questions.

Mr. Van Velsor.

COMMISSIONER VAN VELSOR: Yes.

Dan, do you have a sense of when the conference committee -- or the conferencing will take place?

MR. CANFIELD: Has not been set as of my last check, which was earlier this week.

COMMISSIONER VAN VELSOR: Within the next month?

MR. CANFIELD: Hopefully. Obviously -- what I tried to bring out in my report was that the overall
program is hugely important to the nation to make sure that commerce is able to move from state to state, that highway bridges are kept up in a safe fashion. So I assume that the congress is going to move at an expeditious manner to get this funding through to make sure those large highway projects are able to proceed. But beyond that, I would be speculating.

CHAIR LUEDER: As I understand it, the way 1813 is written, the RTP Program is still in that bill; however, it's not specifically funded. So all the funds authorized in that bill go into a large pot that each state gets to decide what they want to do with it. Is that, essentially, correct?

MR. CANFIELD: That is also my understanding in that that pot of money that each state would receive would be controlled by the Department of Transportation, the states' DOTs, as opposed to the current funding model that has the Parks & Rec or Resources agencies for each state controlling the funding.

So the concern I -- I believe the concern is that with the funding being controlled by the various Department of Transportations across the nation is that the program -- the Trails Program will look a lot different and may well be more geared towards urban trails, connectivity -- you know, connecting cities to
inner-city features, schools to parks, that type of thing is the -- that's the -- the feeling I get when I read the bill.

CHAIR LUEDER: Okay.

Yes, Commissioner Slavik.

COMMISSIONER SLAVIK: A comment I made -- or I have on this bill is that it's one of those things that the environmental community -- or I'm going to say the non-motorized community and the motorized community can come together on, especially when they get 70 percent of the action.

And what we're talking about here is writing a letter to support to congress from this Commission? Is that the action we're talking about?

CHAIR LUEDER: That's a possible action. You know, I'd like to hear from the public first before we decide what we want to do. But that's a potential action.

So for now, thank you, Dan.

We'll take a couple of pieces of comment, and then we'll bring it back to the Commission.

Dave Pickett, do you have anything to say on this?

MR. PICKETT: I'll pass.

CHAIR LUEDER: Tom Tammone.
MR. TAMMONE: Thank you. Tom Tammone.

You know, somebody had to get me started on the fuel tax issue. But, basically, the federal -- you can go look at the gas button next time you pay over $4 a gallon, $5 gallons, whatever, for gas. You pay 18 cents a gallon federal and about 35 cents a gallon, you know, for a State fuel tax.

This program and the RTP Program is part of the taxation representation for your purchases. So I hear talk that the federal government wants to deny our highway funds and the RTP Program at the same time. Well, you know, at some point it's taxation; we want representation. I mean I'll even go as far as see if I can go to court and -- and block them from taking the funds. We'll all pay less for gas if you guys simply won't provide representation for taxation.

The 70 percent issue, I'm sorry, I've got a problem with it. Seventy percent for non-motorized funds? To burn gas, you have to have something with a motor in it. So I'm not seeing that. If anything, it should be the other way around.

Thank you.

CHAIR LUEDER: All right. Thank you,

Mr. Tammone.

So bringing it back to the Commission, I'd like
to suggest that as a Commission we send a letter to
Senator Boxer urging that funding be specifically
restored for the RTP Program since it is an important
program for not only OHV but also non-motorized. And I
think we all can see the benefits of that.

I don't know if anybody has any comments.
Commissioner Slavik.

COMMISSIONER SLAVIK: I'm just wondering if that
letter can come from a higher source like Resources
Department or Resources Agency.

Chief: I can certainly suggest that to them.
You know, that would -- I -- perhaps what you might be
looking at would be me passing -- if I'm understanding
correctly, me passing your concerns to the Resources
Agency that they might wish to comment that way? Is
that what you're suggesting?

CHAIR LUEDER: I think that would be
appropriate, yes.

Chief: Okay.

CHAIR LUEDER: Commissioner Willard.

COMMISSIONER WILLARD: Yeah. I think maybe the
letter should be sent to all of our federal
representatives from California.

COMMISSIONER KERR: I think we should do the
letter.
CHAIR LUEDER: Okay.

COMMISSIONER KERR: I mean this -- this is important. This has, basically, been an important set aside. I've used it. You know, there's an alphabet soup of funding -- you know, they're probably using it down at Hollister to build the bike trail or something. I mean there's just -- you know, this kind of stuff gets used by local -- by the city where I was a mayor of. You know, you add up a million here, a million there, and you get a trail built. And same thing can happen, I think, to limit to the extent on our motorized trails. And I think it's worked really well in the past. I think we should keep doing it.

CHAIR LUEDER: Do I hear a motion on --

COMMISSIONER KERR: Well, I'd like you to write the letter. I think, you know, the idea of copying, you know, all of our federal representatives as well as the Resource secretary and making him aware that, you know, we've got this concern --

CHAIR LUEDER: Okay.

COMMISSIONER KERR: -- would be my -- my take on it.

CHAIR LUEDER: Commissioner Slavik.

COMMISSIONER SLAVIK: The reason I brought up the Resource secretary is because of the 70 percent that
they get to -- to play with, which is really our money.
And I think they understand that.

COMMISSIONER KERR: Well, he's supposed to be --
we're supposed to be part of his family.

COMMISSIONER SLAVIK: I understand. So let him
write the letter. He's the pop.

COMMISSIONER KERR: How about both of us.

COMMISSIONER SLAVIK: Yeah -- well, whatever.

CHAIR LUEDER: Okay. So, Commissioner Kerr, I
will take that as a motion.

COMMISSIONER KERR: Yeah.

CHAIR LUEDER: Do I have a second?

COMMISSIONER WILLARD: I'll second it.

CHAIR LUEDER: Okay. Any discussion?

All in favor?

(Commissioners simultaneously voted.)

CHAIR LUEDER: Oh, I'm sorry.

Commissioner Van Velsor.

COMMISSIONER VAN VELSOR: Again, I just -- with
a certain amount of hesitation to sign onto something
that I haven't read, I do have reservations about that.

However, it sounds like that this is pretty narrow --

CHAIR LUEDER: Uh-huh.

COMMISSIONER VAN VELSOR: -- based on what I've
heard you say, and so I would be supportive of it.
CHAIR LUEDER: Okay. Yes, it would be specifically to restore the funding for the RTP Program as it currently exists or existed.

Okay. So all in favor?

(Commissioners simultaneously voted.)

CHAIR LUEDER: All opposed?

Abstentions?

Thank you.

AGENDA ITEM V(D) – ELECTION OF OFFICERS

CHAIR LUEDER: Okay. Moving on to Item (D), election of officers. So at the first meeting -- or first meeting of each year, the Commission shall elect a chair and a vice chair to serve for one term for a max -- and it's a maximum of two terms consecutively, as I understand it. Okay.

So do I hear any nominations for chair?

COMMISSIONER WILLARD: Eric Lueder.

COMMISSIONER KERR: Yeah, I --

Eric, can you -- you got reappointed, right? Or what's going on?

CHAIR LUEDER: My appointment has not come through. However, I was appointed by the Senate Rules Committee, and so until I'm officially terminated, I can continue to serve.
COMMISSIONER KERR: Good.

CHAIR LUEDER: So that's the status.

Okay. So I heard a motion.

COMMISSIONER SLAVIK: I'll second it.

CHAIR LUEDER: Okay. All -- actually, we should have public comment on that. And the only person that wanted to comment on all this was Dave Pickett.

Do you have any comments?

MR. PICKETT: Vote for you.

CHAIR LUEDER: Okay. Dave Pickett said vote for me.

So with that, all in favor?

(Commissioners simultaneously voted.)

CHAIR LUEDER: All opposed?

And I will abstain, obviously, because I can't vote for myself.

COMMISSIONER KERR: You can vote for yourself.

CHAIR LUEDER: Well, I'm not going to vote for myself. I'm not sure I'm doing that great a job.

COMMISSIONER SLAVIK: You're doing a fine job.

CHAIR LUEDER: Okay. So next we have vice chair.

Do I hear nominations for vice chair?

COMMISSIONER SILVERBERG: Brad Franklin.

CHAIR LUEDER: Okay. Do I hear a second on
COMMISSIONER WILLARD: I'll second.

CHAIR LUEDER: Okay. Any public comment? Seeing none, I'll call for a vote. All those in favor?

(Commissioners simultaneously voted.)

CHAIR LUEDER: All opposed?

Abstentions?

COMMISSIONER FRANKLIN: I shall abstain, also.

CHAIR LUEDER: Okay.

I believe that concludes our business items today.

So, Chief Jenkins, do you have any closing comments?

CHIEF JENKINS: No, just one. Make the mike work.

No, just thank everybody for what has turned into a very long day. And thank you for everybody's patience today.

CHAIR LUEDER: Yes.

So closing comments, thank you for all those who survived the day. And we certainly appreciate everyone's comments and perseverance through this.

So do I hear a motion to adjourn?

COMMISSIONER WILLARD: Yes, you do.
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--