

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

October 14, 2011

South County Regional Center
800 West Branch Street
Arroyo Grande, CA 93420

IN ATTENDANCE:

OHMVR COMMISSIONERS:

Eric Lueder, Chair	Brad Franklin, Vice Chair
Breene Kerr	Kane Silverberg
Paul Slavik	Stan Van Velsor

CALIFORNIA STATE PARKS OHMVR STAFF:

Daphne Greene, Deputy Director, OHMVR Division
Phil Jenkins, Chief, OHMVR Division
Tim La Franchi, Legal Counsel, OHMVR Division

OTHER OHMVR STAFF AND REGISTERED VISITORS

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

2 Chair Lueder called the meeting to order at 9:06 a.m.

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

4 Commissioner Slavik led the meeting attendees in the
5 Pledge of Allegiance.

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

7 Six Commission Members were present at time of roll
8 call. Diana Perez and Gary Willard were not present.

9 **AGENDA ITEM II - APPROVAL OF AGENDA**

10 CHAIR LUEDER: Approval of agenda, do I hear a
11 motion to approve?

12 COMMISSIONER FRANKLIN: So moved.

13 COMMISSIONER KERR: Second.

14 CHAIR LUEDER: All those in favor?

15 (Commissioners simultaneously voted.)

16 CHAIR LUEDER: So moved.

17 **AGENDA ITEM III - APPROVAL OF MINUTES**

18 CHAIR LUEDER: Moving on to Item No. 3, approval
19 of the minutes for April 5th, 2011. Do I have a motion
20 to approve those minutes?

21 COMMISSIONER SILVERBERG: Move to approve.

22 COMMISSIONER FRANKLIN: Second.

23 CHAIR LUEDER: Any discussion on those minutes?

24 All in favor?

25 (Commissioners simultaneously voted.)

1 CHAIR LUEDER: Motion approved.

2 And the minutes of August 6th, 2011, do I have a
3 motion to approve those?

4 COMMISSIONER SLAVIK: Motion to approve them.

5 COMMISSIONER KERR: Second.

6 CHAIR LUEDER: Any discussion?

7 COMMISSIONER SLAVIK: I would say I like the
8 format of the minutes.

9 COMMISSIONER KERR: I think the summary minutes
10 are much better use of our time and the staff time.
11 There are recordings available of these proceedings if
12 someone wants to review a particular wording.

13 COMMISSIONER VAN VELSOR: So this is the format
14 that we will continue with?

15 COMMISSIONER KERR: Not necessarily.

16 CHAIR LUEDER: No. The format that we've
17 traditionally used is with the stenographer taking
18 those minutes. And Deputy Director, could you review
19 why we use those?

20 DEPUTY DIR. GREENE: Good morning,
21 Commissioners, members of the public, nice to see
22 everybody here today. There had been some discussion
23 as you recall that the minutes taken by the
24 stenographer are a little bit overwhelming and perhaps
25 we can look at condensing it. From Division's

1 standpoint it's important that we still have that level
2 of detail available to us as I mentioned to you
3 previously. But whatever the Commission feels, if the
4 new revised condensed form is easier, we can do both.
5 That's not a problem for us. So whatever works best
6 for you. I think it's always important we have all of
7 the detail captured somewhere, but for the purposes of
8 your review, perhaps it's better to have the shorter
9 version.

10 CHAIR LUEDER: Okay. But I think there was a
11 specific reason why this Commission went to that style
12 of minutes.

13 DEPUTY DIR. GREENE: At that last meeting, the
14 Commissioner Round Table in August, the thought was at
15 that point that it really was more of a workshop
16 format, and so to be able to capture that we didn't
17 really need to have that level of detail because it was
18 going to be the workshop approach, and then it was
19 really more discussion purposes.

20 The reason we originally had the stenographer
21 was because of the Bureau of State Audit in 2004.
22 During that time the auditor was at the Division for
23 over a year, and there were a lot of questions asked
24 regarding the Commission and actions taken by the
25 Commission. We didn't have that information available

1 because we had this condensed form of meeting minutes.
2 So we made the decision to have the stenographer take
3 minutes at the Commission meetings, and it is something
4 we still absolutely need to do from a Division
5 standpoint and historical standpoint. But for the ease
6 of the Commissioners and the public it's up to you to
7 decide what you'd like us to do.

8 COMMISSIONER SLAVIK: If it's not unduly
9 burdensome to the Division, you kind of indicated you
10 can do it both ways. It seems to us for continuity,
11 being able to read the minutes, get a sense of what's
12 going on, if one of us reads the minutes and sees that
13 there is something that we feel is wrong, we can always
14 go back to the stenographer's notes and get that
15 corrected, I'm assuming.

16 DEPUTY DIR. GREENE: Certainly. And our goal is
17 not to have any discrepancy.

18 COMMISSIONER SLAVIK: Right, but there is a
19 certain amount of subjectivity to putting in a summary
20 sentence a whole page, there is a certain amount of
21 subjectivity, so you might open up for interpretation,
22 I guess I should say.

23 COMMISSIONER KERR: The summary minutes are done
24 all the time and courts know how to do them. I think
25 they're very valuable. It would facilitate our

1 approval of the minutes and review of the minutes if we
2 did have these summaries available.

3 COMMISSIONER VAN VELSOR: So if we wanted to
4 discuss this and make a change, then we would put this
5 on the agenda for the next meeting?

6 CHAIR LUEDER: We could do it that way or we
7 could ask Division to prepare summary minutes if we
8 like, and we can review them at the next meeting and
9 see if that's how we want to approve it in the future.
10 So I would be open to that.

11 We're a little off track. We want to go ahead
12 and approve the August minutes, and then if we'd like
13 to have discussion about what we want to do as far as
14 instructing Division staff, we could do that.

15 COMMISSIONER VAN VELSOR: Fine.

16 CHAIR LUEDER: So after much discussion, can I
17 have a vote? All in favor?

18 (Commissioners simultaneously voted.)

19 CHAIR LUEDER: Okay. Passed.

20 Now, after hearing comments, I would be happy to
21 work with Deputy Director and staff to come up with
22 summary minutes and present them at the next meeting.
23 And then at that point, we can have a business item if
24 we want to make a policy and begin with those.

25 We will move along to Commission reports.

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AGENDA ITEM IV(A) - REPORTS - COMMISSIONERS'

COMMISSIONER VAN VELSOR: Yes, I would like to mention that after several months of hard work on the part of Division staff and Deputy Director Greene, we have established a time for our first Education Advisory Committee meeting. And I'm really pleased to be able to announce that, and I would just like to turn it over to Deputy Director Greene for a minute to summarize where we are with that.

DEPUTY DIR. GREENE: Thank you, Commissioner Van Velsor and Commissioner Slavik, who are the two subcommittee chairs for this group. For those of you who may not know, in the Division strategic plan, goal four for us is to develop an informed and educated community. Within that, one of the goals is to develop an Education Subcommittee that would work to develop a statewide education campaign for responsible OHV use. So we've identified professionals within their areas, and we have worked hard to try to get this group together. It's been difficult. With budget cuts and travel restrictions, we weren't able to do so, but we got approval from the Administration to be able to have this group of experts come and participate in this very important first step of developing that statewide

1 curriculum. So we will be meeting before the next
2 Commission meeting at the end of November, so we'll be
3 able to report back to all of you about that first
4 meeting. I think all of us are excited and ready to
5 go.

6 COMMISSIONER KERR: I just wanted to mention
7 that I did go out to Hollister Hills a couple of times
8 this last month, and the facility is looking great.
9 Just talking to Jeff about some of the other things
10 he's got planned, he wanted to know if I have a green
11 sticker for my bicycle. I'm not sure I can go there or
12 not. But, anyway, Hollister Hills is really looking
13 great, and I want to congratulate the staff on the work
14 that's been done over the last couple of years.

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16 **AGENDA ITEM IV(B)(1) - REPORTS - DEPUTY DIRECTOR'S**

17 CHAIR LUEDER: We will move on to the Deputy
18 Director's report.

19 DEPUTY DIR. GREENE: Thank you. Again, welcome
20 to everybody. For those of you were not able to join
21 the tour yesterday, we had about 45 individuals who
22 joined us in this opportunity to see the operation of
23 the park, all of the different programs that we have
24 based on resource protection, education, public safety.
25 And so for those of you weren't able to join us, we'd

1 just like to take a minute and bring you back to the
2 tour. (Viewed video of previous day's tour.)

3 Debbie, thank you for that wonderful video. I'd
4 just like to take a moment to recognize and thank
5 everyone from the Oceano Dunes District. Andy Zilke,
6 the superintendent; Brent Marshall; Dena Bellman; and
7 Ronnie Glick thank you for your outstanding efforts and
8 the tour you provided yesterday. I think everybody
9 found it very informative and very interesting.

10 (Applause.)

11 We have lots of items to cover today. Staff has
12 got a lot of good things that are going on since our
13 last Commission meeting.

14 But, first, it is with sadness that I announce
15 the passing of our former Deputy Director of the OHV
16 Division, Dave Widell. Dave was very instrumental in
17 bringing together people. He had very good energy and
18 wanted to bring a variety of different interests
19 together to create a common goal, and he will be
20 missed. He passed away at the very young age of 44. I
21 would just like to take a moment of silence if we could
22 to recognize Dave. (Moment of silence observed.) So
23 thank you for that. I appreciate it. His energy will
24 be missed.

25 So I would just like to quickly inform you that

1 for those of you who are interested, that Prairie City
2 and Carnegie SVRAs this next week and the week after
3 are having Visitor Appreciation Day. So everybody is
4 invited to that. You should probably receive a flier
5 on that. We work with a variety of vendors, nonprofits
6 to really recognize all of the efforts that go on at
7 the various parks. Prairie City will be on the 16th,
8 and Carnegie is on the 23rd. So we will make sure to
9 send you something. So those are just two items of
10 interest.

11 The grants program as always has been very busy.
12 Sixto Fernandez is the grants manager and will able to
13 provide an update on that.

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15 **AGENDA ITEM IV(B)(2) - REPORTS - Grants Program**

16 OHV STAFF FERNANDEZ: Good morning,
17 Commissioners, my name is Sixto Fernandez, and I'm the
18 grants manager. The grants team has been very busy.
19 We've been trying to finalize all of the agreements
20 with the grantees that were successful this grant
21 cycle. We're trying to close out the old file and
22 starting to look at the new grant cycle coming up in
23 January. But today I'd like to kind of highlight two
24 issues that we've been working on since the last
25 Commission meeting.

1 The first one is under the third tab in the
2 Commission binder, that first staff report, the
3 regulations. As you may recall at our last Commission
4 meeting, we gave an update on the regulations package
5 that we had submitted to the Office of Administrative
6 Law. At the last Commission meeting, we were in the
7 45-day public comment period. The public comment
8 period ended September 20th of last month. We did
9 receive a few comments from the general public and from
10 the grantees. So we took a look at those. We made
11 some decisions, and we made some minor revisions to the
12 original package, and then we went out with another
13 15-day public comment period. So we made some minor
14 revisions to the original package, and we are currently
15 in the 15-day public comment period that will end
16 October 19th. After that, we will submit the complete
17 package to the Office of Administrative Law for their
18 review and approval. We anticipate the approval being
19 sometime at the end of December. So that's the first
20 report. That's the regulations.

21 The second one is the staff report right after
22 that. It's the acquisition grants projects that were
23 submitted. As you may recall when we gave the update
24 at the last Commission meeting, there were four
25 acquisition projects that were successful this last

1 grant cycle. Two of them were from the BLM, Bureau of
2 Land Management, agencies up north. One was BLM
3 Redding and the other one was Eagle Lake, BLM Eagle
4 Lake. Both projects were to acquire private end
5 holdings so that they can be part of their land
6 management area.

7 Once we started working with the grantee on the
8 agreement, we were contacted by the BLM State Office to
9 discuss the warranty issue that we had implemented back
10 with the 2009/10 grant cycle. And so the warranty
11 language that we adopted was basically that any
12 acquisition that was made with OHV Trust Funds had to
13 be kept for OHV recreation; and if it wasn't, then the
14 land would revert back to the state. After some
15 discussions with the BLM State Office, it was
16 determined they could not accept that language in their
17 agreement. So we had several discussions, and after a
18 while we determined that we really couldn't do anything
19 at this point. So we received an official letter from
20 BLM stating that those two acquisition grants could not
21 be accepted.

22 So what happens is that money goes down to the
23 remaining applicants so we have a cutoff line, and any
24 monies left go to the next applicant. That next
25 applicant is the County of Madera, and they had

1 submitted a planning project to plan for an OHV park
2 within their county. And so we're using that money to
3 give to the County of Madera to fund most of their
4 project. Their project came in at about \$430,000.
5 We're going to be able to give them \$304,000 for that
6 project.

7 With the change that we did on the regulations,
8 the main part of that change was the warranty issue.
9 We tweaked it a little bit. We had discussions with
10 Jim Keeler in the BLM State Office. They discussed it
11 with their counsel, and the changes we're making with
12 the warranty issue is almost the same except there is a
13 25-year window. So they have to keep it for OHV
14 recreation for 25 years. After that then the land can
15 be used any way, but BLM passed it via their counsel
16 and they think that's acceptable. So the new warranty
17 language will begin with the next grant cycle.

18 CHAIR LUEDER: So as I understand it then, BLM
19 and any other federal agencies would be able to accept
20 that tweaked language?

21 OHV STAFF FERNANDEZ: That's our understanding.
22 They've contacted their attorneys, and they think
23 that's acceptable.

24 CHAIR LUEDER: So they could reapply for those
25 acquisitions?

1 OHV STAFF FERNANDEZ: That's correct. For the
2 this next grant cycle, they could reapply. Obviously,
3 it's not guaranteed. It's a competitive process, but
4 they can apply.

5 CHAIR LUEDER: Of course. Any Commissioners
6 have questions for Sixto?

7 COMMISSIONER SLAVIK: Sixto, can you tell us a
8 little bit about this Madera project?

9 OHV STAFF FERNANDEZ: I can tell you a little
10 bit about it. From what I could read, it seems like a
11 very good project. I'm not exactly sure the history of
12 this, but they're in the process of acquiring PG&E
13 land. It's about 370 acres, and it's in the north fork
14 area off of Highway 41. And I was able to go on Monday
15 to take a look at the area. It's a very beautiful
16 area. But they'd like to create a family-friendly OHV
17 park that will have trails, camping sites, four-by-four
18 recreation areas, and they seem very excited about that
19 opportunity. So we'll work with them to hopefully make
20 sure that happens.

21 COMMISSIONER SLAVIK: Sounds like a positive
22 thing.

23 OHV STAFF FERNANDEZ: It's very positive. It's
24 an opportunity to create OHV opportunity in a managed
25 area.

1 CHIEF JENKINS: We've been talking to law
2 enforcement in the county there for several years now,
3 and various places in the county have been trying to
4 address trespass issues, illegal OHV issues, so they're
5 very excited about the possibility in the future that
6 they will be able to direct people to go where it's
7 managed and it's at home.

8 CHAIR LUEDER: Any other questions on the
9 business item before we move on? Thank you, Sixto, for
10 your report.

11 I forgot to mention that those people who wish
12 to give us public comment, there's green cards in the
13 back for agenda items. One change since our last
14 meeting is everybody is getting three minutes
15 regardless of if you're with an organization or
16 individual, so that was a change. It's not noted on
17 our slips yet. It hasn't been updated yet. So
18 everybody will get three minutes just so there is no
19 confusion. So the green cards are for agenda items.
20 The blue cards are for any items that are not on the
21 agenda. And at eleven o'clock we will take public
22 comment on any items that are not on the agenda today.
23 I forgot to mention that at the beginning of the
24 meeting. So hopefully everybody is clear on that now,
25 and we'll move on to the legislation update.

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AGENDA ITEM IV(B)(3) - REPORTS - Legislation

OHV STAFF GILL: Good morning, Commissioners, members of the public, my name is Tricia Gill. I'm with the OHMVR Division. I have the privilege of presenting to you one of the most highly-anticipated reports today. In fact, I'm pretty sure it's why most of the people are here in this room for this report. So without further ado, you should have all received the legislation update report which is behind Sixto's report under the Deputy Director's tab.

We do have a full agenda, so I will give just a brief status on the bills we have been tracking and have been provided for your review at previous Commission meetings. I will also provide a brief summary and status on bills we have added to the report since the August 6th committee meeting, legislation added in this report which includes renewable energy legislation, as well as federal legislation we've added for your information. Please note, some of these bills are comprehensive; therefore, this report should not take the place of reading the bills in their entirety.

As you know the legislative process can be convoluted and confusing enough to bring down a herd of elephants or donkeys, whatever you prefer. And nowhere

1 was this more evident than during the final stretch of
2 the California legislative session in September. Going
3 into last weekend, the Governor had until midnight last
4 Sunday night to sign or veto over 300 bills. Your
5 report shows legislation updates as of October 3rd.
6 Since the preparation of this report, there have been
7 additional updates, and I will share what those updates
8 were today.

9 I'm going to first review the California
10 legislation, and then I will proceed with the federal
11 legislation. In particular, the Governor signed AB 42
12 which allows nonprofits to enter into operating
13 agreements for the operation, improvement, restoration,
14 maintenance, or administration of State Parks. This
15 bill provides an option for the State to try to
16 alleviate financial and resource burdens for the parks
17 that may otherwise close. And as a sidenote, the State
18 Parks has started to enter into some agreements. In
19 particular, Henry Coe State Park there is a group of
20 private citizens that have come together to raise
21 \$300,000 to help sustain that park for the next three
22 years. Also, Tomales Bay, Samuel P. Taylor State Park
23 and Del Mar State Park entered into agreement with the
24 National Parks Association to maintain those parks.
25 And State Parks also provided me a list of other parks

1 that they entered into agreements with, and I can share
2 those with you at break.

3 AB 628, I know in particular, Brad, you were
4 tracking this bill. And this bill was approved by the
5 Governor on October 7th. There were several amendments
6 made to this bill, in particular the request was made
7 to release the State from a liability. So they made
8 some of those amendments and that has passed.

9 The next bill is SB 356. This bill would have
10 established the process to alert and encourage local
11 agencies to participate in partnerships to prevent
12 proposed park closures. This bill was vetoed by the
13 Governor. This bill is now back in the Senate.
14 Consideration of the Governor's veto is pending. The
15 Governor vetoed the bill indicating it was unnecessary
16 because State Parks had already made its list of
17 closures available to the public and a separate
18 notification process for cities and counties would just
19 be duplicative. Moreover, State Parks has already
20 signed agreements with approved entities willing to
21 operate State Parks and intends to sign more. So the
22 Legislature can approve a bill vetoed by the Governor
23 by two-thirds vote, and that's referred to as a veto
24 override, so that's pending in the Senate.

25 SB 386, this bill would require State Parks to

1 post a 30-day notice of park closure on its website and
2 provide contact information for anyone interested in
3 leasing and operating the park. This bill was also
4 vetoed by the Governor who indicated the bill was a
5 great idea but does not need a law to implement. That
6 is not necessary. This bill is also pending in the
7 Senate consideration of the Governor's veto.

8 That was a summary of the California legislation
9 in terms of regular legislation. So in terms of
10 renewable energy development, this is something that
11 Daphne and I discussed would be pertinent for your
12 information, especially in consideration of the
13 importance of OHV opportunity in Southern California.
14 And in April the Governor signed into law an ambitious
15 mandate that requires California to obtain one-third of
16 its electricity from renewable energy sources such as
17 sunlight and wind by 2020.

18 To meet the nation's most ambitious renewable
19 energy law, the California Legislature focused this
20 year on streamlining the permitting, environmental
21 review and judicial review of renewable energy
22 projects. The report provided to you includes a
23 summary of some of the bills affecting California's
24 renewable project permitting development. Some of
25 these bills may have an impact on the access for public

1 lands, and so this was one of the reasons we wanted you
2 to be aware of these bills and be conscious of them as
3 they're moving through the Legislature.

4 AB 13 streamlines the siting and permitting
5 process for renewable energy projects within the state
6 desert renewable energy conservation plan. It adds
7 wind and geothermal energy projects to a program
8 currently placed for large-scale solar projects. The
9 bill also allows for the Department of Fish and Game to
10 offer project developers the option of paying
11 mitigation fees in lieu of the traditional permitting
12 process. In-lieu fees will then be used by the
13 Department of Fish and Game to acquire and restore
14 habitat lands to species impacted by the projects. The
15 bill additionally provides grants on legislative
16 appropriations of up to \$7 million in eligible counties
17 in the desert region and San Joaquin Valley to revise
18 their general plans and zoning ordinances and encourage
19 local renewable energy development. This bill was
20 approved by the Governor.

21 AB 982, this requires the State Lands Commission
22 to make best efforts to enter into a Memorandum of
23 Understanding or agreement with the U.S. Secretary of
24 the Interior to facilitate land exchanges to
25 consolidate total land parcels into contiguous holdings

1 that are suitable for large-scale commercial renewable
2 energy projects. This bill was also approved by the
3 Governor.

4 SB 618, this bill would allow local governments
5 and landowners to mutually rescind a Williamson Act
6 contract on marginally-productive or
7 physically-impaired land and simultaneously enter into
8 a solar-use easement. The proposed easement would
9 require that the land be used for solar energy under
10 similar terms as the Williamson Act. This bill would
11 also require any lead or reasonable agency to expedite
12 its review of permits for solar facilities that are
13 located in the marginally-productive,
14 physically-impaired or disturbed land. This bill was
15 approved by the Governor.

16 Finally in closing with the California
17 legislation, any bill that is still in committee is
18 dead for the year. Bills can, however, be heard again
19 under consideration when the committee starts in
20 January. There were two bills in your previous
21 reports. They're not in this particular. It was AB 64
22 and SB 580, those were in the last two reports that you
23 have. Those bills are dead and possible
24 reconsideration when the Legislature comes back in
25 January.

1 In terms of federal legislation, where
2 California is a deadline-driven legislative process,
3 it's one in which every bill is essentially entitled to
4 a hearing, at the federal level it's quite different.
5 The majority of the bills in Washington are actually
6 not heard by committees, and they don't move through
7 the process the same way that California legislation
8 does. So as you can imagine for me it's rather
9 challenging to track those processes and doing the best
10 that I can. Although a certain member may introduce
11 legislation at the federal level, the same piece of
12 legislation can be taken over by a more senior member
13 or incorporated into larger packages of bills. For
14 example, you could have a bill providing for parks
15 funding in a defense bill.

16 A real example of this is HR 242, which is in
17 your report, and HR 2584, and I'm going to discuss
18 those momentarily. In California, with the exception
19 of the Budget Act, every bill must stick to a single
20 subject. Whereas, the federal bill you can have a
21 rider on a bill and a massive bill, and tracking that
22 can be challenging at times. The federal legislative
23 agenda is much more difficult to track. I will be
24 contacting federal committee representatives and
25 subject matter experts to help me monitor those bills

1 for your information.

2 In regards to federal legislation, the first
3 bill therefor is HR 242, and this might be of
4 particular interest to quite a few people in the
5 audience. This bill would restrict funds for the
6 Forest Service implementation of Subpart B of its
7 Travel Management Rule until the agency has performed
8 project-level review under that rule. The bill also
9 addresses the issue of the Forest Service restricting
10 OHV use on dirt-covered and roughly-graded logging
11 roads in rural sections of the state. This bill is in
12 committee, and we'll be monitoring that. It's been in
13 committee since last January, so we'll just continue to
14 monitor it and see where that goes. That bill is a
15 rider in 2584 which we'll discuss in a few minutes.

16 HR 848, this bill requires the Forest Service,
17 in the implementation of off-road vehicle management
18 under the Forest Service Management Travel Rule to
19 endeavor to accommodate individuals with mobility
20 disabilities who would need to use a power-driven
21 mobility device for access to such lands.

22 HR 1581 and S 1087, this bill has been reviewed
23 at previous Commission meetings. There has been no
24 further updates since the August 6th Commission
25 meeting.

1 HR 2584, which I just mentioned a few minutes
2 ago, in particular with this legislation, Section 556
3 is a rider onto 2584, the Interior Appropriations bill.
4 It is nearly identical to HR 242. It prohibits the
5 Forest Service from implementing travel management
6 plans in California until completion of an assessment
7 of unauthorized routes. It further limits the
8 classification of certain forest roads.

9 2715, I know that this Commission in particular
10 has had a vested interest in this bill. As you
11 probably already know by now, this bill was signed by
12 the President on August 12th.

13 In terms of federal legislation related to
14 wilderness designations, there are actually several
15 federal bills related to wilderness designation. I'll
16 be reviewing a couple additional bills at our next
17 Commission meeting, but at this point currently we're
18 tracking the California Desert Protection Act. No
19 changes have occurred since the August 6th Commission
20 meeting.

21 In terms of national monuments related to
22 federal legislation, HR 302 / S 122, these bills
23 require the President prior to designating a national
24 monument to obtain a state approval for a monument
25 located on federal land within the state. It also bars

1 the Secretary of the Interior from implementing any
2 restrictions on the public use of national monument
3 land until the expiration of an appropriate review
4 period provided by public input and state approval.

5 HR 758 and S 407, this is the National Monument
6 Designation Transparency and Accountability Act 2010.
7 It would reduce the amount of land the President can
8 designate as a national monument. Specifically, it
9 would only allow the President to designate the
10 smallest area essential to ensure the proper care and
11 management of the objects to be protected.

12 HR 817, this is an amendment to the Antiquities
13 Act of 1906. It prohibits further extension or
14 establishment of national monuments in California
15 except for the express authorization of Congress.

16 At this point Phil would be happy to entertain
17 any questions you may have.

18 CHAIR LUEDER: Thank you, Tricia, for that
19 report. Are there any questions from any of the
20 Commissioners at this time? Seeing none, thank you.
21 Again, it's very comprehensive, and we will move on to
22 the public safety update.

23 //

24 **AGENDA ITEM IV(B)(4) - REPORTS - Public Safety**
25 **Pacific Crest Trail**

1 OHV STAFF ROBERTSON: Good morning, everybody.
2 In your report, you'll see a staff report regarding the
3 Pacific Crest Trail. I'd like to update you and go
4 ahead and update the public. We'll have some slides
5 for the presentation. I'll give a quick overview.

6 Back in July of this year, we were contacted at
7 the OHV Division, and it was brought to our attention
8 that a possible illegal riding incident had occurred on
9 the Pacific Crest Trail. At that time we started
10 looking into the incident, and from what we able to
11 quickly see was on the Internet there was a photo of
12 four motorcycle operators in the Tehachapi Mountain
13 Range. This photo appeared on a lot of different
14 websites, and people were using this as an example of
15 this illegal operation that had occurred. I received
16 e-mails with this photo of four riders. There were
17 five riders during this incident, but the photo does
18 have four riders, but again I would like to say there
19 was five riders. They just didn't get all five in the
20 picture.

21 We received a lot of e-mails, a lot of phone
22 calls. Daphne and Phil said, Brian, we need to get
23 down there and go on a fact-finding mission, who, what,
24 where, and why, what's going on down there. So
25 Al Chavez, another officer, and myself, we drove down

1 there. We made some contacts prior to getting down
2 there. We contacted ORV Kern County Volunteer Watch
3 Group, Mesonika who is here today. We also contacted
4 the Kern County Sheriff's Office. We talked to a
5 couple of deputies who were aware of this incident. We
6 contacted the U.S. Forest Service, and we also
7 contacted BLM representatives. So basically we were
8 again going on a fact-finding mission.

9 This incident did occur on January 10th, 2010.
10 So, again, we were leaving this August, which was
11 basically about 19 months or close to two years from
12 the incident. So again as a fact-finding mission, the
13 timeline was extended, but we could still go down there
14 and try to contact everybody, get their information,
15 and start to try to paint a picture from 19 months
16 earlier. So if I may, this is a regional map of the
17 area. Up here in the corner is Bakersfield,
18 California.

19 (Oriented attendees to map.)

20 This area has large tracks of land that are
21 owned by public and also private. The green here is
22 all the public land. There is a red line zigzagging
23 through this area here and that is the Pacific Crest
24 Trail. It's a real checkerboard. There are a lot of
25 people to talk to, and the PCP again is cutting across

1 many different private, public, private, public.

2 We went down to the Tehachapi Range, and we
3 actually met with two of the riders. It happened to be
4 that the fifth rider, who wasn't in the picture, was
5 one of those people who met us down here. He really
6 wanted to try to assist us. That day that it happened,
7 19 months earlier, he was upset just like everyone else
8 was upset. This is the photo missing the one rider.
9 This is the exact same location which we were able to
10 locate 19 months later. When we were in Tehachapi
11 Range, we contacted again the two riders. We kind of
12 retraced their route until we got into the very steep
13 mountain area and were unable to find this location.
14 The next day with the assistance of the ORV Watch
15 folks, we were able to get into this position quite
16 quickly.

17 So when we arrived at the location, we started
18 looking at the overall region. And what we noticed was
19 there were hundreds of volunteer trails. There were
20 areas of the PCT, there were areas next to the
21 roadways, there was no signage that I think was
22 sufficient in the area. So as we worked our way
23 through the different trail systems and the PCT, what
24 we started seeing was no signage, and then you would
25 come to an intersection like this, (Slide). This

1 actually is a six-way intersection, and the PCT is
2 right in the middle of this intersection. And we were
3 able to find some signage a little bit on the PCT,
4 which kind of comes up and around. This is a good
5 representation of the volunteer trails that are all
6 through the Tehachapi Range. One of the problems is
7 this piece of property we believe is private property.
8 You're allowed to have these trails up and down the
9 side of the mountain. Well, when you're a rider coming
10 into an area that's not properly posted on signage, you
11 see these trails from a distance and probably really
12 would like to ride that. Possibly during that time
13 while you're trying to get to this hill you could be
14 going across the PCT because the signage is lacking,
15 you have six-way interactions, it's a very confusing
16 area.

17 So when Al and I were down there contacting
18 everybody, we started getting some feedback from folks.
19 We came to the conclusion that this incident had
20 happened 19 months earlier. Multiple agencies had been
21 notified. Based on resources of staffing, patrolling,
22 the location of it, there was never a site visit
23 related to that specific picture.

24 And what the future could be is we really need
25 to just go ahead and get some signage, get some better

1 cooperation in the area between the eyes and ears of
2 the ORV Watch, try to create a signage program,
3 information kiosk, education, that type of thing.

4 Since then we've actually talked to the U.S.
5 Forest Service, and we've been doing a lot of
6 conference calls. Beth Boyst has been really pushing
7 to get us together on the same page. We're on the same
8 page. Kern County deputies are actually now going to
9 be taking all of the reports from the different
10 agencies. So at this point I think we're just trying
11 to turn the corner, go from a very kind of out-of-hand
12 situation, we got a picture, these guys were up there
13 riding. We as officers coming in 19 months later were
14 unable to really figure out what course they took to
15 get to that location, but when you can see pictures
16 like this, you can see there's a hundred different
17 courses they could have gotten to that location by.

18 So in conclusion where we're at now is just
19 cooperating. About every three to six months in the
20 future we are going to try to meet either on site or by
21 conference call and just start collecting everybody's
22 resources, coordinating patrols, trying to do some new
23 signage down the valley floor and educate the public.

24 CHIEF JENKINS: If I could add a couple of minor
25 details to make sure we have the whole picture, so one

1 of those riders that was involved was a CHP officer
2 which raised some concern amongst the public. He did
3 go back and report to his commander, et cetera, after
4 the incident had happened some years ago, so his
5 command is aware of that.

6 Also, just for information, some members of the
7 public were calling us hoping that we would go back and
8 do some sort of enforcement, that we would file charges
9 or whatever. At the time of the original incident, the
10 sheriff's department did look into it, and they treated
11 it the way law enforcement treats all different types
12 of crimes when there's infraction, and this would have
13 been an infraction, not committed in the presence of an
14 officer, typically the district attorney just won't
15 file charges on those things. Plus by the time we
16 heard about it, as mentioned, it was more than a year
17 later, so there were time frames on when you could file
18 on infractions that had expired.

19 One other significant thing, you may recall us
20 reporting to you a year ago or more about a focused
21 enforcement effort up on Pacific Crest Trail. This
22 incident had happened before that focused effort. At
23 the time that we did the focused enforcement effort, we
24 weren't actually aware of this incident. So since the
25 time this incident happened, we have gotten together.

1 We did that focused enforcement, the one big
2 enforcement, and then the local agencies, the sheriff's
3 department notably and also BLM and Forest Service,
4 have tried to increase their patrols in the area. And
5 reports that we're getting back from BLM was saying
6 that they were seeing less.

7 OHV STAFF ROBERTSON: Yes, over the last few
8 years there has been a dramatic decrease.

9 CHIEF JENKINS: So there's still a definite
10 problem there. There is still a need to continue to
11 find better ways to approach it and resolve it. The
12 Forest Service has initiated some efforts at
13 stakeholder groups and some efforts to increase
14 signage, et cetera. So there is the beginnings of an
15 effort. Our goal was to come in and look at the
16 situation, figure out where we might be able to join
17 forces with the rest of the enforcement community and
18 local residents and riding community, and try to
19 leverage our efforts with the things that are already
20 going on and prevent further incidents like that.

21 CHAIR LUEDER: I do have a couple of questions.
22 So when you mentioned your PCT-focused enforcement
23 effort, is that something that you have a schedule
24 where you're going to go back and do some follow-up
25 enforcement work quarterly or every so often? Is that

1 something that you've looked at?

2 CHIEF JENKINS: If we had a schedule, we
3 wouldn't tell you because that kind of defeats the
4 surprise visits, but, yes, we do. We've been stopping
5 by there. Every time we're in that part of the state,
6 we have workers traveling through swing by. There are
7 several areas throughout the state that whenever we're
8 doing local agencies review, we'll drop in on those
9 areas that are reported to us over the years. So this
10 is on our list of places that we're swinging by and
11 taking a look, trying to keep an eye on, talking
12 regularly with the local agencies.

13 CHAIR LUEDER: Secondly, this situation if I
14 understand is very complicated because it's a patchwork
15 of private and public properties in addition to having
16 the Pacific Crest Trail run through it. So are there
17 efforts to work with the private property owners on
18 signage so that they can mark their properties as
19 private properties as well as appropriate signage on
20 the PCT? Of course we don't want signs everywhere out
21 there in the desert, but there needs to be some
22 additional signage obviously, and it's not as simple as
23 working with one agency and saying, hey, put some signs
24 up. It's a complex thing. So what's your ideas and
25 thoughts on that.

1 CHIEF JENKINS: Some of the areas up there are
2 actually signed fairly well. So it's not that nobody
3 is signing. I don't want to give that impression.
4 There are some areas that are aggressively signed. You
5 might say there is quite a bit of signage, and other
6 areas where there is a definite lack of signage.

7 So the goal is working with both private
8 landowners and the public agencies in charge of the
9 trails and public lands there to have consistent
10 signage. So what we're looking for is that
11 consistency. As you're travelling through the area, if
12 you're on private lands and you come across the Pacific
13 Crest Trail, you recognize that's the Pacific Crest
14 Trail, and I shouldn't be on the trail. If you're
15 traveling on public land and you come up to a private
16 land boundary, in order for law enforcement to make
17 enforcement actions on those things, the person that
18 you're going to be enforcing on needs to have a
19 reasonable chance of following the law. So additional
20 trailhead signage, maps on information kiosks, we're
21 trying to look at all of the different channels that we
22 can access to get information out to the public so the
23 people that want to obey the law have a fair chance of
24 obeying the law.

25 DEPUTY DIR. GREENE: One of the things, too, if

1 I may, that as Phil said, there are a variety of
2 different action levels here, education, communication,
3 and enforcement. And so one of the things that we've
4 been working with and suggesting to the agencies is
5 that perhaps we look at doing some sort of regional
6 stakeholder group in that area both from the OHV
7 community, conservation community, Forest Service, BLM.

8 Also, what we see in this particular area, which
9 is coming quickly, is the development of many of those
10 lands for renewable energy. And so the land that we
11 know today is going to change dramatically, so it's
12 important to also get some of those property owners
13 involved. That's something that we've been looking at,
14 how do you get people together to try and perhaps look
15 at the issue in a more regional approach for success.

16 COMMISSIONER SLAVIK: It's not illegal from my
17 understanding to cross the PCT at right angles; is that
18 correct?

19 OHV STAFF ROBERTSON: That's correct.

20 COMMISSIONER SLAVIK: And I've ridden up there
21 years ago, and understandably it's a -- we call it a
22 spaghetti system. It just looks like somebody took a
23 map and threw a bunch of spaghetti up as the trails.
24 So there is no designated trail system. There is no
25 place -- really people they just go wherever they can,

1 right?

2 OHMVR STAFF ROBERTSON: That is correct.

3 COMMISSIONER SLAVIK: And the land prescription
4 on the public land there is it riding allowed or not
5 allowed on public land?

6 CHIEF JENKINS: We had this discussion with BLM.
7 Right now that BLM land hasn't been designated for any
8 particular use. And so it's a difficult question to
9 answer quite frankly because it's not illegal to ride
10 an OHV there, but there are no defined legal OHV trails
11 that have been designated as this is where you're
12 supposed to ride. So that adds to the difficulty of
13 all of the agencies on how to manage it. If you're a
14 rider and you're on the BLM land and you're on an
15 existing trail, in other words, you're looking at the
16 ground and you can see that there is a trail there, and
17 you're riding on that trail, as far as we can find in
18 law, talking to the various agencies, talking to BLM,
19 that's not illegal. However, that being said, the
20 trail that you're on isn't designated on any map and so
21 it's hard to point out you should be here instead of
22 there because there is nothing showing on a map.

23 COMMISSIONER SLAVIK: Just to follow up, it's
24 very close to metro area, right? It's accessible to
25 lots of people that want to go riding. And when we

1 convene our Education Subcommittee, it seems to me this
2 would be kind of a focus area to kind of work on how do
3 you manage an area like that and get it back into some
4 kind of compliance.

5 OHV STAFF ROBERTSON: And we've talked to the
6 different agencies, and everybody agrees that if we
7 could come out from the mountain range to these access
8 points, whether they're on private property or some
9 other access point, and put up some good education,
10 good kiosk boards that would have maps, suggestions of
11 other riding areas. It's close to a lot of different
12 riding areas. So before they even get the bikes
13 unloaded, they're able to go, okay, this area is
14 probably not the easiest to ride on because of private
15 property and jumping from private property to public,
16 et cetera. And the BLM, U.S. Forest Service, and Kern
17 County are all very supportive this. It's actually in
18 the works already just trying to start collecting a
19 plan on how we would do it and which points.

20 COMMISSIONER KERR: Well, I'm not as familiar as
21 the rest of you guys about this area, but why wouldn't
22 you be encouraging the local agency to apply for a
23 grant to plan a designated trail route because you've
24 got, as you said, the spaghetti analogy, just get a
25 couple of routes laid out and direct the riders there.

1 OHMVR STAFF ROBERTSON: Currently they are
2 receiving grants in the area. It's a large regional
3 area with a lot of problems in different areas, and so
4 they've been applying for grants and receiving grants
5 for other OHV issues. This area kind of works right
6 into those programs. They are spending some OHV
7 dollars in this area already. Just with having
8 multiple agencies and everyone getting on the same
9 page, I think the most important thing was for us to
10 try to start the communication, and we all have the
11 same idea where we want to get to. So the OHV grants
12 are already in the area.

13 COMMISSIONER SLAVIK: The reality is you have
14 private landowners, and I don't think you could really
15 establish a trail system with all of that.

16 COMMISSIONER KERR: We've established hundreds
17 of miles of trails in my community across public and
18 private lands, and it is a project. That's why you
19 need to pare it down and find one or two routes that
20 you're trying to concentrate on and get the easements
21 and whatever. And it sounds like you've been down
22 there, spent a lot of agency time and money already
23 getting to this point. I would like to see at some
24 point you coming back with a strategy for dealing with
25 this issue where we can take a proactive role.

1 DEPUTY DIR. GREENE: It might be helpful,
2 Jim Keeler from the BLM is right behind you and might
3 want to comment further.

4 BLM JIM KEELER: Jim Keeler, BLM California
5 State Office. Actually, I have done a lot of research
6 on that area now. And it has been closed ever since
7 the Desert Plan in 1982. There is no motorized vehicle
8 use to the south of Highway 58. And essentially what
9 they said was because the tracts of land are so small
10 and so scattered, public land, that it just wasn't
11 worth the focus to try to designate a trail network out
12 there. I don't know when the trail was established,
13 but the Pacific Crest Trail has been closed as a
14 National Scenic Trail ever since 1976.

15 So I don't know that with the amount of open
16 area we have just north of there, across Jawbone and
17 Dove and Red Mountain and then the designated trail
18 network that we already have, that we have the
19 resources to expand that network much. And one of the
20 things that makes it so awkward or difficult for us to
21 deal with the issues up there as an agency are that a
22 majority of the people are someplace else, and that's
23 where we like to put our focus.

24 I don't like the characterization, and maybe
25 Phil corrected it to some extent, that nothing has

1 happened since 2010. His staff was down there and
2 helped with Kern County and had a very successful sting
3 operation, I guess you would say, and we even got a
4 commendation letter from the Tehachapi folks. So I
5 don't know if that was a mischaracterization, where
6 that came from, but I don't think that's quite fair.

7 And then the other thing I did want to say is
8 that I obtained this year a restoration planning grant
9 for the entire section of the Pacific Crest Trail all
10 the way from 138 over to 178, which is 139 miles. And
11 what we're going to do initially from our end with that
12 is to do a very detailed GPS data collection and start
13 actually figuring out a detailed map that the officers
14 and everybody else can put on their computers because
15 our officers can only enforce things on the trail
16 corridor itself, unless it's on public land, as well.
17 So it's a very complicated situation.

18 We had a crew through there last year that
19 entirely signed that trail. It's also very difficult
20 to keep signs on it, and it's also very easy country
21 for people to pull it out. If you read Thumper Talk,
22 people know the history of that place, and there's
23 always a debate on there about the history and whether
24 or not it's legal, but there is a whole lot of folks
25 that know it isn't.

1 So I think another part of this outreach effort
2 should be to work with getting word out on the web what
3 we're really trying to accomplish, and the bad outcomes
4 that are going to come from continued difficulties in
5 that area.

6 The last thing I want to say is that Kern County
7 has an ordinance that private land has to be entirely
8 marked or people are allowed to trespass on it. And
9 that's complicated things a lot. And the sheriff has
10 the same patrol issues that we do, they don't like to
11 put an officer three hours up a dirt road trying to
12 catch somebody that's very difficult to catch.

13 CHAIR LUEDER: Before you leave the podium, I
14 did have a question. Is there any kind of volunteer
15 organization similar to Friends of Jawbone that could
16 work in that area and assist you guys? Because
17 obviously Ed Waldheim has worked for many years in the
18 Jawbone area to get illegal riding in nondesignated
19 areas kind of under control, and as we've heard time
20 and time again from him personally, it takes constant
21 effort to keep those signs and those barriers and
22 things in place.

23 BLM JIM KEELER: One of the things we're going
24 to do the restoration planning report, we're going to
25 hire two interns for six months to do this complete

1 survey. We're hoping that we can push the limits as
2 far as we can on the restoration process and have them
3 help us determine some additional social restoration we
4 can do, as well. So we are trying to kind of use this
5 as an opportunity to step beyond just traditional
6 methods and go on into the untraditional.

7 CHAIR LUEDER: I would encourage you and all of
8 the other agencies to think outside the box and work
9 the best you can so that we can get the value of it.

10 BLM JIM KEELER: It gets kind of frustrating in
11 another way. The whole Backbone Ridge across the
12 Jawbone Canyon area has a Pacific Crest Trail on it as
13 well, and we have significant OHV issues with the trail
14 up there. So Waldheim has been working with us on that
15 side, and he's never expanded down to the Elk Creek
16 area, but that's a good suggestion and one we're
17 working towards.

18 COMMISSIONER VAN VELSOR: Brian, I want to thank
19 you for the report and thank the Division for all of
20 the work that you've been doing on this, and thank the
21 BLM, of course, Jim.

22 I would like to suggest -- and maybe you are
23 currently doing this. But this is a very difficult
24 management area, but I think your efforts to include
25 all of the different stakeholders, agencies and so

1 forth is laudable, and I think that's the direction to
2 go. There are variety of different activities taking
3 place that you're implementing, putting in place, and I
4 think it would be helpful to include in that planning a
5 monitoring component so that you can understand in the
6 long-term what's working, what's not working, where to
7 increase efforts, where not and so forth. And it would
8 generate a lot of really helpful information for the
9 long-term planning.

10 BLM JIM KEELER: That's the goal of the
11 restoration plans that we're doing is to have a
12 handbook foot by foot along that trail and also photo
13 documentation of all of the incursion areas so we can
14 begin a baseline of that very process.

15 COMMISSIONER SLAVIK: One last comment, Stan,
16 the more I think about this, this sounds like a case
17 study. With all of the background information we
18 already have and looking at what the possible results
19 could be if we implemented certain things through this
20 Education Subcommittee that could effect change, unless
21 there's somebody who has a better idea. But it's kind
22 of symptomatic, isn't it, of what goes on around the
23 state?

24 DEPUTY DIR. GREENE: I think yes and no. I
25 think the education group is looking to focus more on a

1 statewide education campaign that reaches a broader
2 audience from children to grandparents. This is one
3 issue of it, yes, which is how do we deal with this
4 private property, trespass issue, use agencies where
5 it's not legal for BLM, but there's areas where it's
6 legal for Forest Service. So it's just the
7 complexities of the State of California.

8 COMMISSIONER SLAVIK: It's where the rubber
9 meets the road really, using that term.

10 CHAIR LUEDER: Thank you. And you have a
11 further update on another item, right?

12 //////////////////////////////////////

13 **AGENDA ITEM IV(B)(4) - REPORTS - Public Safety**

14 **POST Training**

15 OHV STAFF ROBERTSON: The next item on the staff
16 report is our public safety training courses that we've
17 been developing for some time. Just recently we had a
18 six-hour POST, which is Peace Officer Standard
19 Training, certification. We had that recognized and
20 approved. We're just getting ready to launch an
21 education program up and down the state for law
22 enforcement agencies for OHV use. We're going to be
23 presenting basically classroom workshops that really go
24 through the 38000 section of the CVC, understanding it,
25 dissecting it, and learning how to use it in your local

1 OHV areas. We're really excited that's going to be
2 started here shortly.

3 And also with that is that will have another
4 class expanding out to another 32-hour class. So we'll
5 be going up and down the state doing six-hour classes.
6 And probably one or twice a year, and just about to get
7 the POST certification for the 32-hour class, which
8 will have the six-hour, plus we will have four-wheel
9 drive training, motorcycle training, ATV training, and
10 then also in some situations we'll have the sound
11 testing training. We're really excited. We've had a
12 lot of agency that's been asking for us to put
13 something like this together.

14 And what we see is we can get all of the
15 agencies up and down the state interpreting the law the
16 same way. So when you have a rider from Southern
17 California that comes up to Northern California, he's
18 going to get the same enforcement. We're just about to
19 launch that, and I'll give you an update in the future
20 after our first class.

21 CHIEF JENKINS: And if I can just add to that,
22 in a way that relates to the discussion we've just been
23 having in the Division. That has all of the codes that
24 we focus on which is the Division 16.5 of the
25 California Vehicle Code, and then there's a whole

1 section of the Public Resources Code, as well. There
2 are a lot of laws that are specific to OHV enforcement
3 that the community law enforcement officers, the
4 sheriffs, the police departments, et cetera, never
5 really delve into those codes. And so there's just a
6 lot of lack of knowledge sometimes about tools that are
7 currently available to those law enforcement
8 organizations to enforce illegal riding or trespassing
9 issues, et cetera.

10 For instance, you may not have enough probable
11 cause to write a citation for trespass, but if somebody
12 has been driving over vegetation in the process of
13 doing that, there are laws in our OHV sections of the
14 codes that could be used to address that. So our goal
15 with law enforcement is educational, so that they
16 realize how many tools they do have at their disposal,
17 and also educational to make sure that they don't
18 inappropriately enforce. One of the most common errors
19 that are made sometimes by other enforcement agencies,
20 they'll see somebody riding a dirt bike in an OHV area
21 and write them for no helmet. It's not against the
22 law, but all they ever do is enforce motorcycle helmets
23 on the pavement. It's one of the first things that we
24 have to teach our rangers coming to the OHV Division,
25 don't write those things. So there's both sides,

1 sometimes they're overenforcing inappropriately,
2 sometimes they're underenforcing because they don't
3 realize how many tools they have at their disposal.

4 What staff has done is try to accumulate all of
5 that information into a certified POST training course,
6 the Peace Officer Standards and Training, which allows
7 the other agencies to come to our training and get
8 reimbursement through POST which encourages better
9 participation. It's been quite a bit of work on their
10 part to get that POST certification. It's like a big
11 gold star when you get that.

12 COMMISSIONER SLAVIK: Does that include sound
13 testing?

14 OHV STAFF ROBERTSON: Yes, the sound testing has
15 been included. That's actually been POST certified for
16 a while.

17 CHAIR LUEDER: Thank you. Are there any
18 questions at this time? That concludes the Deputy
19 Director's report, and it is almost 10:30, it's time
20 for a 10-minute break.

21 (Returned at 10:40 from break commencing at 10:23.)

22 //

23 **PUBLIC COMMENT ON AGENDA ITEMS III & IV(A)&(B)**

24 CHAIR LUEDER: Public comment on the Deputy
25 Director's report and any other previous items that

1 we've covered up to this time. So once again I'll call
2 the names. It's the green cards if anybody wants to
3 make comment on the Deputy Director's report or
4 anything prior. You'll have three minutes and the
5 lights will go green to red. And when they go to red,
6 I'm going to try to keep everybody to three minutes.

7 MESONIKA PIEROCH: Hi there, good morning, my
8 name is Mesonika Pieroch. I'm the executive director
9 of ORV Watch in Kern County, and I'm also representing
10 the Alliance for Responsible Recreation.

11 I'm addressing Brian's report of the incident of
12 the five dirt bikers who were observed trespassing on
13 the Pacific Crest Trail and caught on camera
14 trespassing on private property. The report is
15 incomplete and appears to be part of a troubling
16 pattern of law enforcement refusing to act on solid
17 evidence of trespass, which was submitted to multiple
18 agencies 18 months ago, including the OHMVR Division,
19 we believe because the riders are nationally known
20 professional racers and a California Patrol officer.

21 Before we take the corner that we all really
22 want to turn, I have to mention that the OHMVR Division
23 knows the identities of the riders mentioned in the
24 report, but failed to mention their names. For the
25 record, the trespassers are professional Motocross

1 racers, Josh Train; Kacy Martinez; Travis Coy; and
2 Rodney Smith, whose names are clearly written on their
3 dirt bikes. The fifth rider in the group is CHP
4 Officer Joe Godman who was witnessed riding his dirt
5 bike on the Pacific Crest Trail and caught on film in
6 the act of trespassing on private property. This
7 report covers up their illegal activity by stating the
8 inability to determine the state of signage at the time
9 of the incident. Brian met with our organization, and
10 we showed him time and date stamped photos of the
11 abundant signage that existed at the time of the
12 trespass. BLM and U.S. Forest Service officials also
13 have photographs of these signs at that time which we
14 indicated to the Division.

15 Brian talked about volunteer trails that are on
16 his PowerPoint presentation, and that's sugarcoating
17 illegal trails. All of those trails are illegal and
18 rider created, and the volunteer trails, whatever the
19 heck that is, does not totally describe what they are.

20 And someone also mentioned it's not illegal to
21 cross the PCT, is it? If the roads are illegal, yes,
22 it is illegal to cross the PCT on these rider-created
23 trails. And to say, well, there is a trail and I can
24 use it just because it's there is not responsible
25 riding and it excuses trespass. The riding is totally

1 out of control out there.

2 We want to thank Mr. Keeler for pointing out
3 that the BLM is closed to riding, which makes it very
4 easy to enforce the law. These areas are closed.
5 Brian contacted the racers and the CHP officer, all of
6 whom reportedly were embarrassed to have been caught in
7 an illegal act. CHP Officer Godman told Robertson he
8 had written permission to be on the private property,
9 but we know this is false since we know the property
10 owner, and he has been extremely frustrated with the
11 constant dirt bikes on his property, as is the woman
12 who owns the property with the hill climbs on the
13 PowerPoint presentation. And I know it looks really
14 tempting and can have a hill climb on your private
15 property, this is private property, and this woman does
16 not want riding on her property, which does not excuse
17 riding on it.

18 We ask that the OHMVR Division take immediate
19 steps to correct the report with the names of the
20 perpetrators and contact CHP Officer Joe Godman's
21 supervisor to make sure he does not continue to break
22 the law, and produce a public service announcement with
23 these riders encouraging the public to obey the law and
24 stop destroying the Pacific Crest Trail.

25 We appreciate Brian's efforts, and we look

1 forward to working with him to install a series of
2 informational kiosks within the next six months. Any
3 questions?

4 COMMISSIONER VAN VELSOR: I do have a question.
5 It's my understanding that your organization is working
6 as part of this concerted effort to get a better handle
7 on the situation up there?

8 MESONIKA PIEROCH: Yes, we're part of the
9 stakeholder meetings that have been going on for the
10 last three years with U.S. Forest Service, BLM, local
11 riders, and the Pacific Crest Trail Association. And
12 we're working very hard to try to stop the ingress onto
13 the Pacific Crest Trail so people can pack and ride
14 their horses and hike without all of the disturbance.

15 COMMISSIONER VAN VELSOR: And do you feel
16 positive about the work being done, and do you think
17 that this group of stakeholders is going to be able to
18 get a better handle on the situation?

19 MESONIKA PIEROCH: I really do, particularly
20 with Brian's efforts and his establishing a section of
21 areas with informational kiosks, that will be very
22 valuable. In addition, our Kern County Sheriff Dirt
23 Team came out over the weekend and saw for themselves
24 these riders on the Pacific Crest Trail. They said it
25 was abundant, and they were professional riders they

1 believe at that time last week because our dirt team
2 couldn't even catch up with them. They understand the
3 nature of the problem, and they're really digging in
4 hard to try to help out the community.

5 COMMISSIONER VAN VELSOR: Very good. Thank you.

6 COMMISSIONER SLAVIK: How many people would you
7 say at a given time, let's say on a weekend or weekday,
8 would typically be in this general area and being on
9 the Pacific Crest Trail? And I know that's a hard
10 question, but can you give me a sense of what we're
11 talking about, dozens of people, or hundreds of people,
12 or something like that?

13 MESONIKA PIEROCH: My indication would be, of
14 course, subjective from what I've personally seen in
15 the area. The sheriff's department has indicated on
16 long weekends it can be up to 200. On regular weekends
17 it can be anywhere from 25 to 50. On weekdays what
18 we're seeing is clusters of small groups of people who
19 ride five or six at a time, and they ride together up
20 on the mountain, and that's what we typically see.

21 COMMISSIONER SLAVIK: Do you have any sense of
22 where these people stage their vehicles? Are they
23 local riders?

24 MESONIKA PIEROCH: Yes. They're normally from
25 out of the area. We found people from Ventura County,

1 Orange County, from Los Angeles. CHP Officer Godman
2 and friends were from Contra Costa County.

3 And I would like to indicate also we're about
4 20 minutes from California City, so it's not as though
5 there is lack of opportunity. There are abundant areas
6 to ride, hundreds of miles in Jawbone Canyon to
7 Randsburg, everywhere, and there is really no excuse
8 not to go 20 minutes down the road to legal
9 opportunities.

10 CHIEF JENKINS: I should point out, by the way,
11 the dirt team that was mentioned is funded partially
12 through OHV grants, the law enforcement grant portion
13 goes to the county. That's how they buy a lot of their
14 equipment.

15 KAREN SCHAMBACH: Karen Schambach, PEER and
16 Center for Sierra Nevada Conservation. And I also want
17 to address law enforcement, but in a slightly different
18 context.

19 In our area where I live we continue to have
20 issues with excessive noise from dirt bikes, and that
21 was one of the issues that the old stakeholders group,
22 which was put together by the late Dave Widell, all
23 agreed on was the need to have a better handle on
24 noise. And to my dismay when I talked to the local
25 Forest Service officials about it, they indicated that

1 they had contacted the OHV Division, and the OHV
2 Division is not conducting any of the training for the
3 monitoring of noise levels. I found that very
4 disturbing, considering what an important issue that
5 is. And as we all know, if they don't do
6 certification, they can't write tickets. So the noise
7 issue which we thought we were getting a handle on
8 seems to be getting away from us again.

9 The other disturbing report I had actually from
10 a participant in the recent Carnegie Hill Climb was
11 that apparently that event is starting to -- the way
12 she described it is reminiscent of the worst days of
13 Glamis with underaged drinking, fights, noise, and
14 gasoline bombs. She and her family were actually very
15 frightened. I don't know what's happening with law
16 enforcement there, but it seems we don't want to create
17 another Glamis, and that's something I don't recall --
18 at least I never heard about that kind of activity at
19 Carnegie before. And I don't know what it was about
20 this particular event that law enforcement was absent,
21 but I hope that the Division will take a look at that
22 and see if they can get a handle on it before it gets
23 worse.

24 COMMISSIONER VAN VELSOR: Let me understand a
25 little more of the situation with the noise and the

1 need to monitor that more effectively. How does the
2 safety courses that Brian was mentioning relate to
3 noise? I know he did suggest that there was going to
4 be some training around the noise issue in the safety
5 courses. Is that what we're lacking, training, or is
6 there some other issue here?

7 KAREN SCHAMBACH: In order for somebody to --
8 okay, what happens is this: In riding areas there are
9 periodic testing, for instance, in the Rock Creek area
10 the REC techs, or the LEOs or the FPOs, if they have
11 certification, they can stop and check a bike that
12 seems to be producing excessive noise to be over the
13 dba limit. If they don't have that certification, they
14 can't issue a ticket. Or if they issued a ticket, it
15 would be successfully fought. So it's important that
16 they have the certification.

17 They can't get the certification without the
18 training, and when they inquired -- after I had raised
19 the issue a few weeks ago about the noise seeming to be
20 on the increase, I guess they contacted the Division
21 about training because they don't have sufficient
22 people currently certified to be able to do the sound
23 checks, and they were told that the Division isn't
24 offering that training this year.

25 COMMISSIONER VAN VELSOR: Okay. My

1 understanding was that there would be sound training
2 associated with that.

3 DEPUTY DIR. GREENE: If I could clarify, Brian,
4 why don't you come on over because, in fact, we brought
5 this up at the last Commission meeting on August 4th,
6 Karen, I'm not sure if you were there. I know it was
7 on the web. And we actually have Chris Real here who
8 does all of the sound test training statewide. We do
9 provide those classes for the Forest Service and BLM
10 free of charge. And I know that we've got them going
11 on throughout the state as we highlighted at the last
12 meeting.

13 So can you just give an update.

14 OHV STAFF ROBERTSON: We just had three
15 trainings for the sound testing recently. Chris and I
16 had been working for about nine months on scheduling
17 training sites up and down the state. Also, during the
18 scheduling, we had specifically scheduled volunteer
19 training for the folks that are out there helping us
20 out with their sound test meters. So we do have an
21 up-and-running program.

22 If you'd like to forward to me any information,
23 I can forward back to you information, and we'll get
24 those folks into training. It is up and running.
25 We've had three, and we're probably going to have

1 another I believe it's six or seven this year.

2 DEPUTY DIR. GREENE: So maybe we need to do a
3 better job of getting the word out.

4 KAREN SCHAMBACH: This person said that they
5 contacted Dan Canfield and was told there was no budget
6 for us.

7 DEPUTY DIR. GREENE: We need to clarify that
8 Dan Canfield is a grants administrator not the LE folks
9 who do the training. We probably need to clarify that.

10 CHAIR LUEDER: Please clarify that.

11 KAREN SCHAMBACH: So when is the next training,
12 so I can tell them?

13 OHV STAFF ROBERTSON: I don't have that
14 information right in front of me. It's definitely
15 coming up here. We're going about every six weeks
16 throughout the region. So if we just talk to each
17 other, we can get everybody into the information that
18 we've been training. There would be no problem at all.

19 KAREN SCHAMBACH: Great, thanks.

20 CHAIR LUEDER: Thank you.

21 NELL LANGFORD: I am Dr. Nell Langford. Thank
22 you, Commission, for holding your session here where we
23 can come and speak to you about our concerns,
24 especially the Oceano Dunes, which is, by the way, your
25 star location and most of your activities do occur

1 here. In fact, your headquarters is here. If you call
2 Sacramento OHV, the phone rings on James Way.

3 So that said, please -- I'm so glad that Karen
4 brought up the problem with noise. Please monitor the
5 noise here. The people in the Mesa can't sleep at
6 night. Think of what's it like for people who live in
7 Oceano Dunes where 24/7 vehicles get stuck on the ramp,
8 and do their wheelies, and alcohol, and parties, and
9 fights, and you name it, all night long. We need to
10 cut down this noise. Please put a monitor in on Pismo
11 State Beach and also on the areas that affect the two
12 neighborhoods in Nipomo Mesa and Oceano Dunes.

13 Can I hear a yes or no before I go on?

14 CHAIR LUEDER: We will have to direct staff to
15 respond to you on that. This is public comment. It's
16 not a question-and-answer period.

17 NELL LANGFORD: I saw you were answering people.
18 I thought that was really nice, so I thought I would
19 try it.

20 CHAIR LUEDER: We're intending to take public
21 comment here, and I might remind you that we are taking
22 public comment on the Deputy Director's report.

23 NELL LANGFORD: Yes, I would like to speak
24 directly to the Director's report on public safety, and
25 I suggest that you stop being out of control, which you

1 are, and shut down the Pacific Crest Trail. If you
2 have no authority to do it and the federal government
3 has no authority to do it, as you've heard through BLM
4 who closed it in 1976, then it's just out of control.
5 Close it down. Shut it down.

6 Also please shut down your illegal trespass that
7 you're doing on Pismo State Beach. It's not part of
8 the ODSVRA. It is a separate unit in the State Parks
9 system. And, Phil, I do suggest that you delve into
10 those codes, those Public Resources Codes that prevent
11 you to have done what you've done, which is to encroach
12 upon Pismo State Beach, when the codes say that you're
13 not allowed to do that. SVRAs cannot place themselves
14 within another State Parks system unit. And I received
15 200-plus pages from Comilang, Counsel Comilang who
16 didn't answer my question: Are you or are you not
17 illegally encroaching and trespassing on Pismo State
18 Beach. Could I get an answer on that?

19 CHAIR LUEDER: Again, we're not here to answer
20 specific questions.

21 NELL LANGFORD: Then I would just like to say
22 shut it down. Do not do what you're doing on the
23 Pacific Crest Trail, and just if you need to allow
24 illegal activity, shut it down.

25 And then finally, because we've got a lot going

1 on here today, we thank you for this opportunity to
2 tell you our concerns. Shut yourself down. You are a
3 dinosaur. You use fossil fuels. You pollute the air.
4 You pollute the water. You're a safety carnage circus
5 dupe. People are injured, and this is real.

6 CHAIR LUEDER: Thank you.

7 NELL LANGFORD: I'll just end there. Thank you
8 for the opportunity to speak.

9 CHAIR LUEDER: We appreciate your comments.

10 DAVE PICKETT: Good afternoon, Commissioners.
11 Dave Pickett, AMA District 36. It's a special
12 privilege for me to be here today. Wow, I don't know
13 how to follow that one, so.

14 A couple of comments that I have, one correction
15 on the sound training. There is one taking place in
16 Prairie City OHV area in conjunction with a District 36
17 legal event in mid November. And I did not receive any
18 phone calls from any staff member in the Eldorado
19 National Forest that there was a sound issue in that
20 area. That is one thing that AMA District 36, as well
21 as all of their districts across the United States have
22 been very, very effective in showing leadership in that
23 area including getting law for sound use 50 percent, as
24 you all well know. J 1287 test that Ms. Schambach was
25 referring to, as far as I know, staff at Eldorado are

1 certified, and I know that our clubs do, especially on
2 special events, full sound testing. You're too loud,
3 you go home, end of discussion.

4 Switching gears, on Sixto's report, since I've
5 been a little bit down, morphine does things to you, I
6 haven't been up to speed on some of these things. But
7 I had a question on why the BLM had pulled that
8 acquisition project and took the funding and put it
9 somewhere else. Couldn't that funding have been
10 secured and put into suspense so that it could stay
11 within the grant cycle itself rather than having to go
12 through the entire process for reapplication? Just my
13 own thoughts on that one.

14 And on that sound issue, again, I'm going to
15 bounce back to it, if memory serves me correct, this
16 latest grant cycle, the Eldorado National Forest, got a
17 total of over a million dollars combined in grants as
18 well as the prior year. That seems to be adequate
19 resources to address this issue with existing staff on
20 ground. I would like to look into that a little bit
21 more. I think that's it. I'll save the rest for
22 public comment. Thank you very much.

23 ANNE STEELE: Good morning, appreciate you all
24 being here. Wish I knew you all better, and the reason
25 being is that you're not here very often. You're not

1 here in the morning. You're not here in the evenings.
2 You're not here when it rains. You're not here when we
3 have a big storm in our area. You do not see all of
4 the dunes in their many phases. You do not see the
5 neighbors that live adjacent to our Oceano Dunes. You
6 do not know them. You do not know the people that come
7 and park right at entrances, that just sit there
8 because they're not able to walk down onto the beach.
9 These are the things that you are missing from being in
10 our community. You are not meeting the neighbors that
11 live downwind from the Oceano Dunes, and this is where
12 I'm going, you do not know and that's one of the
13 saddest things. You are making decisions from an
14 office. You're making it from a laptop. You're making
15 it from those notebook that you have in front of you.
16 The notebooks don't tell you about the giant clams that
17 used to live on our Oceano beach. They were delicious.
18 I remember them. You do not know about the steelhead
19 trout that used to live in the Oceano Creek that goes
20 out to the ocean. They caught one several years ago
21 that was this big. You never saw it. You're missing
22 the important thing. This is a living entity. There
23 are living people that live adjacent to this Oceano
24 Dunes area. You're missing out on what happened in
25 Tehachapi. You're not there to meet the people. You

1 aren't there to feel what they're feeling, and that's
2 the saddest thing that I know. Everybody is not on the
3 same page, and this is where we need to have more of
4 your time at these different areas. We need more of
5 you as a live person hearing from the individuals that
6 live near these entities. The fact that people at
7 Tehachapi don't want OHV vehicles on their property,
8 did you meet one of them? Do you know any of them?
9 That's the saddest thing. You don't know the people in
10 our area, and that's another sad thing. Please come
11 back again soon and meet us. Thank you.

12 JOHN STEWART: Good morning, Commission, Deputy
13 Director. John Stewart, California Association of
14 Four-Wheel Drive Clubs. I appreciate the addition of
15 the legislative update to the Deputy Director's report
16 with the state and federal bills. It's very helpful to
17 have guidelines and seeing what is happening in the big
18 scheme of things, what is happening and will have an
19 effect on OHV recreation throughout the state. I would
20 also like to add that this concept, I believe, should
21 be taken one step further and start looking at the
22 various planning efforts undertaken by the Division and
23 having a similar ongoing tracking of the status of the
24 various planning efforts. These also have a big impact
25 on what happens with recreation throughout the state.

1 And something that seems to be missing and we hear a
2 lot about problems associated with OHV recreation, but
3 yet we do not hear what the visitorship is and how
4 important the recreation is to the social fabric of the
5 citizens of the State of California. I think it would
6 be helpful if we could start looking at economic status
7 and indicators such as the visitorship trends, how many
8 people are visiting the OHV areas, what is the -- is
9 the trend up, down, and what is the economic impact of
10 these visitors to the local areas. The recreation
11 visitors for the most part do come into areas, and they
12 bring dollars with them. And I think it's about time
13 that the recreation community be acknowledged for the
14 amount of financial impact they do bring into the
15 various areas.

16 And finally I have to step back into history,
17 after studying a lot about the Oceano Dunes area, I
18 seem to remember, this is not exact, but it seems there
19 was a major storm, it was in about 1982, which
20 completely rearranged a lot of the coastal areas here.
21 And one of the impacts was it managed to take the famed
22 Pismo clams and actually translocate them two points
23 down, so there's now Pismo clams all the way down into
24 Mexico where they never existed before. So perhaps we
25 can find a way to relocate them back and solve that

1 problem.

2 JIM BRAMHAM: Thank you, Jim Bramham, California
3 Association of Four-Wheel Drive Clubs. And as a guy
4 who nearly lost his life trying to do mapping of the
5 Tehachapi Mountains as the WEMO project, I clearly
6 understand the complexity of the route network that's
7 there. I spent hours north of 58 trying to map that
8 area, and one of the things that I would suggest to
9 Paul as they move forward with this outreach and
10 education is that this is a new world order as far as
11 electronic devices are concerned. And folks are now
12 carrying cellphones that have apps in them that can
13 tell them anything that they want. And I would hope
14 that the Division would either integrate themselves
15 with the technology that's out there from the private
16 sector or work diligently internally to create
17 applications for these phones that folks can use, folks
18 on dirt bikes specifically not wanting to carry a lot
19 of equipment with them, often will carry the cellphone
20 which gives them GPS locations. And with apps you
21 could completely define anything that you wanted to
22 define, legal routes, illegal routes, private property
23 boundaries, accesses, hospitals, anything that you
24 wanted to put into that application. And it's a
25 one-device world that's coming as soon as SPOT signs a

1 contract with one of the cellphone companies. It will
2 be a one-device world where you'll have a SPOT GPS and
3 a phone all in one, and that's coming probably within a
4 year. So we would encourage State Parks to work
5 diligently on trying to create apps and being proactive
6 in that.

7 As for the noise, I had an interesting situation
8 last weekend, I was actually camped. My wife and I
9 came down and camped on Oceano, and it was the first
10 time ever in my life I wasn't there as OHV, just
11 brought the trailer down, parked on the beach and
12 camped. The folks camped next to us were from
13 Lake Havasu City, Arizona.

14 And the mother of that group said: I grew up
15 here. I lived in San Jose. My dad had dune buggies.
16 We came down here five to ten times a year. She goes,
17 I just absolutely love this place. And she goes, I
18 haven't been able to come again. I've got a family I
19 started. She goes, it was a week break for my kids,
20 and we came back for a one-week stay just camping, no
21 OHV. She goes I came to this location because I know
22 it and I love it.

23 I said what do you think. I mean it's been ten
24 years you said since you've been here.

25 She goes, yes, the number one thing I notice is

1 the lack of noise. She goes a vehicle that passed us
2 here was loud and that was the exception instead of the
3 rule as it was ten years ago. She goes I appreciate
4 the law enforcement effort. I appreciate the fact that
5 my kids can go wherever they want down here, and she
6 just had a great time.

7 So anecdotally, and it was obvious to me as
8 well, that sound is definitely decreased with the
9 implementation of sound regulations. So I appreciate
10 that. Thank you.

11 //

12 **PUBLIC COMMENT PERIOD ON ITEMS NOT ON THE AGENDA**

13 CHAIR LUEDER: Okay. So it's ten past 11:00.
14 We're going to move into the public comment period for
15 items that are not on the agenda. So if you have
16 comments about Oceano Dunes, we will have time for
17 those specifically, but these are items that are not on
18 the agenda today.

19 BILL DENNEEN: My name is Bill Denneen. I've
20 got three college degrees. I have taught in ten
21 different high schools, and I taught 25 years at
22 Hancock College, and I would like to give a different
23 evaluation of vehicle use. Our culture has become
24 addicted to vehicles, and in my opinion, as a
25 biologist, vehicles are destroying our culture. We

1 have become addicted to them. When I turned 70, I
2 tried to live for a couple of years without my vehicle
3 and drove my bike, rode my horse, walked, and took the
4 bus, very difficult. Vehicles have dominated our life.
5 We import oil from countries that are our enemies. We
6 depend so much on vehicles.

7 And I urge everyone here to drive your vehicle
8 less because we've got to kick this addiction. And
9 where we start to kick this addiction is to remove our
10 vehicle use as a type of recreation. Why do our tax
11 dollars go to promote vehicle use as a type of
12 recreation? We have to reevaluate our whole thinking
13 about vehicles. And I know this group, the Off-Highway
14 Vehicle Commission, and a good place to start is look
15 inside at yourself, do we -- how we justify promoting
16 vehicle use. Vehicles, air pollution, use gasoline,
17 all of these problems that result from the use of
18 vehicles which -- and again I'll finish up by saying,
19 we have become addicted to our vehicle use. Thank you.

20 TERRY SWEETLAND: Terry Sweetland, I'm from
21 Oceano, and I passed out to all of you a picture of
22 Pier Avenue looking east on Wednesday afternoon after
23 the sweeper, okay? That's how much sand is drug off
24 the beach onto the Pier Avenue. During the afternoon
25 or during most of the day on the beach, from east to

1 west -- excuse me, from west to east, the wind comes in
2 and just slices right across the middle of Pier Avenue,
3 a very strong wind. As the vehicles are going down
4 Pier Avenue leaving, they speed up and you see big
5 vortexes go behind the vehicles, and this raises dust.
6 Anybody who lives within one block or two blocks of
7 Pier Avenue to the south there are houses coated with
8 dust. I'll wash my car, and the next day I can write
9 my name in it on the side. People are washing off
10 their plants all the time. Our windows, it's a big
11 major job to do it, and I have two air filters in my
12 house to try to clean the air.

13 I make a recommendation to you, a compromise.
14 First of all, the fact that you guys didn't move the
15 exit away from Pier Avenue as was required in 1989 by
16 the building permit, so that's long gone, and we'll
17 never see that. But how about putting speed bumps on
18 the south side of Pier Avenue, maybe four speed bumps
19 to get these people to slow down, and we won't have the
20 vortexes, and maybe that will cut the dust down to my
21 area and my home. Think of that. Or have them only
22 enter on Pier Avenue and exit on Grant. There's no
23 homes on Grant, and that way the dust can go off into
24 the dunes where it belongs, but make an effort. We're
25 suffering from this PM10 down here, and I don't know

1 how long you've got to wait to have it -- maybe some
2 people prove that they're dying of something to get it
3 done, but be a good neighbor and do that.

4 I have another thing in there. I got mixed up
5 because I wasn't able to see the agenda. So I'm just
6 going to put this on. Oceano was flooded earlier in
7 the year or last year, and the lagoon has like six
8 agencies or five agencies that have their fingers in
9 our lagoons that's filled and filling up with dirt and
10 sand and reeds, and one of them is the State Parks.
11 And anything you guys can do to help stop the flooding,
12 please think of us down here. I'd appreciate it if you
13 could do so. I mean if you need to work with another
14 agency, just let them take over or do something. We
15 don't want to have to go through six agencies to get
16 the gates open to let the water out the lagoon like we
17 did last year. So I'd appreciate that. Everybody is
18 doing a good job. All of your police officers and
19 people are very kind and very professional. Thank you.

20 JIM SUTY: Jim Suty, I'm president of Friends of
21 Oceano Dunes, and I wanted to reach out and talk
22 promotions. The Oceano Dunes has done a fantastic job
23 recently of doing some promotion of recent events.
24 You've seen some of the things around here today;
25 fantastic job to them.

1 But I'll tell you when I was sitting in San Jose
2 and I'm looking in my computer and see a commercial for
3 the California commercials with the surfing and
4 skateboarding and love to see some OHV activities in
5 there and wondering how the OHV community can reach out
6 to try to get in some of these commercials to support
7 this sport. This sport is a fantastic sport for
8 families. We hear all of the negative comments all the
9 time, but let's remember the positive side of it.

10 I was very happy to hear about some of the
11 education activities that are going to be going on.
12 For a person who grew up in the sport, I'm 44 years old
13 now, OHV has always been an activity that was if I had
14 poor school grades, I didn't ride. I have two boys now
15 that I mimic, and like I say, they're both on honor
16 roll, doing good, and they're riding and having fun.

17 So I want to encourage you guys to continue to
18 push the education and the promotion. And thank you
19 for coming here and thanks, State Parks, for a
20 fantastic day yesterday. Thank you.

21 NELL LANGFORD: Dr. Nell Langford. Yes,
22 following Jim Suty who is the president of the Friends
23 of Oceano Dunes, I would like to report to you once
24 again that we are being harassed in this area by
25 members of the Friends of Oceano Dunes. They post such

1 thing as "Death to Nell Langford," and somebody needs
2 to shoot her in the face. These are members of the
3 previous speaker's organization, and I have the
4 membership list.

5 Second, you are allowing unpermitted activities
6 at the Oceano Dunes. Out in the desert, the Mojave
7 Desert, eight people perished because of certain races
8 where vehicles fly in the air. I wrote to your
9 department, and I asked how many of those you've
10 permitted, and could you send me information. They
11 said it does require a permit, but no permits have been
12 issued that they're unaware -- you are unaware of any
13 of these activities. Well, just go on YouTube and just
14 look at these activities. Hovercraft flying through
15 the air, you've had several of those in the past couple
16 of years. There are more planned and advertised, and
17 you say you're unaware of these things. Again, you're
18 out of control.

19 Also, I would like to relate to your handout
20 here about the problems the owners and tenants have
21 with you all. And it says here, Public Resources
22 Section 5090.24, requires the Commission to recommend
23 to the Division suitable measures preventing adverse
24 impacts and measures for restoration. In other words,
25 if I come here and I stand here at this podium and I

1 tell you, you are a nuisance to me, to my property, to
2 my neighborhood with your noise, with your dust, with
3 all of your round-the-clock activities -- and putting
4 speed bumps in won't help because you have dug out a
5 ramp that endangers all of us to flood tides, that the
6 vehicles have to rev up 24 hours a day to get through.
7 If there were speed bumps there, it would leave them in
8 the ditch. So on hearing this public testimony, you
9 are required to make a determination of the validity of
10 my statements and if warranted make recommendations.
11 So I'm requesting that now. I'm saying to you you are
12 a nuisance. I'm a property owner. I'm breathing your
13 dust. I am being awakened in the middle of the night,
14 and these activities need to stop.

15 Lastly, I requested a public information request
16 for information regarding litigation for the deaths and
17 injuries. Well, forever the County of San Luis Obispo
18 has said that you all take care of all of these things
19 so therefore they're not anxious to sell the brand-new
20 track to you because they don't want the liability.
21 Well, my request was responded to and you said, your
22 organization, Counsel Comilang, said that there have
23 been no lawsuits for the past ten years for deaths and
24 injuries, none. So maybe I worded the question wrong,
25 so I just like to ask you: Should I have worded it has

1 State Parks been sued other than OHV? Thank you.

2 DAVE PICKETT: Dave Pickett, District 36
3 Motorcycle Sports Committee. And to the Commission and
4 staff I don't think any of you look like a dinosaur.

5 I want to say thank you on behalf of the
6 organization that I represent for 40 years of a
7 successful program. It has never had one dime of red
8 ink. It has invested hundreds and hundreds of millions
9 of dollars in cross-agency support to try to address
10 issues that I heard many of the folks that are
11 complaining today about in a manner that falls within
12 the law and the best that can possibly be done to
13 continue this fun special recreation.

14 On this dust issue, PM standards, et cetera, I'm
15 hearing a lot of folks that live in the local
16 neighborhood complain about it, but as I drove in off
17 of I-5 last night and on Highway 41, they had giant
18 signs up there that says high wind and high dust area.
19 And I would put money down on the table that not one of
20 them has done anything to shut down Highway 41 because
21 of the dust. Same thing with I-5 going south, you go
22 down there, the farmers are working the fields, you've
23 got to turn on your windshield wipers in some cases.
24 Does that mean we're going to shut down Interstate 5?
25 So I think we're being a little hypocritical here.

1 The whole program is involved to offer
2 responsible recreation in a controlled manner. There's
3 going to be hiccups. But just like the guy that
4 changed four lanes in front of me coming down here
5 through Sacramento last night because he didn't want to
6 miss his exit, almost killed five of us, what are we
7 going to do, shut down all the freeways? It's
8 ludicrous. Get real and work with some of your folks
9 and find solutions rather than sit up here, and I'm
10 sorry, bitch about it.

11 I look forward to the new issues that we face
12 for the future, working together as a collaborative.
13 Karen made comment about the OHV stakeholders group
14 from years past. That process does work. We
15 cross-educate each other. And if folks will push their
16 personal advocacy apart and start looking for long-term
17 solutions and work with the millions of folks in this
18 country that enjoy this form of recreation, we can move
19 forward in a responsible manner. Again, thank you all
20 for your efforts; it's greatly appreciated. Thank you.

21 JOHN STEWART: Good morning, Commissioners.
22 John Stewart, California Association of Four-Wheel
23 Drive Clubs. I would like to take this opportunity to
24 speak on behalf of the Tierra Del Sol Four-Wheel Drive
25 Club of San Diego. This coming March, March 2nd

1 through 4th, will be the Tierra Del Sol Desert Safari,
2 will be safari number 50, 50 years of the tradition of
3 hosting a family-oriented event catering to the
4 four-wheel drive community.

5 Tierra Del Sol as a club is basically a
6 50-member club of families and since its inception in
7 1961, we have done a family-oriented club with family
8 recreation and highly supportive of it. That started
9 the first safari again catering to the families where
10 the parents were bringing out their children, now those
11 children at that time are bringing out their grandkids
12 and teaching their grandkids how to drive out in the
13 desert region. So throughout the years this has been a
14 historic continuance, one of the oldest events in the
15 nation. And I would like to extend an invitation to
16 everybody to come out and join us for our 50-year
17 celebration on March 2nd through 4th, 2012.

18 GERI BEDELL: Thank you, Commissioners. My name
19 is Geri BeDell. I'm a resident of San Luis Obispo
20 County, and I thank you for being here. I'd just like
21 to say that we'd like you to be good neighbors. So
22 that's what I'm going to talk about today and also the
23 hidden costs of OHV. And I'd like to start with our
24 daughter is a medical doctor, and her specialty is
25 studying the effects of tragic accidents on children,

1 and she's one of just two specialists in the state. So
2 I'd like to say that when I asked her about accidents
3 that occur on the dunes, the spinal cord accidents, she
4 said, well, usually the person can last about nine
5 years maximum, seven years sometimes. So I looked at
6 Christopher Reeves who had a spinal cord injury, and he
7 had the best care possible, he had state of the art,
8 and he lived a little bit less than nine years. So
9 when you are looking at the 16-year-old that recently
10 had the spinal cord injury on the dunes and you start
11 thinking about his lifestyle, think about we're used to
12 if we have a tear in our eye, we can just reach up and
13 rub it off. If our nose itches, we can scratch it. If
14 we have to use the loo, we know how to do that. But
15 you're thinking about this 16-year-old that is now
16 incarcerated, as far as I'm concerned, in that
17 wheelchair with life support. But he's not the only
18 one. He's just the most recent one. We've had people
19 buried alive in these dunes. We've had people that are
20 racing to help an individual that are crushed by
21 another vehicle. So I'd like you to look at the hidden
22 costs. And I know Paul has ten grandchildren, and he's
23 been responsible for helping with safety orientation,
24 but how do you help with safety when the dunes are
25 switching and changing and maneuvering? So one dune

1 that you go up one day might be completely different
2 the next day.

3 And so what I'd like to recommend is that you
4 start looking outside the box. And I know this
5 Commission likes to look outside the box and try to
6 solve problems. So Paul told me that he lives really
7 close to Crystal Cove, which is a really great state
8 park. It's really well run. I don't know how many of
9 you have visited that park. I know Mr. Kerr has not,
10 and I know Mr. Zilke has not. So I think if all of you
11 got together and visited Paul and actually took a
12 cruise over to Crystal Cove, you could see a good state
13 park being run, and it's really a safe state park, and
14 I'd like to see the electric vehicles that are just
15 transporting handicapped people on that state park be
16 allowed on this area just for special needs people but
17 the rest hike in. Thank you very much. I appreciate
18 your time.

19 JIM BRAMHAM: Thank you again, I'm Jim Bramham.
20 I didn't hit the last point when I introduced myself.
21 I am now the northern natural resources consultant for
22 the California Association of Four-Wheel Drive Clubs.
23 That position started with Ed Dunkley and later was
24 held by Don Klusman for years. I've taken over that
25 process of working with John in the south, so I just

1 wanted to let the Commission know that that's now my
2 new official title. I still remain on the board of
3 directors of the American Sand Association and operate
4 for them, as well.

5 I really do appreciate the tour yesterday. I am
6 the dinosaur. I've been around here for way too long,
7 and my family history goes back to my grandfather
8 getting a very large fine for grunion hunting during
9 the Depression here and over limit for grunion hunting
10 trying to feed the family. So beyond that, I've
11 watched this place develop. I've watched the fences go
12 up. I've watched the new prescriptions be put in
13 place. I've led tours for the Coastal Commission, for
14 the OHV Commission, for the county boards of
15 supervisors. I've led more tours of this place than
16 I'd like to tell you, and I really appreciate that tour
17 yesterday. I thought it went very well, highlighted
18 both the good and the bad of the area and the
19 possibilities for change. And I think State Parks did
20 an excellent job of that.

21 What I would have appreciated seeing more of
22 were the folks here who complained so much but refused
23 to come on the tour because they need to see actually
24 what is going on in the dunes. And I think I'll just
25 leave it at that. Thank you.

1 LEE BEDELL: My name is Lee BeDell. Thank you
2 for allowing us to speak. I guess I'm a complainer
3 according to the last speaker. I think that this is a
4 lot more than just a conflict of values between two
5 different groups. I think it's much, much more complex
6 than that. I'm concerned about many things, mainly
7 things in the category of health and safety. And I
8 know we put a lot of emphasis, as you do, on rules and
9 regulations for behavior within the dunes which, of
10 course, is sensible, but I'm concerned about the health
11 and safety of people outside the dunes.

12 The air issue is a big issue. The health of the
13 area, I think a lot of people who weren't born in this
14 county moved here because of the beauty, the natural
15 beauty of the area. If I could wave a magic wand and
16 build a philosophy, I would outlaw all gas engines, but
17 I can't do that. We have to make adjustments, and it
18 seems to me that part of your duty is to be very, very
19 aware of all of the studies that are being done and
20 programs to put them into effect. I'm not sure that
21 can be done under the certain circumstances that exist
22 because I don't know we truly can make things healthy
23 and safe for the people in Oceano and Nipomo with
24 having vehicles on the beach and in the dunes. I don't
25 live in Oceano. I don't live in Nipomo. I live near

1 the dunes. I have many friends who live in both
2 places, and I'm concerned about the whole county and
3 maybe you can say the aesthetics of the county. I'd
4 like to think that OHV was concerned about the
5 aesthetics as well, and I don't hear that being
6 discussed.

7 One last thing, people talk about the economic
8 effects of the OHV and the riders coming here, I think
9 that's extremely exaggerated. I think it doesn't take
10 into account the cost of the rest of the county putting
11 up with them coming in. The costs don't end on the
12 beach, they affect the whole of the county. Thank you
13 very much.

14 AMY GRANAT: Good morning, Commissioners, it's a
15 pleasure to address you this morning, and I love my
16 special microphone. I wanted to remind you of another
17 place we've heard a lot of issues about here this year,
18 and it's an area that people have had significant
19 problems with going outside of boundaries, ignoring
20 signs, ignoring trail markers, ignoring boundaries.
21 Unfortunately, you can't mandate common sense and you
22 can't outlaw stupidity. And 20 people have died here,
23 upwards of 20 people this year going on trails that
24 weren't warranted. It's Yosemite National Park. Far
25 more than have been here. Unfortunately, the accident

1 last year, which does happen -- there are accidents on
2 I-80 and I-5, where I live, all the time. But I don't
3 hear anybody calling for the closure of Yosemite
4 National Park, and yet 20 people have died from
5 ignoring signs. It happens every year. It is not
6 particular to motorized recreation. I have not heard
7 one call for education to teach people that it may not
8 be a really smart idea to go out on a cliff to take a
9 picture and then fall down. There have been people who
10 have been climbing mountains and depending on the
11 rangers to come when they ignore the signs that there
12 may be bad weather coming, and then they're endangering
13 the lives of the rangers and not only themselves.

14 So I ask everybody to have a little bit of -- to
15 give a little bit of thought to other areas and not to
16 pick on motorized recreation. It's a form of
17 discrimination, and it's a form of bias. I hear about
18 recreation, people calling for more recreation, and
19 then you put the word "motorized" in front of it and
20 all talk of more goes out the window, nobody pays any
21 attention to it.

22 As I'm sitting here listening to all of this, it
23 reminds me of something that I always thought that
24 seemed rather odd for all those who rail against
25 motorized recreation. Many people will call themselves

1 liberals, and yet one of the definitions of liberal
2 means free from bigotry. Again, I would request that
3 people really do be true liberals, those be tolerant of
4 others. My choice is to enjoy motorized recreation.
5 It has saved my live in many, many ways. It gave me
6 the courage and the push to walk again, to get out of
7 the hospital bed and to get out of the wheelchair, and
8 it gives me the freedom to forget that I'm disabled
9 when I'm out there. I will do anything to protect that
10 freedom from myself and for all of the other disabled
11 people in the world. There are many, many reasons to
12 enjoy motorized recreation. My children and I grew up
13 enjoying motorized recreation, now they enjoy it with
14 their children, my grandchildren. I'm very proud to be
15 a motorized recreation enthusiast. Thank you.

16 CHAIR LUEDER: That concludes the public
17 comment.

18 //

19 **AGENDA ITEM IV(C) BLM Report**

20 CHAIR LUEDER: Moving on to the BLM report.

21 BLM JIM KEELER: Jim Keeler, BLM California
22 State Office. Deputy Director Greene, Commissioners,
23 all of the wonderful staff down here at Oceano, and
24 public, I appreciate the opportunity to talk to you for
25 a few minutes. What I'm going to do, though, is not go

1 directly through the agenda that's printed. The agenda
2 I handed out to the Commissioners this morning and is
3 on the table for the audience is a more full-length
4 presentation than I really want to give at this time.
5 So what I'm going to do is highlight out a few high
6 items in that report and discuss them a little further.

7 First item is personnel notes. I guess most of
8 you knew that BLM's California State Director Jim
9 Abbott retired back in September, and he was replaced
10 by a new state director, Jim Kenna, and there is a bio
11 on him in the appendix to the report. He started in
12 September. Prior to this assignment, he was the state
13 director of Arizona, associate director for BLM Oregon/
14 Washington state office, and then before that he held
15 two different positions in Washington, D.C. and was
16 field manager in Palm Springs. So he's come up through
17 the ranks. He knows California pretty well. But
18 watching the new guy try to grapple with the complexity
19 that makes up California makes you realize how much
20 history you need to have just to set foot into these
21 discussions. It is really complex, and I do know that
22 he did have an opportunity for a very brief discussion
23 with Daphne, and I'm sure he's going to have a lot
24 more. I haven't had my chance to have a brief
25 discussion with him yet myself, so I'm jealous.

1 Three other quick personnel notes, I don't
2 remember if you remember Doran Sanchez, he used to work
3 as the public affairs guide down in the California
4 Desert District. He then moved to Nevada BLM and just
5 came back to replace Jan Bedrosian who retired last
6 spring. Kathy Hardy was our Central District Manager
7 for BLM, has gone on now to the Eldorado as the Forest
8 Supervisor. We feel that she's a real loss. She was a
9 great person to have on our staff, really liked working
10 with her. So that's the personnel notes.

11 Going on, I think I'll talk about West Mojave a
12 little bit. This is a fairly extensive report. For
13 those of you who don't know much about West Mojave, I
14 could talk an hour just trying to take you there all of
15 the history of that place, but essentially the West
16 Mojave Plan is a subset of the California Desert Plan,
17 which was 127-and-a-half million acres in an area of
18 25 million acres that was completed in 1982.

19 The last time they did RMPs, that they did
20 management plans in the area, they broke it up into
21 several sub-plans. The West Mojave Plan is the biggest
22 one of those, and it includes almost all of Barstow and
23 almost all of Ridgecrest. It's a total area of 9.37
24 million acres of which 3.3 are BLM. So it's very busy
25 and very complex. We did a lengthy planning process

1 and issued a Record of Decision on the WEMO plan I
2 think it was 2008 which was litigated, and we were
3 ordered to redo the route designation portion and some
4 other little items in that plan. This came as a
5 Judicial Order last January that was published in
6 January and gave us 120 days to completely redo all of
7 the signing and marking on an interim route network
8 until we complete a longer term management plan. For
9 the record or just for this discussion, I'll call
10 little WEMO is the items that we had to accomplish in a
11 short-term to satisfy the judge that we were moving
12 forward. Big WEMO is this management plan we're going
13 to be following up with to redo the route designation.
14 Either effort across 5,000 miles of OHV routes would
15 have been a real achievement. I jumped ahead a little
16 bit. The major thing that we had to do for little WEMO
17 was signing and redoing the entire legal map structure
18 for that 5,000 mile of trails. We came up with I
19 believe 28 subregions and divided it all up, at the
20 same time we had crews out on the ground pounding
21 signs, trying to get a usable route network out of
22 that. A lot of that was BLM staff mostly out of
23 Barstow, and Ridgecrest worked with the Friends of
24 Jawbone, so the Ridgecrest staff and the Friends of
25 Jawbone together did most of the Ridgecrest work. We

1 managed to complete that within 120 days, which is
2 still amazing to me.

3 I do have a set of the interim maps that are
4 available on a website, but I brought them with me
5 today. So if anybody is interested, the way these
6 work, these subregions cross -- our normal map
7 structure are the one to 100,000 maps that cover an
8 area of about seven by ten miles. Instead of trying to
9 go back and correct those, which wouldn't have been
10 possible in the time frame, we have provided these
11 subregion maps which are erratic sheets, which are not
12 the best of all worlds, but they show exactly what the
13 legal route network is and are key to items on the one
14 to 100,000. So I have a whole binder full of those if
15 anybody is interested in seeing what they look like.
16 I'm really astounded at the level of effort, and I
17 think it's a real tribute to folks that worked on it.

18 On the big WEMO, we have to do a plan amendment
19 to the desert plan again, and then go back and do route
20 designation in the way that the judge approves at this
21 time. That's a major planning effort, and we kicked
22 that off this month with a scoping -- a set of scoping
23 meetings, I'm sure there will be some more, to begin to
24 discuss these issues. So that process is under way.
25 We have three years total to finish that effort. In

1 these sort of litigiousness times, that's a fairly
2 high-speed time frame to make it work. So that's my
3 discussion on WEMO. Anybody wants to see them, I have
4 the maps, and I'd love to show you how those correspond
5 with the old desert access guides, the one to 100,000.

6 The other thing I was going to discuss today is
7 just an update on the various land use plans, excluding
8 the energy plans which come so fast that I can't keep
9 track of them all myself, and every day they give me
10 another 3,000-page plan that say they'd like to review
11 by Friday. I tend to shove them off to the side of my
12 desk. Occasionally if there is one that is really
13 important, I do get it to, but the reality is you can't
14 keep up with it.

15 But on our normal land use planning status, the
16 Imperial Sand Dunes RAMP, when we complete the
17 substantial portion of the work on one of these
18 management plans, then it goes into sort of a black
19 box. The office finishes it to the extent they feel is
20 comfortable. They send it to the state office for
21 review. We send it on up to the Washington office for
22 review. Sometimes it can take a couple of months to
23 work their way through the process, even though the
24 work is substantially done, which is the state where
25 we're at with the final RAMP for Imperial Dunes. We

1 think it will be out later this fall, but there are no
2 guarantees yet.

3 I went last night to a public meeting held here
4 that I had not even heard about until I got here,
5 Bakersfield Draft Resource Management Plan for all of
6 the lands in the Bakersfield Field Office, which
7 actually comes as far as here. Bakersfield goes to
8 about Fresno County in the desert to about Tehachapi
9 Pass, and up into the Sierras on one side and all the
10 way out to the coast on this other one. So I brought a
11 set of those plans along with me, but it's very small,
12 scattered areas that they're trying to analyze. It's a
13 very complex situation. In terms of OHV there are
14 actually three areas of more intense recreation
15 management, one of those is going to be the Keysville
16 area, which has a lot of OHV use, and some other uses
17 up on the Lake Isabella. And the second one we're
18 looking at, the Temblor Range and trying to figure out
19 a route network that would work out there at the same
20 time as trying to protect the values inside of Carizzo
21 Plains. So it's a thing that I'd like to have a lot of
22 people look at and make some suggestions on.

23 South Coast Management Plan for Palm Springs,
24 the draft came out on September 9th, so again these
25 both have 120 days. December 9th will be the closing

1 period for the first round of comments, not so much of
2 that is OHV related, but it's a pretty substantial
3 area. It's again the same kind of little scattered
4 parts and pieces of things pretty much west of the
5 desert all the way down to San Diego County, and all
6 the way up through parts of Los Angeles County, and
7 then all the way out to the coast. And they're just
8 little scattered bits and pieces and stuff. It's just
9 probably 100 miles of routes to be analyzed in there,
10 so it's really not a particularly important OHV
11 document, but it is something that a lot of people
12 might be interested in seeing.

13 And then finally Clear Creek, that's probably
14 the most controversial thing that the state director is
15 faced with. And like everybody else, before he signs
16 off on it, he's going to take some extra time to
17 educate himself on issues and try to figure out if he
18 is comfortable with the direction that we had been
19 working at. And then we have a Washington review which
20 is also probably going to be a little bit difficult
21 because the issues are so controversial there.

22 Also, I do want to say thanks to Daphne and
23 Sixto and their staff for the work they really tried to
24 do with us on the acquisition. It's probably my fault
25 that I missed the regulation, but quite frankly I

1 hadn't realized that there was going to be a problem
2 with it until our lawyers started reviewing the
3 acquisition documents and recognized that they directly
4 conflict with federal law. And this just was a battle
5 between lawyers, and Sixto and I had two or three
6 meetings and worked on it trying to find a workable
7 compromise in that system, and it just didn't appear to
8 be for this last cycle.

9 I'm hoping we have a fix that will work for us
10 for next year, and it's not the best of all worlds, and
11 I had one of the more difficult days when I was trying
12 to call Redding and Susanville and told them all that
13 work was for nothing and would they mind if I wrote a
14 letter that they didn't want me to write, and I took an
15 extra two weeks to overcome the objections of the
16 Redding field manager. So, anyway, Daphne and her
17 staff I think went way out of their way to try to help
18 make that work, and I did appreciate their
19 participation. So if you have questions.

20 COMMISSIONER SLAVIK: Have you heard anything
21 about Johnson Valley?

22 BLM JIM KEELER: There was nothing new on either
23 end of it, on the military side or the consequences of
24 the accident last year. I did minor reports on the
25 accident stuff, but there's really nothing

1 earth-shatteringly different. And I meant to, though
2 never did, get to the Marine website to see what their
3 schedule is going to look like for their release, but
4 that's another one of the issues. The new state
5 director is already not sleeping.

6 //////////////////////////////////////

7 **PUBLIC COMMENT ON BLM REPORT**

8 CHAIR LUEDER: Public comment on BLM report.

9 DAVE PICKETT: Dave Pickett, District 36. Thank
10 you, Mr. Keeler, for your report. Clear Creek, as this
11 process continues to move forward and drag on, recently
12 you may have heard that the County of San Benito has
13 written a letter formally approved by all of that board
14 of supervisors sending it to Congress requesting that
15 Congress consider the entire Clear Creek area a special
16 national recreation treasure. I think BLM is getting
17 the point statewide as well as at the national theater
18 that it's not going away. The OHV community is going
19 to fight back for as long as it takes until it gets
20 rectified. We're seeing movement. Congressional
21 members are becoming more and more involved in this
22 issue. They're doing investigations or starting
23 investigations into the BLM as well as the EPA. And
24 more pressure is being put on Jerry Johnson of the
25 San Francisco EPA office, and that's another big step.

1 I applaud the effort that this Division has done to
2 protect the community it serves and has served for
3 40 years well.

4 Again, one more comment on the permit process.
5 I went down to the California Desert District meeting a
6 few months back. It is the DAC there through the
7 district office of that district is working forward
8 trying to clean up this permit application process.
9 And they've basically flown out H 2930-1, which is that
10 guide for the process and they're starting over. And
11 they're going to put more of a general plan by a
12 promotor and/or organization when they put a special
13 permit on. This is a great step in the right
14 direction. Now if we can just get the Forest Service
15 to start listening to us along the same lines. Thank
16 you very much.

17 JOHN STEWART: John Stewart, California
18 Association of Four-Wheel Drive Clubs. Thank you,
19 Mr. Keeler, for the informative update of the planning
20 efforts ongoing within BLM. I'd like to kind of
21 address a couple of those.

22 The WEMO planning effort has been ongoing for a
23 number of years before this litigated plan came out,
24 but it's all part of a much larger effort within the
25 California Desert District that has been going on and a

1 part of a lot of contentious arguments and discussions
2 and reviews for over 30 years. Southern California
3 deserts are probably some of the most studied, the most
4 intricately planned areas in the state and yet with the
5 WEMO effort, it's being noted that it is also one of
6 the most litigated points. And throwing on top of
7 WEMO, you have the DRECP, or the renewable energy
8 habitat conservation plan. Together all of these
9 things are going to have an untold impact on recreation
10 opportunities and even any public access throughout the
11 desert area. So it's something that could have a
12 severe impact on what recreation opportunities are as
13 far as condensing them down even more. So it's
14 something that's within the recreation community we
15 take very seriously. And encourage BLM as the planning
16 efforts move forward that to recognize that recreation
17 has a rich history in the region and to bring it up and
18 give it due consideration as far as existing in the out
19 years because this is an important part of the social
20 fabric of the citizens of the state.

21 Commissioner Slavik, you asked something about
22 the Johnson Valley, and Jim may not have had the
23 information, but the Marines expect to have their final
24 DEIS in January of 2012, followed by a Record of
25 Decision sometime in the April of 2012 time frame, of

1 which then it will be submitted to Congress for another
2 round of study. Thank you.

3 NELL LANGFORD: Nell Langford. I would like to
4 applaud the BLM for shutting down Clear Creek, bravo.
5 And I would also like to speak to tactics that you use
6 to try to overturn science. Now, you're a real expert
7 on studies having done so many where you dictated the
8 parameters and had them turn out all kinds of way in
9 your favor. For example, the fuel study that now skims
10 off gasoline tax every time you go to the pump, you
11 overestimated by 50 percent according to the
12 Legislature. You did studies that looked at the least
13 environmentally-damaged areas to the ODSVRA, and you
14 dictated to the researcher, both of them actually, that
15 they would not consider any impact on the beach and
16 creek itself but rather stop at the terminus of Pier
17 and Grand Avenues. How convenient, none of the impacts
18 were ever recorded. And then you proclaimed that Pier
19 and Grand were the least environmentally damaging.

20 Your economic studies are a, well, joke. The
21 Friends of Oceano Dunes and the superintendent of the
22 ODSVRA paraded around statistics, \$200 million a year
23 income. Well, then they commissioned another study in
24 which they also dictated the parameters, in other
25 words, include gasoline purchases, and it was so far

1 off from the 200 million that Zilke recanted that study
2 in public before the Joint Chambers of Commerce.

3 Now, back to Clear Creek, given your history of
4 studies and your vast knowledge of how to manipulate
5 data, you now take on the Environmental Protection
6 Agency's determination with your own studies, and this
7 is your tactic, this is how you operate. And you use
8 science for your benefit. And when anybody else does
9 science, you say that it's not adequate science. So
10 now you're going to be doing the same thing I'm sure
11 with the air pollution situation that you have here,
12 your crown jewel of all SVRAs, and you're seeking and
13 trying desperately to find some way to discredit the
14 good science with your science. Well, it's not going
15 to work.

16 JIM BRAMHAM: I'm with my ASA hat on at this
17 point. The American Sand Association has been involved
18 in the Glamis issue since its inception, and we are
19 concerned that that Recreation Area Management Plan has
20 not gone into a black box but a black hole. We have
21 been waiting and waiting. The public has been promised
22 repeatedly. They keep pushing the date back on
23 release. We absolutely understand it needs to be done
24 right, and we understand that it has a litigation
25 perspective that follows immediately by court, and it

1 can't be put into use until it does pass that test, but
2 we would certainly like to encourage, at any possible
3 point to encourage the Bureau to get that on the street
4 so that we can move forward with management there.

5 I serve on both the -- what used to be the
6 technical review team that came out of this Division
7 when I was on the Commission for the Imperial Sand
8 Dunes, which is now called the Desert Advisory
9 Subgroup, also the one for Dumont. I'm pleased to
10 report that the Dumont one is working quite
11 successfully. The Imperial Sand Dunes has some growing
12 pains, and we're working through that and expect to
13 come to the next Desert Advisory Council meeting with
14 some solutions to make that work better.

15 Several previous managers of El Centro have
16 tried to reach out to the environmental community to
17 get someone to serve on that subgroup, as is done in
18 Dumont. Thus far none of them have been successful.
19 The new area manager is also seeking that
20 representation, and I would encourage the folks in the
21 audience who are of environmental persuasion if they
22 can find someone who would be interested in serving on
23 that, that there is an open seat on that subgroup.

24 And the Desert Advisory Council is currently
25 working on fees. It's their emphasis for this

1 go-around. And fees primarily in the desert primarily
2 affect sand users. We have fees at Imperial. We have
3 fees at Dumont. We have subgroups that overlook the
4 implementation of those fees, and so we are pleased to
5 see that Desert Advisory Council is looking at fees,
6 how they're collected, how they're implemented, how
7 they can best serve the public, how they can best serve
8 the resource. So there is a series of public comment
9 that's available at this point, so if people have an
10 interest with fees in the California desert that fall
11 under the Desert Advisory Council, they are accepting
12 public comment on how fees are working in the desert.
13 Thank you.

14 DEPUTY DIR. GREENE: Just for clarification
15 purposes, these are only issues BLM, correct?

16 CHAIR LUEDER: Yes, that's correct.

17 KATRINA DOLINSKY: Good morning, Commissioners,
18 I'm here today in speaking about the Clear Creek
19 Management Area, and my question is when does a
20 recreational interest override a federal agency policy
21 to protect public health? I'm confused. I thought
22 that the agency in charge of protecting public health
23 overrides recreation interests. Maybe I'm wrong.
24 However, I guess looking at Occupying Wall Street, and
25 seeing that this is a pseudo corporation also that buys

1 into lobbying efforts from OHV manufacturers and
2 subsidiaries, I can understand.

3 In the response letter of May 12th, 2011 EPA
4 response to preliminary analysis of asbestos associated
5 with motorcycle riding and hiking in the Clear Creek
6 Management Area, San Benito County: Under the contract
7 for State Parks recreation OHMVR Division, I want to
8 make some comments that in the sampling of this that,
9 for example, all critical parameters were not easily
10 supplied but conspicuous in their absence from the
11 study. There is assessment assumptions used in this
12 report that do not reflect typical Clear Creek
13 management use and patterns and result in deceptively
14 low-risk estimation. Preparing a risk estimation for a
15 total lifetime exposure of five days, essentially
16 single riding under wet conditions, is misleading and
17 does not reflect the risk experience by most of these
18 riders.

19 The IERF report discounts exposure to children.
20 The EPA study found that 64 percent of the air samples
21 collected at a child's breathing height contained more
22 asbestos fibers than a pair of adult sandals. The risk
23 comparisons used by the study are incorrect and
24 inappropriate to a risk assessment of recreational
25 exposure to the general public. They also mislead the

1 reader into believing that exposure at CCMA do not
2 represent significant risk. Overall, this report
3 appears to confirm the data for EPA wet season sampling
4 event and does not offer any technical or scientific
5 information that would alter EPA's risk evaluation of
6 CCM exposures. It remains unchanged, the human health
7 risk assessment from EPA. Asbestos is a known human
8 carcinogen. The EPA evaluation of asbestos exposure
9 and risk at the Clear Creek Management Area has led to
10 some important conclusions. Activity-caused exposure,
11 the concentration of asbestos in the breathing zone is
12 directly related to the degree that activity disturbs
13 the soil and creates dust. Children are of special
14 importance here. The higher exposure, the higher the
15 risk. The activity in the highest exposure,
16 motorcycle, ATV riding, SUV riding, has the highest
17 corresponding incident of cancer risk. Thank you for
18 listening to the report that the EPA sent you.

19 AMY GRANAT: Amy Granat with CORVA, California
20 Off-Road Vehicle Association. I realize last time I
21 didn't introduce myself. Hopefully you all weren't
22 confused and knew who I was.

23 I have a plea for the BLM, and this is something
24 that the Forest Service is doing, too. It's this whole
25 that a route is closed unless signed opened, instead of

1 opened unless signed closed. The Forest Service
2 instituted this in travel management, and it has caused
3 more confusion and less compliance and more danger than
4 any other policy that I have ever seen. Because if
5 you've traveled, and I've been lucky enough to travel
6 around the world when I was younger, traffic patterns
7 are very simple. Red usually means stop. Green
8 usually means go. And some sort of stop sign is
9 usually recognizable. Anywhere you don't want to go,
10 there is an X, there is a red sign, there's something
11 that says do not enter. People are accustomed to not
12 going into areas when they're closed and they see a
13 closed sign. Having to figure that out on themselves
14 and doing the opposite and finding the right sign, it
15 will never happen because we are not conditioned to
16 behave in this capacity. We're used to seeing a closed
17 sign or seeing a one way. It says one way, do not
18 enter. That's the kind of sign we need on trails. I
19 know it takes more money. I know it takes more signs,
20 and I know it takes more manpower, all of which are in
21 not very large supply in the federal agencies. But if
22 we want compliance, we are going to have to switch this
23 thinking over. Let people know very, very clearly what
24 is open and what is closed and not on a map that is as
25 thin as tissue paper, and that's really a Forest

1 Service problem and not the BLM. And I wanted to thank
2 the BLM for giving us Kathy Hardy back in Eldorado
3 National Forest. She is appreciated. She's good.
4 Thank you very much.

5 CHAIR LUEDER: That concludes our public comment
6 on the BLM report. We're going to take a break for
7 lunch.

8 DEPUTY DIR. GREENE: We still have an update
9 just on the Forest Service.

10 CHIEF JENKINS: And the update is just that.
11 Kathy Mick wanted me to pass along her regrets of not
12 being able to be here to give an update in person. You
13 have a written report that she provided from U.S.
14 Forest. She had every expectation of being here. She
15 was actually looking forward to it. She was looking
16 forward to getting to this part of the coast. She
17 likes this part of the coast, and they did have a few
18 situations come up that demanded her time and attention
19 there. So she sends her regrets and apologies and
20 provided a written report.

21 CHAIR LUEDER: All right. Duly noted.

22 DEPUTY DIR. GREENE: And also before you break
23 for lunch, we will post the update of the sound test
24 training that we have, so that will be up on the web in
25 a few minutes so if anybody has an interest in the

1 training that we've done and the training we will be
2 doing, that will be available.

3 Also, during the break, I would just like to
4 call everybody's attention to over here we've brought
5 part of the Oceano interpretive display that we have
6 had at the Mid-State Fair, as well as recently at the
7 Sand Show. I believe it was Jim Bramham earlier
8 mentioned the use of technology. The Oceano Dunes
9 District has done a phenomenal job of using technology.
10 Over here are a variety of public safety and resource
11 messages that you can press and get interpretation on.
12 So that will be running throughout the lunch hour as
13 well, as we'll also have the virtual tour up on the
14 screen. So just if you have a moment, take a look at
15 those.

16 (Returned at 1:22 from lunch break starting at 12:12.)

17 CHAIR LUEDER: If people have conversations
18 outside of the room here, if they could please take the
19 conversations outside and away from the doors so our
20 stenographer can hear what you're trying to say at the
21 podium, that would be helpful. And also if you're
22 going to fill out a form, please bring it over to this
23 far table over here where Vicki Perez is waiting to
24 accept your comment cards. So we're going to quickly
25 move through any public comment we might have for the

1 one-page Forest Service report.

2 //

3 **Public Comment on USFS REPORT**

4 DAVE PICKETT: Dave Pickett, District 36.
5 Again, I'm disappointed that a representative of the
6 Forest Service cannot make the effort to have somebody
7 here to give you guys a report. How many millions or
8 hundreds of millions have we given them? Thank you.

9 CHAIR LUEDER: That concludes the Forest
10 Service, Item D.

11 //

12 **AGENDA ITEM IV(E) - REPORTS - Oceano Dunes SVRA**

13 CHAIR LUEDER: Moving on now to Item E, Oceano
14 Dunes SVRA overview. Superintendent Zilke.

15 SUPERINTENDENT ZILKE: Good afternoon, honorable
16 Commission and Division, my name is Andrew Zilke. I'm
17 the superintendent of the Oceano Dunes District. I
18 want to first thank you for participating yesterday in
19 our tour, and also a special thanks to Division staff
20 for the hard work that they put into the effort,
21 including meeting today. And to my staff, excellent
22 job and certainly outside the box in terms of their
23 effort.

24 Today we will be talking about the district
25 programs that we initiate at the Oceano Dunes District

1 to include an overview of general park information,
2 interpretation, education, public safety, resource
3 management, marketing sessions, and an update on our
4 Economic Impact Study that's just about to be released.

5 The creation of the park, and I know many of the
6 folks in the audience go back many years with OHV
7 opportunities on the Central Coast, and there is a rich
8 and long history of OHV activity here on the Central
9 Coast. But there are a few dates that really mark the
10 creation of what you see before you there, which is the
11 Vehicle Recreation Area as we know it today. 1974 was
12 the first acquisition that became the SVRA. That same
13 year with the acquisition, the general development plan
14 for Pismo State Beach and Pismo Dunes SVRA, later
15 renamed Oceano Dunes SVRA, was created and approved by
16 the State Parks and Recreation Commission in 1975. And
17 in that document it authorized the myriad of
18 recreational uses in both park units, including
19 motorized recreation.

20 In terms of the general park, some folks may not
21 know exactly where this location is at. It's in San
22 Luis Obispo County nestled into the larger
23 Guadalupe-Nipomo Dunes complex. Ostensibly a unique
24 environment created over the millennia as a result of
25 sand deposits coming down the San Maria River and

1 adjacent tributaries and is carried by the ocean and
2 the longshore currents and deposited on shore and moved
3 inland by the wind. Those on the tour yesterday saw
4 examples of just how far inland the sand had moved to
5 historic dunes, as well as the much younger dunes of
6 the coast of the SVRA.

7 Archeologically the area adjacent to the park
8 had excavations done, and what was found was the
9 evidence of human habitations as far back as 11,000
10 years, and this was one of the more ancient Native
11 American tribes, the Northern Chumash. Archeological
12 sites once identified and listed are fully protected
13 within the park areas to prevent recreational and other
14 uses from damaging those. And on the tour yesterday,
15 those that were on the tour, saw evidence of a very
16 large pile of shell remnants called middens which are a
17 result of the hunting and gathering activities of the
18 Chumash in quest for food, generally adjacent to
19 village sites or other types of historic areas.

20 The first motorized activities was a news
21 article talking about a rally of the Ford Motor Company
22 between the northern and southern California
23 dealerships. And a photo that apparently didn't make
24 it in, being towed by a wagon. And there's other
25 documentation of stories of off-highway vehicle use,

1 many photos that I've seen that are archived locally
2 and representative of how long this has taken place,
3 1906, which is well over 100 years.

4 Today, the park and the area offers unique
5 recreational opportunities for the enjoyment of many
6 individuals, and we're going to talk about visitation
7 in a few minutes, as I said for over 100 years.
8 General park information, the district operates Oceano
9 Dunes SVRA, Pismo State Beach, and the Pismo Dunes
10 Natural Preserve. And all three units also identified
11 in the general development plan are contiguous with one
12 another, in other words, they really touch one another,
13 they overlap and are not separate. The SVRA consists
14 of 3600 acres, 1500 acres is open to riding and
15 camping, and 2100 acres is closed to off-highway
16 vehicle activity or motorized activity but does allow
17 for a myriad of recreational opportunities as does the
18 riding and camping area, anything you can think of in
19 terms of recreation that would or could occur in a
20 coastal environment is enjoyed here by many in
21 compatibility. Oso Flaco to the south, of course, is
22 part of the non-motorized area, but if you can imagine
23 the kinds of activities of more of a passive realm,
24 many of them varied and identified in your staff
25 report. One of the favorite opportunities in that area

1 is just the wildlife viewing. It's an important area
2 on the Pacific Flyway and enjoyed by quite a few people
3 throughout the year.

4 That moves us to visitation. 2010 attendance
5 for the SVRA was approximately 1.6 million visitors,
6 and for the Pismo State Beach roughly 600,000, so
7 collectively 2.2 million visitors to the area which
8 makes our parks here in Southern San Luis Obispo County
9 among the busiest of all State Parks. Visitation
10 trends, really no surprise in terms of what's occurred
11 to the economy over the past few years, and of course
12 park visitation is always affected to some degree and
13 sometimes to a larger degree by weather conditions.
14 The winter of 2010 was a prime example of extreme
15 coastal flooding and rain that resulted in park
16 closures during a rather peak period of the Christmas
17 holidays.

18 That moves us to interpretation and education,
19 which we're rather proud of. It was really enabled by
20 SB 742 in 2008 and identified in our strategic plan as
21 being a key goal. So in 2009 we hired our first
22 full-time permanent interpreter who promptly hired
23 several seasonal interpretive specialists and our
24 program was off and running. We have always been
25 active in interpretation education prior to this,

1 however, with after-school group activity, in-park
2 activities with our ranger staff, but we really were
3 able to expand this over time.

4 For example, in our Junior Ranger Program and
5 Campfire Program in 2008, 622 children attended the
6 Junior Ranger Program. And if you're not familiar with
7 Junior Ranger Program, this is a traditional park
8 program offered to kids through 12 years old, and they
9 have the opportunity to go through certain activities
10 and accomplish tasks and earn rewards like the Junior
11 Ranger badge and certificate, and kids really love that
12 opportunity. 1,025 visitors attended Campfire
13 programs, which is an extreme increase in that
14 opportunity and enjoyed in our two developed
15 campgrounds at Pismo State Beach and I believe we tried
16 some in our SVRA open area, which hasn't been up for
17 many years.

18 Summer Discovery Day in the height of
19 visitation, that basically highlights national and
20 cultural history of the area of the parks was a
21 success. The park staff in addition to in-park
22 activity really reached out to the communities in 2010,
23 such as the Grover Beach Holiday Parade. We submit a
24 float and many subject attachments to that, and there's
25 always a theme. In the past three years, we've placed

1 first in that community parade. Something that we
2 tried is really new is what we call roving
3 interpretation, and what that is we have our
4 interpreters go out into the park, whether it's
5 Oso Flaco, or the main riding area of the campground,
6 or they set up the interpretive trail wherever it is,
7 and they just kind of wander around and talk to people
8 and educate them related to natural and cultural
9 history of the area, they show them a lot of things.

10 One of the things that's interesting, we've done
11 interpretive master plans in collaboration with some of
12 the adjacent landowners, and the theme was the same for
13 the visitors. Regardless of whether they were non-OHV
14 recreationists or they were riders, they wanted to know
15 more about the park's natural cultural history. It was
16 very similar. So the roving interpretation, we had
17 1,162 hours of some sort.

18 Other activities in which we engage in are
19 things like farmers' markets in San Luis Obispo, so we
20 kind of reach outside the park, which is a real good
21 mechanism for educating the public, and also offer free
22 school tours. We do a lot with the school tours such
23 as the Monarch Butterfly Groves. Our paid staff does
24 programs there, as well. And Oceano Lagoon and Nature
25 Center, we have a large contingent of volunteer docents

1 through the Central Coast Natural History Association
2 that offers a lot of activities in those areas.

3 One last thing on the interpretive and education
4 is I wanted to mention we have a partnership with the
5 Guadalupe Nipomo Dunes Center, and they also have
6 volunteers through their organization that we've also
7 installed a long-term parks program. So they're State
8 Park volunteers. So they provide interpretive
9 activities out at Oso Flaco, in those area and also
10 school programs and things like that. We have a very
11 active program and are very proud of that.

12 At this point if there are any questions about
13 my presentation; otherwise, I'll turn that over to the
14 next phase in our report, which is the public safety
15 section. Thank you very much.

16 CHIEF RANGER BRENT MARSHALL: Good afternoon,
17 Board, I'm Brent Marshall, the Chief Ranger for Oceano
18 Dunes District, and I work for Andy Zilke. My purview
19 would be the education interpretation outreach and
20 concessions, other revenue collections, volunteers,
21 public safety, medical response to aquatics, law
22 enforcement, and some other duties as directed, so my
23 job is pretty easy. Andy really helps me out a lot.
24 He's been a great mentor.

25 As alluded to, some of the education and things,

1 as you'll see, there is going to be a lot of overlap in
2 a lot of the things. So education goes into
3 enforcement, enforcement goes into resource protection.
4 So none of these are individual entities, but we do
5 have assigned leaders to make sure all of the critical
6 tasks get completed, and I'll mention some of those
7 people as we go along.

8 Here is a great example, as we back up a couple
9 of slides to the sound testing that we did at OHV 4th
10 of July, just another nice weekend on the dunes. So
11 they're doing some sound testing there and educating
12 the public about sound testing. And in that light, we
13 also have four of our newer rangers and seasonals on
14 October 7th, the Friday previous to this week, attended
15 sound testing. Those classes can be attended by other
16 people in the community, other enforcement agencies and
17 outside people according to Brian Robertson for that
18 class, and they are a great asset.

19 So not only do we have the interesting
20 geomorphology and dynamic nature of the natural area,
21 but we also have the socioeconomic, political and legal
22 things that, as we've been discussing, and there are a
23 lot of challenges to be met there. And for that reason
24 all of our employees and volunteers, they have to
25 maintain a high level of public safety and

1 legally-mandated levels of staff proficiency for
2 certain courses.

3 And so if I could just speak briefly about
4 training as it applies to Oceano Dunes District, a
5 great opportunity that we're going to have -- was not
6 planned, per se, by our district, but it has come that
7 the state training for all rangers, so all of the law
8 enforcement throughout the entire State of California,
9 that academy is going to be right in this county,
10 San Luis Obispo County, and going to be headed by some
11 people that have history with the OHV Division. And
12 we've already identified some of our best officers, not
13 only do they do a great law enforcement, not only do
14 they have stats that would show that they're active out
15 in the field, but they do it well. They are the
16 pinnacle of what you would like to see law enforcement
17 officers do. So they're going to be examples, and
18 they're being identified to be brought into that
19 academy and help with a successful statewide law
20 enforcement and very proud of that.

21 Back to the dunes, ATV riding and safety that we
22 have there, we secured a training site within the SVRA
23 in 2009, and that was useful. People wanted to know
24 how they could take advantage of that resource. We
25 discussed briefly yesterday, and for those that weren't

1 on the tour, there is a dynamic of where you would
2 approach the entrance of the park, and the riding area
3 is a significant distance from where you would arrive
4 at the park to where you can ride. So another
5 off-highway vehicle area's very successful program like
6 Ocotillo Wells, you can drive on the street-legal
7 vehicle in the parking lot, park your vehicle, go into
8 a gated area and walk ten feet, and now they're in a
9 safety area. So how do we compensate for those
10 challenges? Well, the answer is these are just
11 talented staff that are dedicated. So we brought on
12 two seasonal employees, but they work over 40 hours a
13 week during the high periods of time, then they
14 compensate for that time during lower seasons, but
15 essentially they're full-time employees and going to be
16 certified for that to just dedicate to that effect and
17 to provide safety training.

18 I'd also like to speak about our volunteer
19 program. They're fantastic. We have 1,650 hours of
20 service, public safety contacts, special events, and
21 emergency response, and 22 active members helping
22 outreach with those numbers. Our volunteer program is
23 led by Paul Wissler, an outstanding ranger, and they're
24 provided great training orientation at the park, radio
25 use, rules, regs, and they are also trained on how to

1 contact people on an advisory basis. So it's very
2 clear to volunteers that they're advising, helping the
3 public understand those rules. So, again, education,
4 interpretation, things that are of a more formal
5 setting, and we also see more education with our
6 volunteers and that continues throughout all year
7 round.

8 Volunteers also do other things as we saw
9 yesterday. The volunteers help out with Butterfly
10 Grove, some of the trail cleaning. All of the trails
11 that we saw yesterday in the Oso Flaco, a lot of that
12 work is done by volunteers which has been a great
13 benefit incorporating the public.

14 The lifeguard program with 57 aquatic rescues
15 and numerous medical calls, those calls can go anywhere
16 in the campground, the riding area, immediately outside
17 the area to help out outside agencies. The lifeguards,
18 as we talked about yesterday, are of such value, not
19 only are they physically able to help out with medical
20 emergencies, navigate tough situations, but they're
21 also highly skilled in medical EMR, which is a slightly
22 lower level of EMT. And they can even drive down south
23 and light up their lights, and you can see the
24 different boundaries and things like that. So they're
25 available for anything. And, again, Jeff Cant is doing

1 a great job with that lifeguard program, very happy to
2 see him take on a leadership role early in his career.

3 Officer Smith and his dog Kota make up our
4 canine team. It's one of only two canine teams in all
5 of OHMVR. Not only are they deescalating contacts
6 inside our park, but they're also helping out with
7 community outreach, routine public safety contacts,
8 drug searches, and assisting allied agencies in
9 apprehending felony suspects. And Nate's energy and
10 his ability to be organized makes him an effective
11 officer to be very successful.

12 I'm just going to speak just briefly on some of
13 the employees and the stakeholder volunteers that
14 really are dedicated to this park, and you can see that
15 they are here nights, weekends, and holidays, and they
16 definitely ensure that the public has an informed,
17 safe, and enjoyable recreational experience at the
18 Oceano Dunes District; and very happy to be part of
19 that team. I'm going to turn it over to Ronnie Glick
20 so he can outline some of the resource things that we
21 have. I can answer questions, also.

22 COMMISSIONER SLAVIK: Regarding sound testing,
23 Brent, there's been some alleged statements that people
24 in Nipomo Dunes can't sleep at night because of the
25 sound coming from off-road vehicles on the dunes. Have

1 you set up sound meter testing at intervals away from
2 the dunes into the community? And if so, can you give
3 us some generalizations about that?

4 CHIEF RANGER BRENT MARSHALL: I think the Chief
5 would like to comment on this.

6 CHIEF JENKINS: Just to clarify one thing that
7 was said, the noise law applies to OHV. So there is a
8 noise law. It's across the board, any vehicle has to
9 meet those standards. There is a specific test that's
10 used for motorcycles, J-1287 test, and that's specific
11 to certain types of vehicles. We have talked about for
12 years developing a better test for other types of
13 vehicles. Right now there is a law about being
14 effectively muffled that you can use. It's a hard one
15 to get through the courts sometimes.

16 So it's one of those areas for future
17 legislation to try to get perhaps laws that are more
18 reasonably applied in the field by the staff. And we
19 do make efforts in all of the areas to make sure that
20 you're effectively muffled because often if a vehicle
21 is running without a muffler, it's also running without
22 a spark arrestor. So a spark arrestor is also
23 required. So rangers have certain tools to address
24 these things. We use them to the best of our ability.
25 It's a lot easier to enforce when you have that J-1287

1 test on the motorcycles and quads, a little bit
2 difficult to enforce on the larger vehicles, but we do
3 our best.

4 DEPUTY DIR. GREENE: That being said, also,
5 again, Chris Real is in the audience today, a premier
6 sound expert known throughout the world. We actually
7 have Chris now on contract. And one of the things
8 we've been doing at all of the SVRAs, have been looking
9 at doing that sound testing outside for all of them.
10 So it's a comprehensive approach that we're taking so
11 Oceano Dunes will be just like the other set.

12 COMMISSIONER SLAVIK: So the question I've
13 asked: Has there been sound testing outside the dunes.
14 Are you saying the answer no?

15 DEPUTY DIR. GREENE: I don't believe so
16 recently. There was some years ago, but not recently,
17 I believe.

18 CHIEF RANGER BRENT MARSHALL: And the other
19 thing I would like to say is that the rangers have been
20 very creative and effective by using some of the
21 equipment regulations to see if there's a straight
22 pipe, and we'll say, okay, we're going to go ahead and
23 address that issue. That's a lot less contentious. So
24 that way somebody won't use a loophole, it was windy,
25 did you have a measuring device. The ranger can say I

1 identified aftermarket equipment that wasn't legal. I
2 saw that, and I wrote that citation. As the Chief
3 said, we're being real creative in addressing those
4 things. In fact, as we were out there yesterday, I
5 definitely heard a couple that were outside of the
6 limits, and the rangers will go out and address that.

7 COMMISSIONER SLAVIK: The unit that we heard
8 outside, there was like a four-stroke ATV or something
9 running around making a lot of noise, is it possible
10 with the wind blowing in the right direction and
11 everything for someone in Nipomo Dunes to hear that
12 vehicle?

13 CHIEF RANGER BRENT MARSHALL: I think the answer
14 is yes.

15 COMMISSIONER SLAVIK: That's kind of where I was
16 going with this thing. Do you have the general
17 complaint or not?

18 CHIEF RANGER BRENT MARSHALL: That would be a
19 good question that has been brought up. As we've
20 heard, it's been improved, but there are still good
21 faith efforts to continue. I think there is
22 improvement on that we can look at.

23 CHAIR LUEDER: If I can just make one comment.
24 I don't want to leave with the impression that OHV
25 noise is the only noise in the community. Surely,

1 there's plenty of street-legal motorcycles that make
2 plenty of long distance traveling noise in the
3 community, along with other street vehicles and highway
4 noise. So I think it's a mix of noise that any
5 community experiences that's near traffic or recreation
6 areas or combination of the two. So I just want to put
7 that out there.

8 CHIEF RANGER BRENT MARSHALL: With access to the
9 dunes, in that area we have the buffer area where we're
10 seeing a lot less illegal activities. That was
11 happening closer to the Mesa than at the buffer. But
12 there is still some illegal activity, too. So a lot of
13 times when we get the most serious complaints, it's
14 happening even further east, closer to those residents
15 that are actually outside of our park and outside of
16 our jurisdiction. That's been happening a lot less on
17 the dunes. And that would be a statewide program, so
18 we will be able to address that. But the existing
19 regular park staff concentrates on the park.

20 COMMISSIONER KERR: Earlier we were looking at
21 the slide of attendance figures, and I think it was
22 1.5 million, plus 600,000 in sort of more pedestrian
23 part of the beach. So those people are going through
24 the gate, right, and they're paying their five bucks?

25 CHIEF RANGER BRENT MARSHALL: As you saw

1 yesterday, there are the two gates. So you enter the
2 SVRA through Grand or Pier Gate, and then when you go
3 to those campgrounds, there are actually some kiosks
4 there, as well.

5 COMMISSIONER KERR: Let's just take the
6 1.5 million at the SVRA. So what's the revenue that
7 comes through those sort of tollbooths?

8 CHIEF RANGER BRENT MARSHALL: We don't have
9 exact figures on that, but Dena is going to be
10 addressing that in a little bit.

11 COMMISSIONER KERR: Okay. It's got to be
12 millions of dollars. I just want to know what happened
13 to it.

14 CHIEF RANGER BRENT MARSHALL: We can definitely
15 address that. We'll turn it over to Ronnie for some
16 environmental things, and then we will be talking later
17 on on that issue. And then after the completion of all
18 of the four staff, if you have any other questions.

19 SPECIALIST DENA BELLMAN: I'll go ahead and
20 address it now.

21 CHAIR LUEDER: Could you state your name for the
22 record.

23 SPECIALIST DENA BELLMAN: Dena Bellman. I'm the
24 Parks and Rec specialist for the Oceano Dunes District.

25 Unfortunately, off the top of my head, I don't

1 know our current income from each kiosk. I can further
2 define that graph for you. The 7.5 plus million was
3 for the SVRA, and we supported those calculations as
4 they come through the entrance, which would be the
5 Grand and Pier Avenue entrances versus the Pismo State
6 Beach, which is predominantly the campgrounds and the
7 nature preserve. So those are the two defining areas
8 of our attendance numbers.

9 But I know you were talking about more about
10 income. We can get those numbers for you, but I don't
11 have them here today.

12 COMMISSIONER KERR: You don't know how many
13 people bought their way into the park?

14 SPECIALIST DENA BELLMAN: Not in front of me
15 today. I know as far as vehicles go we have
16 approximately 357,000 vehicles that made entry. I
17 don't know the difference between camping and dates.

18 COMMISSIONER KERR: It's 357,000 times five
19 dollars?

20 SPECIALIST DENA BELLMAN: That would be what it
21 should be from camping.

22 DEPUTY DIR. GREENE: We will get that
23 information before the end of the day.

24 COMMISSIONER KERR: Okay, thanks.

25 SCIENTIST RONNIE GLICK: Good afternoon,

1 honorable members of the Commission. I'm Ronnie Glick,
2 senior environmental scientist, and I'm here to talk
3 about our resource program. What I'll say is that I'm
4 going to give you a very small glimpse into what our
5 program does. We have some of the employees in our
6 program in the back of the room, and they really do an
7 excellent job in helping us to manage the incredible
8 habitats that we have under our care.

9 So we're going to just review the map of the
10 park. This actually includes Pismo State Beach as well
11 as Oceano Dunes SVRA. And we have a huge diversity of
12 habitats, and hopefully you came to appreciate that on
13 our tour yesterday. We have a lot of different areas,
14 very active dunes, very important wetlands, and a lot
15 of different habitats that are under our care. Going
16 to talk a little bit about your program. I'm going to
17 follow the report mostly in case you're flipping
18 through the notes of what we're talking about.

19 Habitat monitoring system is something that we
20 implement in each of the SVRAs, and it's an attempt to
21 look at the status and trends of the plants and animals
22 under our care and really see if the populations are
23 stable, declining, improving, and really trying to
24 assess if there are impacts from OHV recreation and
25 other and in more natural areas.

1 We do surveys from birds, terrestrial birds,
2 shorebirds, plants, amphibians, reptiles, small
3 animals, large animals. And we're constantly
4 collecting this data to really help us understand the
5 trends of these important habitats we manage.

6 One of the programs that I'm going to talk about
7 is our Plover and Tern Nesting Program. We were out at
8 the beach yesterday. We had a chance to try to
9 visualize how large of an area we close off. And even
10 in the haze, we were able to see those lights flashing
11 way out in the distance, really see how large of an
12 area there is. Showing you up on the board, it goes
13 from Post 6 down through Oso Flaco, that's 300 acres
14 closed off each year seasonally from March 1st through
15 September 30th. And then we also close portions of the
16 dunes in the south Oso Flaco area. We actually didn't
17 get to see a plover yesterday. They were not in the
18 area of the park we were. There is a close-up of a
19 western snowy plover, a small sparrow-size bird. And
20 one of you came up yesterday and had a picture of a
21 bunch of sanderlings which look very similar to western
22 snowy plover. We would have had to have been here
23 three months ago to see the least tern. This is a
24 federally-listed endangered bird that comes into the
25 area, nests and will leave the area to go into its

1 wintering grounds in Central and South America.

2 So we spent a lot of our efforts on the western
3 snowy plover and the least tern breeding program, and
4 what I can tell you today and what I shared with you
5 yesterday is that we are really committed to the
6 recovery of these species, both of these species. We
7 have strong breeding numbers of both species. We have
8 very good rate of fledglings for these species, which
9 is the age at which these birds can go off and live on
10 their own. And we were really committed in a
11 meaningful way to the recovery of these species.

12 I'm going to talk a little bit about the
13 restoration program, and we had a chance during one of
14 our stops to see the Boy Scout Island, and we were
15 looking at some of the one-year-old results of our
16 restoration projects. We will do one large project
17 trying to restore approximately nine to ten acres a
18 year and try to keep the sand from moving from some of
19 these vegetation islands. This is a picture of a steep
20 slope. Sometimes you have to take this straw and punch
21 it in by hand.

22 We spend a tremendous amount of time, also
23 thanks to the California Conservation Corps in growing
24 out plants, planting near projects, collecting the
25 seeds that we're going to need in these restoration

1 projects. So we spend a lot of time on our restoration
2 program, and we actually have our restoration
3 specialist in the back of the room if you have any
4 questions about that fine program.

5 We are going to move on to our invasive exotic
6 weed control. I wish we did this all the time. We
7 don't get to burn off our weeds very often, but we did
8 once in the past couple of years, and it's really fun
9 and it makes for a great slideshow presentation. This
10 is the European beachgrass we were talking about
11 yesterday on our tour. And we did a project there to
12 control a 160-acre spot. We were trying to control
13 about 50 to 55 acres of this European beachgrass
14 through proscribed fire, and we are going to go back
15 and treat with herbicide and hopefully control this
16 invasive species and return some native habitat to the
17 area.

18 Moving on down the list, we didn't get a chance
19 to go to my absolute favorite spot yesterday, and
20 unfortunately there are not enough hours in the day to
21 see everything we wanted to show you in the park. If
22 we had been there, you would have seen this view, and
23 it's a view of Oso Flaco Lake looking south toward
24 Mussel Rock. One of the big challenges that we have is
25 how we preserve and protect the important habitats of

1 Oso Flaco Lake. One of the big challenges that I've
2 shown on this slide a map, a map of the watershed. It
3 is not an especially large watershed or drainage area
4 that feeds this lake, but it is pretty intensively used
5 by irrigated agriculture. And so one of the challenges
6 we've had is working with our own lessees and
7 neighboring property owners to improve water quality,
8 to make sure the water that's coming in the lake is
9 suitable for fish and wildlife, and that's a really
10 important program, and it takes a lot of our efforts
11 and paying attention to regulation and really working
12 collaboratively with adjacent landowners.

13 We're going to move on and talk about some of
14 the other surveys we do. We mentioned that we do
15 fisheries surveys. It's not a great picture because
16 fish really wouldn't like to live in that, but we do
17 surveys four times a year in the Arroyo Grande Creek
18 Estuary for endangered and threatened fish species, and
19 so we are paying attention to the fish population, as I
20 shared you with yesterday. A lot of the challenges we
21 have are water quality and water quantity, having
22 enough water bodies for fish to survive and persist.

23 Finally, we're going to talk about this a little
24 bit more in our next agenda item, but we also have been
25 involved with the pilot projects for the APCD and wind

1 testing in the air.

2 Unless there are any questions, I'm going to
3 turn it over to Dena for more marketing.

4 COMMISSIONER VAN VELSOR: I'm curious, what's
5 the barriers on burning?

6 SCIENTIST RONNIE GLICK: Barriers on burning,
7 logistics, having the right people and equipment at the
8 place that you need when you have the right conditions
9 for burning. We can't burn during certain times of
10 years because of the nesting of the endangered
11 shorebirds. We also have restrictions from Air
12 Pollution Control. It has to be a county burn day.
13 Really it's a logistical problem. We say two weeks in
14 advance we're going to burn on Monday, but on Monday it
15 rains, or the fire engine breaks down, or we rely on
16 California Department of Forestry crews and there's a
17 lockdown in the prison. These are all things that
18 happen to us, and it really makes it difficult and it's
19 a problem of logistics.

20 SPECIALIST DENA BELLMAN: So as I said before,
21 my name is Dena Bellman, and I'm the Parks and
22 Recreation specialist for Oceano Dunes, and I'll be
23 speaking with you today about our marketing,
24 concessions, and our economic impacts study that we're
25 just finalizing. So I'm hoping that a lot of you got

1 to see last night and again today some of the marketing
2 exhibits that we've put together. We kind of pulled
3 this all together in the beginning of the year. We had
4 it ready for the fair in July. We were able to pull a
5 number of things together.

6 The first part we wanted to key in on is really
7 giving people access to the park that couldn't get
8 there. I hear that that is a great tool for Daphne to
9 be able to use, so we wanted to create this virtual
10 tour so folks could get a look at the park as it is
11 today. The really fun part was we got to include some
12 of the historic photos that some of the historians in
13 the community had, and we were able to include those
14 assets. So as you look at the virtual tour today, you
15 can see what it looks like today, and then there is
16 applicable points included that show us what the
17 history was like after the turn of the century.

18 That was kind of a big project that we took on
19 that we knew was going to cover a lot of different
20 facets, but really our key was to get even more
21 in-depth with it and look at increasing public
22 knowledge of operations and functions of the park, as
23 well as we realized that there is a need to change some
24 of the perceptions and behavior of our park visitors as
25 well. It's all part of the education process.

1 Back to the mobile marketing that I started to
2 talk about, as we did utilize the virtual tour in our
3 mobile marketing project. We have a large trailer with
4 an awning that we're able to include all of these
5 exhibits, and this was set up at the fair this year.
6 We were there for the almost two weeks that our fair
7 runs. It was definitely a great experience. It was
8 our trial run of all of the exhibits. I'm not going to
9 go into a lot of detail because there is a lot of
10 detail in them, but really the topics that we wanted to
11 touch on were respecting the land, talking about some
12 natural hazards, laws and safety in the park, and also
13 just giving people a great experience of what it is
14 actually like to come out and be in the park. So we
15 have a small dune buggy that's set up that you can
16 actually sit in and see some photos that was shot
17 throughout the park in all different areas. Young and
18 old love all of them. It's all interactive, and I
19 heard that Jim Bramham was speaking earlier about the
20 interactivity of it. That was really one of our key
21 points is that we don't want to put all of this effort
22 into it and not have it last. So we really looked at
23 bringing in technology that is easily adapted, easily
24 changed. So even just for you today, the podiums have
25 two different sets of information from two of our

1 different exhibits, so we're able to adjust those
2 pieces into our different formats very quickly, very
3 easily. We didn't print anything on paper. It took a
4 little bit of time, and we downloaded them, and here we
5 have a very adapted product for you to look at today.
6 So that was really key for us is the longevity of it
7 because we put a lot of effort into it.

8 So these are some pictures from the Sand Sport
9 Super Show. At the fair this year we were able to meet
10 with over 4500 people from the community, and a lot of
11 the attendance for that fair comes from the valley,
12 San Joaquin Kern area, as well. It's a pretty big
13 fair.

14 And then at the Sand Sport Super Show we had
15 over 6,000 people we were able to speak and meet with.
16 We didn't take a large crew down there because of
17 travel expenses and stuff. We had some great donations
18 and were able to actually go there. Because of travel
19 restrictions, the Friends of Oceano Dunes did give us
20 some of our hotels and stuff so that we were able to
21 travel. So we were able to speak to a lot of people,
22 6,000. We were a little exhausted when that was done,
23 but came out in great spirit because that was a great
24 turnout for us.

25 Some of the future things that we'd like to do

1 is continue to work on our radio station that is going
2 to be running in the park. We have some updating to do
3 in our safety and education center. And one that's
4 nearly completed is our self-guided tour brochures
5 which will focus on natural and cultural tours through
6 the park, and we will have those as tangible documents
7 that they can pick up at the kiosk. We will have them
8 available in the park and even in our future visitor
9 center. But they'll also be able to download those
10 from our website and they'll be able to put it on GPS.
11 Doing some really great technology things with it.

12 So the concessions portions, I know those of you
13 who were able to go on the tour before, and actually
14 Commissioners Van Velsor and Franklin were out with us
15 earlier with the subcommittee on ATV safety. We took a
16 good look at our concessions yesterday. They did come
17 down and stage for you as we wanted to show them all to
18 you. So this one is our Hummer Adventure Tours.
19 People love to come out and access that. Of the things
20 we didn't count on when we did that Hummer Adventures
21 was that it was going to bring corporate activity to
22 the park. Hummers, ATVs, also dune buggies, those are
23 great corporate events. The economic slowdown has
24 slowed that down just a little bit, but really we have
25 some great groups and great corporations that come out

1 and visit the park and utilize those concessions.
2 There are ten. We've got the four ATV rental
3 concessions; the dune buggy concession; the Hummer
4 Tour; we also have Yo, Banana Boy; pump out and fresh
5 water renewal; also have a small little sundries store
6 out there, able to get flags in, et cetera, without
7 creating more movement in and out of the park for
8 little items. We have Love to Camp. They deliver
9 camping trailers out to the beach. You meet them out
10 there. You have your stay out on the beach. You leave
11 your keys and drive away, and they come and pick up the
12 trailer later. They really tried out this idea on
13 Oceano Dunes and are now successful throughout the
14 state in many different parks. They don't really
15 operate here any longer. We do have a 24-hour tow
16 concession, and Pismo State Beach Fin Restaurant, and
17 Pismo State Beach Golf Course is also under our
18 purview. All in all they bring in between five and
19 six million dollars in annual gross revenues to the
20 county, and between four and five hundred thousand in
21 rent to the state annually.

22 I'll talk briefly on the lodge and conference
23 center project. So 1982 there was an amendment to the
24 Pismo State Beach and Pismo Dunes SVRA General
25 Development Plan. To create this lodge project, it

1 made a change in the Public Resources Code 5003.02.1
2 which authorized a lodge and conference facility on
3 state-owned property within Pismo State Beach adjacent
4 to the Grand Avenue entrance that we showed you
5 yesterday on the tour. It also allowed for an
6 Operating Agreement or Joint Powers Agreement between
7 the state and the City of Grover Beach to create this
8 project. Subsequently, we have created that JPA, and
9 we are in the process of building the lodge. We have
10 completed the Environmental Impact Report. We are
11 still working on some logistics and modifications to
12 that. And our next step is to go out for permits.
13 They're hoping to break ground in late 2012. And I
14 don't know if we will meet that lofty goal, but that is
15 our goal. The state and the city will share in both
16 the rent and the transient occupancy tax from that
17 venture.

18 We decided in early 2010 that we really needed
19 an additional planning tool in the form of an Economic
20 Impact Study. Recently, in 2008, Strategic Marketing
21 Group had completed a tourism study for the County of
22 San Luis Obispo. All of the cities within the county
23 had a really great working relationship with them based
24 on that tourism study. We also had discussions. As
25 you can tell, Oceano Dunes has a significant economic

1 impact to the county so, of course, we were included in
2 that study. We did go out to bid for that study.
3 Strategic Marketing Group did win the bid. They've
4 been working on, and we're in the finalization process
5 of that Economic Impact Study. I did ask them to put
6 together an executive summary for us today, which is in
7 your packet. Some of the notable points I'll be very
8 brief about because some people can't see it so it
9 doesn't mean a lot. So one of the big concerns I've
10 had with previous studies was the manner in which the
11 information was collected. So I really charged them
12 with coming up with a creative, solid way to collect
13 this information and have it be really a random
14 sampling of who visits the park. We will be able to go
15 into further detail with you when Carl Ribaud,
16 executive officer of that company, makes their
17 presentation.

18 As people were coming into the park from a
19 variety of areas, we talked to them and said this is
20 what we're doing, would you be interested in working
21 with us and letting us contact you once you've left the
22 park. If you'll let us take your information, we'll
23 give you a call when you're through with your visit so
24 we can really talk about your experience, what you did,
25 what you liked, what you didn't like.

1 So that process really worked for us. We
2 collected somewhere around 5,000 surveys, and then each
3 quarter from those that we would collect, there would
4 be a random sampling. Of those thousand plus surveys
5 that we collected, we pulled 200 of those randomly out
6 of the computer. Strategic Marketing Group would do
7 that. They ran the whole thing. They would pull those
8 random numbers, and they would call those folks and get
9 200 from that group.

10 Of those that were contacted, a couple of
11 notable points, 76 percent of the overnight visitors
12 that came from outside of San Luis Obispo County said
13 they camped overnight in the SVRA on their last trip,
14 as well. A full two-thirds of all of the respondents
15 had children between the ages of 0 to 17 in their
16 immediate group suggesting they believe available
17 activities in the park are suitable or have interest to
18 family groups. The survey respondents were
19 specifically asked if they would visit San Luis Obispo
20 County if Oceano Park was not in existence, two-thirds
21 said they would not. One very interesting thing to me,
22 because I'm kind of a stats person, was that when we
23 were talking to them about the amount of money that
24 they spent on a trip, what the numbers worked out to
25 that were reported was 15 percent of the immediate

1 travel party total trip expenditure was spent in the
2 park. So that seems very low. But what really made me
3 happy was we were looking at concessions to add to the
4 park, things that are going to make it better, you
5 know, less of an impact going in and out but not affect
6 the community's economics, so we want to be an asset to
7 the community economically, but we want to measure
8 that. So 15 percent I believe is a very acceptable
9 amount for them to be spending in the park, and we know
10 that most of that money is spent on things that they
11 could not have gotten outside of the park such as
12 recreational rentals.

13 Overall, the estimated impact is about
14 \$171 million. That includes direct, indirect, and
15 induced spending. The total economic impact by day use
16 visitors is estimated to be \$10.6 million, and
17 overnight visitor impact was \$160.9 million. That was
18 what I had for you. If you have any questions?

19 COMMISSIONER SLAVIK: Your point here about 3.1
20 night, 13 people average visitors on page 13, it seems
21 high, but I mean it seems like that's something that's
22 fairly unique for a camping environment, I would think.

23 SPECIALIST DENA BELLMAN: Yes. Actually, I
24 think 3.1 nights, that didn't really look outside of
25 the range for me. A lot of folks, especially in

1 current economic times, are coming on holiday weekends.
2 Where they're not able to come as often, they're kind
3 of pooling their time as they come. For me, I wasn't
4 really struck by that number.

5 The other thing I think that adds to people's
6 ability here to be able to stay longer was the addition
7 of the mobile company service concession because prior,
8 of course, they couldn't sustain out there for longer
9 than three or four days anyway. So we were actually I
10 think in the past seeing longer numbers of stays.

11 COMMISSIONER SLAVIK: 13 people on average party
12 size, that's a pretty good group of people for average.

13 SPECIALIST DENA BELLMAN: Well, when you look at
14 folks that come out here, they really do come out in
15 groups. When we were out yesterday, of course, it's
16 off-season and during the week, but the majority of the
17 time when folks come out, they come out with a group of
18 people. And that's what he was looking at in that was
19 he was going out to an entire group and they were
20 talking about how many did you come with, how many
21 people were in your whole group, and the average number
22 was 13. But as we see, the families are really
23 predominant campers out there.

24 COMMISSIONER FRANKLIN: I think that would tend
25 to support the family activity and wholesome

1 activities.

2 COMMISSIONER KERR: I think this is really a
3 more interesting presentation we've had in a long time,
4 and also I think everyone here would agree this is kind
5 of an unusual SVRA because we wouldn't be talking about
6 \$171 million of economic impact from any of the other
7 parks I can think of. So I think this is an area that
8 I'm glad you're doing the economic study. I'll look
9 forward to reading it. I look forward to it being
10 circulated widely in the community, and I also think
11 that with this level of gate receipts and other
12 concessions, we even get \$85,000 from some farmer in
13 rent, I think we should have more of a financial
14 statement for this operation that could be looked over
15 by the board and also would provide the basis for the
16 long-term viability of this facility under whatever
17 management structure we end up with sometime in the
18 future. So I think this is very interesting and
19 hopefully to the members of community valuable
20 information about this significant public resource.
21 But I think the more we can organize this in kind of
22 conventional manner, sort of like a business would
23 publish financial statements, we can understand whether
24 the park is generating adequate revenues to pay its
25 staff or it's appropriate to expand certain operations

1 particularly or looking for efficiencies in other areas
2 where we are not doing so well.

3 So the campground, I was very impressed with
4 that, as well. We were in there yesterday. The place
5 was packed, but I will say it was being run in a manner
6 which was, I thought, slightly better than the
7 commercial operations who were around it. In other
8 words, people were less crowded together, it was more
9 natural habitat. So I hope we can continue to
10 highlight these features and, like I said, put this
11 facility on a strong financial footing.

12 SPECIALIST DENA BELLMAN: If I can respond to
13 that just a little bit, one of the unique things that
14 we find about this SVRA is that we are part of the
15 community, so our impact to the community I think is
16 also going to reflect that. But as part of all of
17 this, we do collaborate with local agencies, Economical
18 Vitality Corporation, the county Business Improvement
19 District, we do work in collaboration with all of them
20 on how we impact them and how they can collaborate with
21 us to get all of this information. So I appreciate
22 that.

23 I also wanted to mention that this report, we
24 will be releasing it in November, and we will have a
25 public release of it, an evening where the CEO can come

1 and explain all of the work that he did.

2 DEPUTY DIR. GREENE: Obviously we heard today
3 the overview on public safety, concessions,
4 interpretation, and resources. I'd also like to
5 acknowledge the unsung heros of the District as well,
6 which is the maintenance staff. And that park would
7 not operate without the work and contribution of the
8 maintenance staff, as we saw yesterday, obviously
9 whether it be the fencing or the vehicles or clean
10 toilets, and support of the resources staff, they do a
11 phenomenal job. I wanted to take a moment and
12 acknowledge that, as well.

13 CHAIR LUEDER: So we were going to open this up
14 this item only up to public comment.

15 JIM SUTY: Commissioners, again, my name is Jim
16 Suty, and I'm the President of Friends of Oceano Dunes.
17 I'm also the OHV representative on the technical review
18 team assigned by the California State Parks and
19 California Culture Commission and have been a part of
20 that for ten years now.

21 I want to give you a quick overview about
22 Friends of Oceano Dunes. We briefly spent some time
23 together, you guys have the slide presentation I which
24 handed you, but I wanted to give you a few highlights.
25 Friends of Oceano Dunes was formed over ten years ago.

1 We are a 501(c)(3) nonprofit, 100 percent volunteer,
2 not a single salary is paid. We are active in working
3 with State Parks. We've done many things, working on
4 the volunteer patrol program, two of my board members
5 are on that patrol program. We've helped buy equipment
6 for the patrol. We bought the fibrillators for the
7 rangers. We helped to get a transmission in the ranger
8 buggy. We helped install and remove fencing. We've
9 been involved in public safety. We've held cleanups
10 and have been involved in free noise testing to help
11 communicate with the people.

12 In this presentation, what's not here is you
13 should have already received a 63-page document from
14 Friends of Oceano Dunes which goes into the air
15 pollution study. Friends of Oceano Dunes paid for an
16 outside environmental consultant firm to review the
17 dust pollution study. It is in here. It also includes
18 the California State Geological Society report on the
19 air pollution study, as well as our lawyer, Tom Roth,
20 and his legal view of the air pollution study. We'd
21 appreciate it if you could read that.

22 One thing that I want to briefly mention is the
23 importance of the APC, it's been ten years in the
24 process. This slide here is the settlement from the
25 infamous lawsuit which put the enclosure fencing to

1 Pole 6. And as you can see, the signatures at the
2 bottom are from State Parks, the Sierra Club, as well
3 as the attorney that represented the Friends of Oceano
4 Dunes at the time.

5 As part of the ACP line six, State Parks
6 officially supported Post 7 for the ACPD. That's
7 important because that gained almost a half mile of
8 beach back to recreation. Furthermore, we have
9 concerns over fencing. There's been a tremendous
10 amount of loss over the years. You've heard about the
11 great reduction in opportunity for recreation from
12 pre 1982 to post 1982. Green shows what was available
13 back then, to what is available now. And then how it's
14 reduced during the snowy plover exposure, but we've had
15 areas that we've lost.

16 Earlier Ronnie Glick talked about his most
17 favorite scenic overlook at Oso Flaco. That's mine,
18 too. I used to be able to drive my buggy there. I
19 can't anymore, 40 acres was taken away. I want my
20 overlook back. So we need to work on improving all of
21 the opportunities.

22 State Parks has done a fantastic job. I cannot
23 commend them enough. And they have inherited many
24 problems that was way outside of their control and
25 tenure; need to work to address those for all of those

1 involved. Thank you. Happy to answer your questions.

2 KATRINA DOLINSKY: My name is Katrina Dolinsky,
3 and I'm a Nipomo Mesa resident, and I used to live here
4 Nipomo area, also in Pismo Beach and Arroyo Grande. I
5 was a probation officer for this county. I came back
6 several years ago to retire here, and big surprise is
7 that we have an air pollution problem that's very
8 serious. My husband is disabled.

9 CHAIR LUEDER: I don't want to be rude, but
10 we're going to talk about air quality on the next item.

11 KATRINA DOLINSKY: The Oceano Dunes SVRA.

12 CHAIR LUEDER: Right, air quality will be the
13 next item. So wait until the next item unless you have
14 something else to talk about.

15 KATRINA DOLINSKY: That's fine. I'll wait.
16 Thank you.

17 JIM BRAMHAM: Jim Bramham. I just wanted to
18 speak a little bit more about history, as the dinosaur,
19 and idea that the area that's currently the SVRA had at
20 one point been considered by PG&E for the location of a
21 nuclear power plant. And it was the opposition of the
22 off-highway vehicle community and the environmental
23 community that came together to create with William
24 Penn Mott, the then head of State Parks, the idea of a
25 State Vehicle Recreation Area. That came out of the

1 Chappie/Z'berg bill of 1971. And from that PG&E moved
2 its nuclear power plant to Diablo Canyon. The area
3 that we now recreate in was saved from that threat.
4 And it was the environmental community that worked so
5 closely with State Parks to identify all of those
6 vegetation islands that you see in the park that we
7 were talking about yesterday that had to go under some
8 re-veg and so on. They walked those dunes together,
9 decided where the most valuable habitat was, where the
10 most native species were, where the best water supplies
11 were. And quite frankly they've done an excellent job.
12 The fact that those veg islands to a great degree still
13 exist -- yes, they move and, yes, they were dynamic --
14 but they were identified well with the help of the
15 environmental community.

16 The other thing that we didn't talk about is the
17 fact that the area of riding was fully buffered by
18 state controlled parks. There was the area behind that
19 we talked about to a great extent yesterday. The oil
20 company property that buffers the backside. That was a
21 historic entry. When I first started coming to the
22 dunes, that was one of the ways you could come in from
23 across the Mesa and across that way. The Oso Flaco
24 end, the southern end was also one of the more popular
25 places to camp in the Oceano Dunes, plus Guadalupe that

1 we didn't even talk about yesterday, which was the
2 mouth of the Santa Maria River, you just come out of
3 Santa Maria straight down to Guadalupe and go right to
4 the dunes there and camp at those locations, those have
5 all been either given up completely or buffered away
6 from the uses of OHV.

7 There's been great talk in the past about a
8 southern entrance. One drive down Oso Flaco Road
9 yesterday could tell you how difficult that would be
10 just to get the right of way from Highway 1 to
11 Oso Flaco big enough to have traffic, dune-style
12 traffic up and down that road, plus that would put all
13 of the traffic across the Mesa. As people came across,
14 you would have that.

15 Also, where we stopped yesterday on the tour up
16 at the CEF Station that is near Calendar Road which was
17 one of the entrances that had been considered. The
18 largest area of crystal scrub up and down the coast
19 would have to be gone through, plus right of ways
20 through the railroad, all of those things were explored
21 extensively.

22 I was glad to see that we didn't get into that
23 major discussion yesterday, but these are the things
24 that I worked with through the years with Don Patton
25 and Dennis Dobernack when they were here, and one of

1 Dennis' big emphasis was the idea of trying to figure
2 out how to do this concession, and the fear of
3 concessionaire, and how we do this, and how we keep
4 folks from coming on and off the beach as often as
5 possible, and how we incorporate a system that improves
6 the economics of the community while providing OHV
7 recreation. And he started a lot of these projects
8 that I'm really glad to see Andrew and his staff
9 continue. I was just really excited about the
10 concession opportunities that are there to introduce
11 OHV in a safe manner, trained riders in the dunes.

12 And the towing concession, years ago there was
13 no towing concession, it was considered vulturish.
14 There would be literally 40 to 50 vehicles out there
15 all them just swarm down on any vehicle, money fights,
16 all that type of stuff, all gone. Now you have a tow
17 system that works, and so we're glad to stay that way.

18 And I was going to say, Glamis has done surveys
19 about how people camp. You were talking about that
20 side, and they did a study several years ago where they
21 went out and counted vehicles during the day and
22 counted campfires at night trying to figure out what
23 the group sizes were. And it comes up to that it's
24 seven to fifteen vehicles virtually in every group,
25 which you correlate three or four and 13 isn't that big

1 of a disparity in count for a group of sand
2 enthusiasts.

3 And by the way, Dumont visitors have exactly the
4 same pattern of decreased use that we showed in that
5 slide as far as how many people were coming and exactly
6 what was talked about today in that people come less
7 often and stay longer. So it is comparable in the
8 other sand areas.

9 ROBERT TOLIN: Thanks for letting me have this
10 opportunity to talk. I'm Robert Tolin. I've been
11 coming to the beach at Oceano Dunes since 1985. I like
12 surfing down there. You have a great opportunity to
13 drive on the beach. I taught my kids, both of them how
14 to surf. One is now currently a lifeguard. So I think
15 park exposure and the ability to have access to the
16 park by driving on the beach is important in multiple
17 use of recreational opportunities there.

18 One of the things I think that could help
19 improve the environmental quality, not just for the
20 dunes but for the surrounding communities, replanting a
21 lot of the trees that the county allowed to be removed
22 when the development happened back up on the Mesa.
23 Because as we know, the sand dunes are an ancient
24 formation that has had wind blowing sand throughout
25 history, even when the Chumash Indians lived out there.

1 And just a really short little thing. That's all I
2 wanted to say. Thanks for letting me speak.

3 CRAIG ANGELLO: Craig Angello, just kind of felt
4 like I had to come up and say some stuff, so I'm going
5 to kind of wing it for you. I had a unique situation
6 personally because I've worked on the dunes as a tow
7 truck operator. I currently manage one of the ATV
8 rentals, and then my regular job I'm actually a fire
9 captain for the Five Cities Fire Corps. So I get to
10 see a broad spectrum of what goes on out there. I
11 coordinate all of the OHV training for the fire
12 department, and I've also coordinated training through
13 ASA, which I'm not a current instructor but have been
14 an instructor for them in the past.

15 I just want to put it out there that State Parks
16 has done everything and gone above and beyond for years
17 to ensure the safety and education of the park and
18 visitors. With the ATV rentals, we teamed up with
19 Friends of Oceano Dunes and State Parks on a couple of
20 occasions and brought underprivileged children out to
21 the dunes, put them on a closed-circuit course, and
22 spent hours with them in teaching them how to ride,
23 giving them the opportunity to go through and learn
24 about riding safely and educating them on what is the
25 proper equipment to wear or what to look out for,

1 getting a feel for the ATVs. And then once they left
2 us, they went up to the Monarch Butterfly Grove and
3 learned about the natural environment up there, all put
4 together by primarily Friends of Oceano Dunes. And we
5 just did what we could to help support them.

6 As far as the fire authority goes, we were
7 running into a problem where we were getting called out
8 there, automatically call fire, but we didn't have any
9 equipment to make it in the dunes. So we were loading
10 up our trucks or SUVs with Jaws of Life to cut people
11 out of a car, which occasionally does happen. And
12 State Parks got behind this, Cal Fire got behind this,
13 and even had support from Friends of Oceano Dunes,
14 local community, and they pushed and we put in for a
15 grant program through OHV to get a vehicle. Now we are
16 able to respond out there and provide a better level of
17 service, and it's a safer park because of that.

18 And they're constantly looking outside the box
19 and trying to find ways to improve the safety and
20 improve the education out there. And I just wanted to
21 make sure we spoke about that. And not once have I
22 ever had any of the naysayers in this room come to me
23 and say, how can I improve the park, how can I be part
24 of the solution and not create a problem? Thank you.

25 JOHN STEWART: Good afternoon, Commissioners,

1 John Stewart, California Association of Four-Wheel
2 Drive Clubs. I would like to give kudos to the staff
3 for their tour yesterday and for their great job. They
4 have done putting together a program that is working
5 for the dune visitors. And the fact that you are
6 taking a regular State Parks with Pismo Beach State
7 Park right next door, in fact, in cooperative
8 agreements they share a lot of staff and issues, but
9 you have two different park units that are working side
10 by side, and from the tour yesterday and from the
11 information presented, it looks like it's a great joint
12 operation. I'm encouraged to hear about the economic
13 study that is due to be released, anxiously looking
14 forward to seeing the details when it does come out.

15 The one question I have to ask under the study
16 is as you have two different units of the park system
17 and noting that the visitorship to the OHV area is so
18 much larger, I'm just kind of curious, something I'll
19 be looking for is how much of the Oceano SVRA income is
20 actually turned around and subsidizing the Pismo State
21 Beach operation.

22 PAUL STOLPMAN: My name is Paul Stolpman and I'm
23 a resident of the dunes, the Pismo dunes. But I'd
24 liked to comment on the economic impact study. I'm a
25 30-year veteran of the Environmental Protection Agency.

1 I'm an economist, and I've done numerous cost benefits
2 studies. I'm delighted that there is an economic
3 impact study. There is, from what I understand, a huge
4 hole in that study, which is what are the costs of the
5 park's operations, especially on my health and the
6 health of those that are exposed to the emissions
7 coming off that.

8 So for this to be a complete study, and we have
9 had to do a lot of cost benefit studies at the
10 Environmental Protection Agency. Let me give you six
11 categories that would have to be costed out. There are
12 algorithms that are available that allow this type of
13 costing out to be completed. They would include the
14 following six, and I think there are more. This is an
15 art that has evolved over time and keeps getting better
16 and better.

17 They would need to enumerate and quantify the
18 cost of the premature deaths that are caused by the
19 emissions coming from the park.

20 They would need to enumerate and cost out the
21 cost of hospital admissions from those of us that get
22 aggravated lung or heart disease from this.

23 They would need to cost out the impact on
24 visibility. EPA is very good at developing visibility
25 standards. There's very good algorithms on visibility.

1 They would have to cost out the cost of the
2 residents cleaning up with all of the dust on the
3 curtains and the fabrics, et cetera, and the windows,
4 the cleaning that we have to engage in.

5 They would have to cost out the impact of the
6 days lost from work, of which there would be a large
7 number given the health effects. And they would need
8 to cost out the degradation in property values.

9 Now that's a sub list of the items that would be
10 necessary to have a complete economic impact study. I
11 look forward to seeing those results, as well as what I
12 consider to be the revenue side, but thank you.

13 NELL LANGFORD: Nell Langford, good afternoon
14 again. I would just like to add to the former
15 speaker's list. Our infrastructure that is degraded
16 because of these use vehicles that come down our way,
17 we have to enlarge interstate connections, and you know
18 how expensive all of this is. Who pays? We pay.

19 CDF is going out there, you just heard
20 testimony. Who pays? We pay. We pay CDF. We, the
21 county, the taxpayers, pay CDF. It does not come out
22 of your budget.

23 And also the paraplegics that you heard about
24 earlier, how much money are we spending for people's
25 rehabilitation, people who can't work because of the

1 accidents and injuries that occur at the Oceano Dunes.
2 And, by the way, we need a beach blotter.

3 Back to the budget, 80 percent of your budget
4 comes from the fuel tax. We pay at the pump. The
5 stuff you get at the gate is nothing compared to what
6 we give you as California, people at the pump. There
7 is no reason why you should get that tax. That's
8 because the Chappie/Z'berg Act of 1971. It should be
9 repealed instantly.

10 I'd like to go over the superintendent's general
11 overview and do it the way that maybe I would have done
12 it. Yes, the Chumash first, and, no, that land is not
13 fully protected as you heard him say. How could it be
14 fully protected with the degradation that's going on?

15 The plover in terms of the resource management,
16 there are none left at the creek. Economics, it's a
17 joke. Creative, yes, as usual; but having validity,
18 absolutely not. You heard they've done a survey --

19 Well, let me give you a history of how you do
20 the economic stuff. Well, just to give you a scene.
21 You have a superintendent of the ODSVRA going through
22 surveys. He decides that he's going to throw out all
23 of the surveys that does not write in that they spent
24 nothing. He put them in the trash. This made the
25 appearance of more money per visitors, and all of this

1 documented. It was reported at a board of supervisors
2 meeting. And he was called on it, and admitted it.
3 The person who crunched the numbers on that study was
4 outraged at the claims that were made. That study then
5 became piggybacked by the Friends of Oceano Dunes, who
6 then using the Consumer Price Index, decided that was
7 1990, this is today, oh, 200 million. So our
8 illustrious leaders over here all quoted that figure.
9 Now you've got a new one, 171, wow. Why don't use
10 Dean Runyan's study? Dean Runyan is the foremost
11 economic analyst in the State of California for all of
12 county and country. The ODSVRA in 2009 brought in \$237
13 million, and that's an exaggeration.

14 DAVE PICKETT: Dave Pickett, District 36. Wow,
15 again, how do you follow something like that.

16 I am so impressed with what I've heard from
17 staff, the layout, the pamphlet that is here. I'm
18 really disappointed I couldn't get away and come down
19 earlier to go down on that tour. What an awesome
20 project. All of the bases covered. Every
21 environmental issue that you can put together, and it's
22 all paid for by a program that uses no tax dollars,
23 despite what many people have said today. I've heard a
24 lot of accusations by folks that live in the area, but
25 what about the four plus million people in the state

1 who recreate via off-road and have a wonderful facility
2 to go like this, let alone one that has more visitors
3 than in the State Park in the whole system.

4 I'm just going to spit it out here. These
5 exaggerated claims that I'm hearing about lung disease,
6 it's just like that at Clear Creek, have a comparison.
7 We've got EPA, government, giving us some numbers and
8 then we have Harvard University and specialists saying
9 that the government is wrong. Who are you going to
10 believe? That's pretty much what is happening here in
11 my opinion.

12 One question I had, and I wanted to double check
13 something under the lodge and conference center
14 project, 1982 and to be open in 2012, 30 years; is that
15 true? Or is that a typo?

16 COMMISSIONER KERR: That's true.

17 DAVE PICKETT: We're talking three decades to
18 get through a project which would include the lawsuits,
19 I'm assuming, that have led through it. That is just
20 unbelievable. I mean if there are any more delays,
21 which I think there will be because the Coastal
22 Commission has got to approve this, I ask you guys to
23 fight, burn every damn penny we have, keep this thing
24 going. Thank you very much.

25 KEVIN RICE: Good afternoon, Commission,

1 Kevin Rice, resident of San Luis Obispo County. I'd
2 like to start by reading a passage from Don Gaspar de
3 Portola's diaries. As you may know, if you know your
4 California history, Portola's expedition founded
5 El Camino Real, California's first highway and mission
6 system. This was written Monday, September 4, 1769.
7 Of course it's translated into English. At half past
8 six in the morning, we set out west over sand dunes,
9 and that was basically Oso Flaco Lake to the south,
10 which we crossed in the narrowest part discovered by
11 the explorers only half a league wide. We then struck
12 the beach and traveled north along a matter of one week
13 to the northwest. From there we went inland, again
14 turning to the east and crossing the dunes by another
15 narrow place half a league wide.

16 Well, by that account and history, we know that
17 the Portola expedition and California's first highway
18 was, in fact, established on Oceano Dunes on
19 September 4th, 1769, Monday, at 6:30 a.m. California
20 Oceano Dunes remains the only beach that is still a
21 highway legally that you can drive upon. And with that
22 history, I think it's very notable.

23 On September 17th of this year, responsible
24 off-highway users and park supporters once again made
25 Oceano Dunes the number one most successful coastal

1 cleanup day site in San Luis Obispo. That's four years
2 in a row that off-road and other interests to pick up
3 trash on the beach. A total of 850 pounds of trash was
4 removed from Pismo State Beach, Oceano Dunes, and
5 surrounding areas by 97 volunteers. Individuals
6 represented Santa Maria 4-Wheelers, Cal Poly Goats 4x4
7 Club, CORVA, U4WD, NAXJA, Central Valley Crawlers,
8 Cal Poly Filipino Cultural Exchange Club, Boy Scout
9 Troop 322, Girl Scout Troop 40364, Coca-Cola, Trace Day
10 Firewood, Guiton Real Estate, Arnie's ATV Rentals,
11 B.J.'s ATV Rentals, Angello's ATV Rentals, Broken Bikes
12 Off-Road, and YourDunes.org, which is my website.
13 Also, we had support from Friends of Oceano Dunes,
14 which helped sponsor this year, and I would show you
15 pictures, but you can go to YourDunes.org to see photos
16 if you'd like.

17 I would like in the remaining seconds address
18 the noise issue. Certainly the parks and the users are
19 interested in being good neighbors, but specifically I
20 would like to point out that San Luis Obispo County
21 noise ordinance Municipal Code 2306042, exceptions to
22 the noise standard not applicable to noise from the
23 following sources, sub-paragraph (a)(5), activities
24 conducted in public parks. So that doesn't mean we
25 can't be better neighbors, but if we get into noise,

1 let's look at train traffic, vehicle traffic, air
2 traffic. I think there are a few individuals that are
3 picking out one noise source that are far, far fewer
4 than sources that are right close by.

5 As far as the Runyon study, it didn't include
6 anybody but the campers on the beach, not the vacation
7 renters, not the hotel stayers, and not the day users.
8 That accounts for the difference.

9 CHAIR LUEDER: This concludes our public comment
10 on this item.

11 (Returned at 3:09 from break starting at 2:53.)

12 CHAIR LUEDER: Before we get started on the next
13 item, I wanted to acknowledge the staff at Oceano Dunes
14 for the wonderful presentation. In addition to the
15 tour they gave us yesterday, you gave us a very concise
16 and complete presentation. And so I just want to thank
17 the staff for putting that together and bringing it to
18 us. There's a lot of exciting things going on, and I'm
19 sure we will be interested in hearing as things begin
20 to develop. So thank you for that.

21 COMMISSIONER FRANKLIN: Thank you very much. I
22 have a real quick question, Dr. Langford. You had
23 mentioned that there was a city council meeting that
24 there may have been some funny business, we will call
25 it, with documentation?

1 NELL LANGFORD: Yes.

2 COMMISSIONER FRANKLIN: Do you know when that
3 was?

4 NELL LANGFORD: Bud Laurent was the chair of the
5 county board of supervisors. I had come prepared to
6 expose the whole thing myself, but locally another
7 person in the room did statistics, and that would have
8 been Supervisor Laurent. And so he questioned Don
9 Patton and asked him, did you -- in fact, his report
10 indicates that he did, but it's shocking that he
11 actually did, remove those questionnaires from the
12 survey which -- by the way -- the process of taking
13 that survey is another issue, but he -- if they didn't
14 write in zero, he'd throw it out.

15 COMMISSIONER FRANKLIN: And this was
16 approximately when you think?

17 NELL LANGFORD: It was probably in 1990 I think,
18 somewhere around there.

19 COMMISSIONER KERR: When, 1990?

20 NELL LANGFORD: Was it '90?

21 COMMISSIONER KERR: Oh, that's the old survey,
22 not the one that we just did. So you're not
23 questioning that one.

24 NELL LANGFORD: Oh, I am in advance because I
25 know the techniques that are used on these studies,

1 believe me. It's the same hanky-panky, believe me.

2 COMMISSIONER FRANKLIN: Thank you.

3 //

4 **AGENDA ITEM V(A) - Oceano Dunes Air Quality**

5 CHAIR LUEDER: So we are moving on to Item V(A)
6 to get an update on the draft rules from the Air
7 Pollution Control District.

8 CHIEF JENKINS: I'll just begin with you have in
9 your binder our staff report on this topic, thought
10 maybe I would just go through that, give you some of
11 the highlights. I know you've had a chance to look
12 over the actual staff reports, so I don't want to
13 belabor that, just go over and hit some of the
14 highlights and add a few points. And I believe that
15 will probably be enough to begin the conversation, and
16 we will go from there. Also, in the binder and also on
17 the back table, the letters we have presented to the
18 Air Pollution Control District Board citing some of our
19 concerns. So quite a bit of written material, I
20 recognize, which I'll try to summarize that to some
21 degree to kick off our discussion here.

22 The issue came to light around 2004 when the
23 current chain of events began when the Air Pollution
24 Control District was looking at elevated PM10 levels on
25 the Nipomo Mesa. A report was done at that time. It

1 was completed in 2007. That initial report determined
2 the levels of PM10 on the Nipomo Mesa were coming from
3 the riding area. It didn't go into a lot more of depth
4 just that conclusion, the source of the PM10 was
5 somewhere between the surf zone and the back of the
6 riding area, so coming from that area that was
7 identified. Why it was coming from that area, that
8 report didn't have as sharp of conclusions.

9 So the Air Pollution Control District went
10 forward with another study. I think it began around
11 2008, but it was published in 2010 after they had
12 completed their studies. That one typically is
13 referred to as the Phase 2 report. It's the follow-up
14 report on that first report that was published in 2007.

15 The Phase 2 report reached a couple of
16 conclusions that they published in that report. One
17 was, the Phase 2 report said that the sand rolls more
18 easily or moves on a lower wind speed, if you will, in
19 the riding area than outside the riding area. The
20 reason that is of concern is because whenever the sand
21 is being pushed by the wind -- a little of this was
22 discussed in a lot more detail yesterday by some of the
23 scientists -- but as those sand particles begin to be
24 pushed along by the wind and bumping into one another,
25 that kicks up the PM10, which is then caught up by the

1 wind and moved inland. So that Phase 2 study came to a
2 conclusion that in the disturbed area, in other words,
3 the area where the vehicles are driving around on the
4 sand, the sand began to move at a lower wind speed,
5 which would seem to indicate that there's an elevated
6 amount of PM10 coming out of the riding area over what
7 would be their natural, was the conclusions that they
8 reached. They said that there was a noticeable
9 correlation between the elevated PM10 levels behind the
10 riding level as compared to PM10 levels behind the
11 non-riding area. So that report was published.

12 The Air Pollution Control District did have it
13 peer reviewed, and they didn't find any irregularities
14 in the way the studies were conducted, et cetera. When
15 we got the results, we asked for some peer reviews of
16 our own. We asked California Geological Survey to look
17 at the way the study came to their conclusions. We had
18 a firm, Illingworth and Rodkin, take a look at it, and
19 we also had TRA Environmental Services look at the
20 conclusions of the Phase 2 report.

21 And I'm only mentioning this not to just be
22 going after that kind of chain of events, did we agree
23 or not agree with the Phase 2 report, but since the
24 rule that's being proposed by the APCD currently, by
25 the Air Pollution Control District, is founded on the

1 conclusions essentially of the Phase 2 report, it's
2 important that we mention some of our concerns.

3 After we had those various organizations look at
4 that report, they came out essentially with some
5 concerns that they related to us, one of which was that
6 the wind that was measured during the course of the
7 Phase 2 report was measured from the deepest part of
8 the riding area. So if you recall driving around
9 yesterday when we were standing at the Boy Scout
10 Overlook area looking out to the beach at the S1 Tower
11 and looking inland toward the CBS station, the Phase 2
12 report said that when wind begins to blow sand around
13 on the beach way out there by the S1 Tower, that's
14 where their instrumentation was located. It was close
15 to where the S1 Tower is located they were measuring
16 the actual wind speed from CDF, which is some
17 two-and-a-half miles inland.

18 So the California Geological Survey and the
19 Illingworth and Rodkin report both said that they
20 suspected that the wind speed came in significantly
21 lower than the wind speed out on the beach, which
22 called into question the conclusions about what speed
23 the wind has to be before the sand begins to move, thus
24 generating the PM10. So there were some questions we
25 had about that, and we relayed those concerns to the

1 Air Pollution Control District Board.

2 TRA Environmental Services also looked over the
3 background data information that was used in the Phase
4 2 report and found other things that did raise some
5 concerns for us. For instance, amongst the issues that
6 they raised was that the one-year average of how much
7 is the average wind speed, how often do we exceed the
8 PM10 levels that are mandated by law, et cetera,
9 instead of 12 months, they mistakenly used 13 months.
10 And the month that got doubled up was the windiest
11 season in the year, so that tended to skew the results
12 somewhat.

13 So there are a number of things like that that
14 gave us pause. It didn't mean that we don't agree that
15 there is a PM10 issue on the Mesa. We have tried to be
16 very consistent in saying that we recognize that fact.
17 The measurement data can't be denied. There are PM10
18 monitors on the Mesa. There are numbers of days
19 throughout the year that PM10 levels are elevated above
20 what's recommended by federal standards. So there is
21 definitely a problem that there needs to be addressed.

22 Our approach has been to try to work with the
23 APCD to find collaborative ways to address that. And
24 so for instance, after the Phase 2 report came out,
25 even though we had some concerns as was pointed out, we

1 sat down with the APCD and with the county and started
2 looking for ways to develop a pilot project that could
3 form the development of a plan to address the issue.
4 So the pilot project that was subsequently funded and
5 done was done with the full knowledge and cooperation
6 of the California State Parks, County of
7 San Luis Obispo, and the Air Pollution Control
8 District. As a matter of fact, the Air Pollution
9 Control District helped us pay for the study. So when
10 they were trying to get the study off the ground, they
11 had money was ready prior to us. We had to go through
12 a legislative process to get money added to our budget.
13 So they paid the first \$25,000 for the study, and then
14 we paid \$75,000 to conclude the study.

15 That pilot project was recently completed, and
16 the report has been now published. The design of that
17 project and the way they did it and how they did it and
18 when they did it, all of those parameters when we were
19 hiring the company -- the company is DRI, Desert
20 Research Institute, when we were hiring them, and
21 initially APCB hired them when they paid for that first
22 \$25,000 worth of work and then they came under our
23 contract for completion.

24 So the methodology of the study was all arranged
25 and coordinated between the three agencies to make sure

1 that what they were doing would produce results that we
2 could all agree to so that we didn't end up with one
3 agency looking at another saying you paid for the
4 study, so it must be skewed. Our effort between the
5 county, APCB, and State Parks on this one, was to go
6 hand in hand on this, work together, allow the
7 scientists to have kind of a freedom of movement so
8 that they were making decisions based on science and
9 not on politics.

10 So they did their study. They did three
11 projects, there were three phases to the study. One
12 was a comparison of emissivity -- and this is where it
13 begins to get where I try to stay away from all of the
14 terms in the report because it drives me nuts.
15 Essentially, what they were looking at is what's the
16 likelihood of the availability of the sand to produce
17 PM10, those tiny particles that you can breathe into
18 your lungs that cause problems.

19 So they did one section of that where they went
20 to the back corner of the dunes. So if you remember
21 when we were on the back of the open area, that's where
22 they did testing both inside and outside the riding
23 area and compared those results up and down that fence
24 line. And in that area, as the report indicates, they
25 had some instrumentation problems. They tried to

1 correct those with mathematical corrections when they
2 got back to the lab, but that section of measurements
3 that they took down that fence line, in and outside the
4 riding area, showed and the way that they wrote in the
5 report was a slight increase in emissions of PM10 in
6 the riding area over the non-riding area.

7 They said the lower wind speeds there is
8 essentially very little difference, but when you get
9 into the 40-plus mile-per-hour wind speeds, there was a
10 1.7 percent greater emissions in the PM10 in the riding
11 area than the outside.

12 And then to balance that against the second part
13 of their study that they did, which was the hay bale
14 project. So in the center of the dunes when we were
15 over there by S1, we saw the hay that was in the sand
16 by S1. That's where they placed the hay bales. The
17 purpose of that particular section of the project was
18 trying to see if they could slow the sand movement
19 down. So if you recall, Phase 2, like I said earlier,
20 they determined the sand moved more within the riding
21 area than out. And so they were going to see if they
22 put down barriers, obstacles, hay bales in this case,
23 and slow that effect down.

24 Prior to placing the hay bales, so when they
25 were getting ready to pick the site, vehicles had been

1 riding all over the sand, they took their devices, set
2 them up just like they had done on both sides of the
3 fence, and measured how much wind does it take to make
4 the sand move there in the riding area. They actually
5 came up there, the hay bale site, with the lowest
6 emissivity. They found the lowest likelihood of PM10
7 emission was there at the riding area, which was
8 surprising to all of us when we looked at the study
9 because that seems to be counter to the conclusions of
10 the Phase 2 study.

11 The fence line project seems to support some of
12 the conclusions of the Phase 2 study. The readings
13 from the hay bale project using the same
14 instrumentation, same people, same time of year, same
15 everything using the same instrumentation, seems to be
16 completely counter to the conclusions of the Phase 2
17 study.

18 And then the third part that they did, is they
19 went down to the vegetated area in Oso Flaco Dunes, so
20 down by where we had lunch essentially. They went out
21 into undisturbed sand in a vegetated area and took the
22 reading one more time. All of the readings came out
23 essentially inside a very narrow set of parameters so
24 that the fence readings, the slight difference inside
25 than outside the fence, and hay readings and vegetation

1 readings all came out essentially the same.

2 So that's an unexpected result based on
3 information we had from the Phase 2 study. It would
4 seem to indicate that no matter where you go in the
5 dunes you're going to find some slight variation. And
6 as we saw as you walk around on the tops of the dunes,
7 where you've got that fairly soft sand as it filters
8 down from the wind, the vehicles were having a hard
9 time driving through than down at the bottom where it
10 was packed in more and the vehicles could move a lot
11 more quickly and they weren't struggling. So within
12 the dunes you get a wide variety of soft sand, packed
13 sand, et cetera. And so it's hard to interpret some of
14 these scientific studies as having the final answer.
15 With all science, you need to take the data that you
16 have, analyze it, do further studies, analyze that.
17 Every time we go through the cycle, we learn something.

18 What State Parks is doing currently is we're
19 trying to continue to work collaboratively with Air
20 Pollution Control District and finding ways to move
21 forward. I've been in front of the Air Pollution
22 Control District Board several times now, and the
23 message that we, at State Parks, that Daphne is asking
24 me to promote to them every time is, yes, we continue
25 to have concerns about the foundations of the rule, we

1 continue to have concerns about the Phase 2 study, but
2 we're committed to trying to work together with the Air
3 Pollution Control District to find solutions because we
4 recognize that it's a public agency. We're out there
5 to try to make things better for the community, both
6 people that are enjoying the park and the people that
7 are affected downwind.

8 What we've done most recently, after we
9 collaborated with them on paying for the pilot project,
10 they just came to us recently and said they wanted to
11 do more testing out in the community where they will
12 take PM10 monitors and place them at various locations
13 throughout the community and try to map out where the
14 particulate matters is particularly elevated throughout
15 the community. They came to us and asked us to fund
16 half of that, 50/50 with them, and we agreed to that.
17 So we're working with them very closely to look for
18 other data so we can get a full picture of what's going
19 on with all of that.

20 Another way that we're working with them and the
21 county and in this case Oceano Community Services
22 District, is when we were on Pier Avenue, and we had a
23 picture earlier of Pier Avenue with the sand on Pier
24 Avenue, recognizing that is an issue that affects the
25 community, Andy has, with our budget, gone out and

1 hired a contractor to sweep Pier Avenue. How many
2 times a week do they do that now?

3 SUPERINTENDENT ZILKE: Three times a week.

4 CHIEF JENKINS: So on the windier times when
5 there is more sand they are going three times a week
6 and then as needed. So we have our own street sweeper
7 and sweep our portion of Pier Avenue, which is closer
8 to the kiosk and ramp area, and we're now paying a
9 contractor to go out and sweep the remainder of Pier
10 Avenue. So we are trying to once again work with the
11 community, keep the sand off the Pier Avenue as much as
12 possible, and find ways to address the issue.

13 The rule that is now out in the draft form --
14 and by the way, the rule that is in our binder has just
15 been updated. I understand the Air Pollution Control
16 District just came out I think the day before we went
17 on the tour with the latest version. I haven't had a
18 chance to read through it in great amount of detail.
19 From what I understand, there are a few modifications
20 to the proposed rule in there that has to do with more
21 monitoring in the projects, which was something that we
22 had discussed at the Air Pollution Control District
23 Board meeting.

24 So the draft rule essentially calls for
25 monitoring of PM10 in the dunes and for the development

1 of a PMRP, a Particulate Matter Reduction Plan. In
2 other words, we need to measure the air to find out how
3 much particulates are in the air, and then we need to
4 come up with a plan with actions to reduce that.

5 Our concern over the rule -- just to kind of
6 boil it down to the shortest possible way to address
7 it. Our concern over the rule is that the way that the
8 group proposed this to determine if we're in compliance
9 or not, is going to be to have monitoring behind the
10 riding area. So you have a monitoring station
11 somewhere between those dunes where we are operating
12 the SVRA, and couple that with a monitoring area behind
13 sand where there is no riding going on. And then any
14 time there is a significant difference between those
15 two monitoring stations, we would be considered out of
16 compliance and can be charged \$1,000-a-day fine for
17 that.

18 Our concern over that is the wind as you move up
19 and down that coastline is variable. Even driving just
20 in and out of the dunes, you'll be in one area where
21 it's really gusting quite heavily and you'll go over
22 the next dune and it will be quite a bit less. There's
23 been a variety of results that come out of the
24 different measuring stations. Even into the Phase 2
25 studies, you'll get some of the results and at times

1 some of the non-riding areas exceed the riding areas
2 for PM10 emissions. So once again, if you just follow
3 the basic thought that it's always higher in the riding
4 area, that's not always true. So with that kind of
5 variability, we're very hesitant to have a rule that
6 says any time we're higher, then we will be fined
7 because it may be that we're higher at times due to
8 some of the activities going on. It also may be that
9 it just was a lot stronger gust in that part of the
10 park where the monitoring station will be.

11 What we've proposed to them as another way to
12 approach it is rather than a rule that has a fine
13 hanging over your head all the time, to continue our
14 collaborative approach that we've been doing with the
15 Air Pollution Control District and continue to look for
16 solutions together perhaps without that rule always
17 hanging in the background of \$1,000 a day, \$1,000 a
18 day.

19 We believe that we've shown an honest effort to
20 meet them halfway and begin to look for solutions.
21 We've put our money where our mouth is, if you will,
22 and funded some projects and released control on the
23 DRI project. We're paying for it. We're going to
24 accept the answers that come out of this, and we're not
25 going to try to control it. It was a three-way deal

1 where we're all turning that over to scientists.

2 As we move forward, the solutions -- before you
3 begin to say, okay, so this is what we'll do, we'll do
4 this action or that action -- need to be built on a
5 better understanding of how much, if any, contribution
6 above the background amount of PM10 is due to our
7 activities in the dunes. Even though right now it's
8 been told to us we're causing a lot of the problem by
9 having the vehicles in the sand, nobody at this point
10 has been able to quantify that in any way. Is it one
11 percent more because we're out there, is it ten percent
12 more that because we're out there, and there is no
13 number. Without that number, it's difficult to know
14 when you're successful in achieving improvement. So if
15 we reduce the amount of background PM10 by ten percent,
16 is that enough. We don't know, because nobody can tell
17 us how much they think we're contributing to the PM10
18 problem. The point of it is it's a very dynamic
19 problem. We recognize the problem. We want to work
20 with the appropriate agencies to solve it. We just
21 think that the time for this rule and the fines isn't
22 quite right, and we'd like to work with all of the
23 other agencies and develop better data before we move
24 to that point. We're happy to take any questions.

25 CHAIR LUEDER: After reading some of the

1 summaries and data and after what we learned yesterday,
2 would it be fair to say that the data that's been
3 gathered so far is a certain set of data, but it's by
4 no means a complete set of data that would fully
5 explain what is the natural state of sand movement in
6 the area versus what is our OHV park contributing, if
7 any, over and above that. Is that a fair assessment?

8 CHIEF JENKINS: I think all of the studies that
9 have been done provide valuable information and
10 consideration, but I don't think we have, by any
11 stretch of the imagination, the complete answer of
12 what's going on in these dunes.

13 There's been a lot of comparable studies done in
14 other areas in the state but not on this type of
15 dynamic -- it's a walking dune complex. It's a walking
16 dune complex that over eons have marched inland. A lot
17 of the other studies that we're all basing some of our
18 science and research on are more inland areas where the
19 soil types are different. So it's hard sometimes to do
20 direct correlations of if it's true in one part of the
21 state, is it true out in the dunes. I think we're all
22 learning together. Like I say, every time we do these,
23 we get better data, but I don't think we have all of
24 the answers yet.

25 CHAIR LUEDER: And then my understanding is that

1 there's only two stations right now that are collecting
2 data. There's S1 and S2; is that correct?

3 CHIEF JENKINS: You might have to check with
4 somebody from the board to be sure. There are two
5 permanent stations. So there is the CDF station that's
6 collecting PM10 measurements, and then there's the
7 Mesa 2 station that's collecting PM10 measurements, and
8 those are there year round.

9 And then the APCD has been putting in other
10 stations already, so they've been measuring at the
11 schools to measure PM10. They're getting ready to go
12 into the neighborhoods. So the PM10 monitors move
13 around, but that's the two permanent stations.

14 CHAIR LUEDER: Wasn't their proposal to add
15 additional stations, but the permit was rejected by the
16 Coastal Commission?

17 CHIEF JENKINS: You're asking about the wind
18 towers, so yes. When we first got the results of the
19 Phase 2 studies, we were recognizing that we were going
20 to be in this for the long haul, and collectively all
21 of the agencies together, we're going to need better
22 data. We put in a request for five wind towers. We
23 have the one wind tower that we worked with the San
24 Luis Obispo County to erect in the area of the S1 site.
25 It's in the middle of the park there, and it's located

1 near where a lot of the instrumentation, the westward
2 edge of the instrumentation for the Phase 2 study was
3 located.

4 We worked with the county to get that one site
5 up, and then they asked for a permit to put up four
6 more on top of that. That permit is currently at the
7 Coastal Commission, and it was appealed. And so until
8 it's settled, we're not able to put up those remaining
9 wind towers. Those towers were going to collect wind
10 speed and wind direction data so we would begin to map
11 the wind so we'll know more about where is the wind
12 going and how often is it blowing.

13 CHAIR LUEDER: Before we start asking questions
14 amongst Commissioners, is there is Mr. Allen here from
15 the Air Board that could possibly shed some more light?

16 CHIEF JENKINS: Actually, I had spoken to Larry.
17 He was hoping to make it today. I contacted him
18 earlier and let him know we would be talking about it
19 this afternoon, but he has not been able to make it, as
20 I understand.

21 CHAIR LUEDER: In his absence, I guess we'll
22 have to ask the questions of you at this point.

23 COMMISSIONER SILVERBERG: Thank you,
24 Mr. Jenkins, for that fine report summary. A few
25 questions to try to keep it simple: You mentioned that

1 the data points for gathering, one of them is the CDF
2 that we stopped at yesterday on the tour?

3 CHIEF JENKINS: Yes.

4 COMMISSIONER SILVERBERG: Is that one of the
5 main gathering points on the Mesa that was used for the
6 study?

7 CHIEF JENKINS: For the study, they actually had
8 other PM10 monitors placed around the community.
9 They're not year-round monitors. So they had some
10 monitoring on Pier Avenue, for instance. There were a
11 number of other locations for monitors during the
12 course of the study. Some of the monitors were up for
13 a short amount of time, some of them were up for a
14 year. The two that are still there are the permanent
15 ones that are year round. So during the Phase 2 study,
16 there were a number of PM10 monitors around the Mesa
17 and the beach.

18 COMMISSIONER SILVERBERG: A visual earlier that
19 Ronnie put up where you could see the large
20 agricultural area, the monitors it seem to be behind
21 that or next to it. Was that considered part of the
22 study?

23 CHIEF JENKINS: The Phase 2 study does look at
24 is there a contribution from agriculture. It looks at
25 is there contribution from the refinery there, the oil

1 refinery. The conclusion stated in the Phase 2 study
2 is there is not a significant contribution of the PM10
3 from the agricultural fields or from the oil refinery.

4 We were once again a little concerned about that
5 the monitors weren't there for long periods of time,
6 just a few weeks in each case. And so particularly in
7 the agricultural area where you go through the planting
8 cycles, growing cycles, and harvesting cycles, and so
9 not knowing exactly what the conditions were in the
10 fields then or what might have been going on the rest
11 of the year, it certainly would be nice to have a
12 year-round look at what the contribution might be from
13 the agricultural fields. But the Phase 2 study as it's
14 published, based on the work that they did do, ruled
15 out agriculture as a significant contribution.

16 COMMISSIONER SILVERBERG: That seems a little
17 odd seeing as when you run a tractor, a plough through
18 the soil and you have high winds, and even when we were
19 just driving around, you could see all of the roads
20 over there yesterday, the dirt roads, it would seem
21 very odd that they would eliminate that as any part of
22 the study; I don't understand that.

23 CHIEF JENKINS: We weren't involved in the
24 building of that part of the Phase 2 study, just trying
25 to look at the results after the fact. So I don't know

1 that I can give you an answer on that.

2 COMMISSIONER SLAVIK: Well, I don't want to put
3 you on the spot, Phil, but this deal with the Coastal
4 Commission for our permit to put these additional
5 testing stations up, do we know who appealed? And is
6 that relevant to the situation here, or is it something
7 completely outside of that? In other words, somebody
8 didn't want one in their backyard or something like
9 that, for some reason.

10 CHIEF JENKINS: I believe the people who
11 appealed are here in the room today and will probably
12 speak to you at the public comment period. I don't
13 want to even begin to guess as to why they might have
14 done it.

15 COMMISSIONER FRANKLIN: Chief Jenkins, I've got
16 a little trouble here, I did go to public school in
17 Washington State, but it was only a 12-month year. So
18 California is a little progressive with that, so we'll
19 get past a 13-month year and go with a 12-month year,
20 and then we're going to measure wind speed inland but
21 then sand movement at the beach, instead of apples and
22 apples. So I guess that's a good reason we want to
23 review the data and have it peer reviewed.

24 What about the 101 freeway, has anyone thought
25 of contributions of PM10 from the freeway there?

1 CHIEF JENKINS: The Phase 2 study doesn't, as I
2 recall -- somebody can correct me if I'm wrong on this.
3 I don't think the Phase 2 study looks at the freeway
4 because the prevailing wind pattern is blowing towards
5 the east, and the PM10 that might be kicked up from the
6 freeway might be blowing away from the Mesa. There are
7 days, though, such as two, three days ago when the
8 Santa Anas were blowing that the wind was blowing
9 westward. That might be an issue. Since it's a rare
10 occurrence for the winds to blow towards the west, I
11 don't think that has been looked at.

12 COMMISSIONER KERR: I'm not asking you to
13 speculate on why, but I would like to know who filed
14 the protest with the Coastal Commission regarding the
15 wind towers, which were going to be completely on our
16 property and as far as I know would not have created
17 any visual pollution for anybody off-site.

18 CHIEF JENKINS: It's my understanding that
19 Dr. Nell Langford filed the appeal.

20 COMMISSIONER KERR: And then getting back to
21 what we could do to have better data and have this be a
22 more scientific decision, so I've been around a lot of
23 farming in my life, and as I said on the tour
24 yesterday, we drove down some roads with a lot of dirt
25 on them, and obviously you have a lot of activities.

1 In those fields it's likely they're probably growing
2 five or six crops a year in those particular fields.

3 Is there any reason why we can't put some
4 measuring devices on the properties that we're leasing
5 out? It seems like the agricultural issue is a major
6 potential source. I'm not saying that it is the
7 source, but certainly it is a potential source of
8 particulate. So I probably would like to know more
9 about the agricultural's contribution to this problem.

10 And then, of course, with all of the issues
11 about where you measure the wind and where you measure
12 the particulates, and I think we all heard that quite a
13 bit, but if we ever get around to trying to mitigate
14 this stuff, then we ought to really understand where
15 it's coming from, whether it's naturally-occurring
16 phenomenon. Even if it is a naturally-occurring
17 phenomenon, I think everybody would like to see the
18 particle count reduced if we can figure out a way to do
19 so. But I'm just wondering should we be putting
20 measuring devices on our own property there in the
21 agricultural zone and seeking out leases to put up
22 other devices?

23 CHIEF JENKINS: I think that's an excellent
24 solution, and I think Andy and his staff has been
25 anticipating such a request from all of us. They've

1 been putting together mobile towers that if we get to
2 that point so that we can get the correct
3 instrumentation and the ability of permitting to go put
4 them in place, we would begin to instrument the
5 backside of the dunes so we can get a much better
6 picture.

7 One of the things that we have to address as we
8 look at that is when they did the Phase 2 study, they
9 used a lot of what they call E-BAM when they're
10 measuring the permanent year-round stations, and what's
11 being required when you look at the rule is a BAM, it's
12 an instrument that's very expensive to operate. You
13 have to have a lot of specialized training to take the
14 readings and do all of that. And then there is an
15 E-BAM, which is like the cheaper, not quite as
16 accurate, smaller version. That's the one that was
17 used partially in the Phase 2 study when they had some
18 of the ones that they were moving around because they
19 don't take quite as much power.

20 So we've been talking with our staff about where
21 would we put those type of instruments, when would we
22 use the E-BAMs that is less expensive, easier to power.
23 And our concern and what we would like to do as an
24 approach is work with APCB so that wherever we put
25 those, they'll acknowledge the information as being

1 valid. There is no point in gathering the information
2 if APCB looks at where we placed it and says you didn't
3 take account the wind headings or whatever. So we want
4 to do that with them as we move forward.

5 COMMISSIONER KERR: I'm sure you're working on
6 it now. I'm looking at all the graphs in the report.
7 I deal with a lot of data in my professional life, and
8 so I'm usually looking to graph behavior, and I want to
9 know what day of the week it is, and what time of day
10 it is, and what month am I looking at. Is there
11 something in here where I can view like data normal --
12 like say here is what happens on a typical week, and I
13 can see spikes on certain days of the week. Was that
14 ever considered as part of this work?

15 CHIEF JENKINS: There's not a lot of that that's
16 boiled down to that level right now. For instance, the
17 DRI study, the one that we worked with DRI to do,
18 doesn't break things down that way for \$100,000. To
19 try to get a study done for \$100,000, they were
20 somewhat limited on --

21 COMMISSIONER KERR: Right, but there are data
22 loggers on all of these PM10 gathering stations
23 wherever they happen to be, so there's data that's time
24 stamped somewhere, and I think that as soon as
25 practical, I'd like to see us report out by day of

1 week, by time of year. We know how many people come
2 into the park each day, and so why can't they make
3 those correlations and present this same data in that
4 way?

5 CHIEF JENKINS: Now I see where you're going.
6 Yes, on the two permanent stations that are up, those
7 give hourly readings. You can look hour by hour
8 24 hours a day and see what PM10 levels are. We have
9 done some work. We've had some of our partnerships
10 look at that and try to see if there's a correlation.
11 This is one of the first things we looked at after the
12 Phase 2 study was published. The Phase 2 study seemed
13 to say there was correlation between the OHV use and
14 the higher PM10 levels. So we were looking for is it
15 higher on weekends, in other words, there's a lot of
16 people in the park on the weekends so would expect to
17 see higher PM10 levels at those two stations if there
18 is a direct correlation there. We can't find that
19 pattern. As a matter of fact, it looks like the higher
20 PM10 levels are happening midweek often in most of the
21 situations. I think board member Ed Waage is here
22 today, and he's actually provided some real interesting
23 analysis on that. So you might be able to talk a
24 little bit about that in a bit.

25 COMMISSIONER VAN VELSOR: Chief Jenkins,

1 assuming that the riding area is partially responsible
2 for the increase in PM10, what are actions that could
3 be taken in order to reduce that?

4 CHIEF JENKINS: Let's start from that point. If
5 one were to assume that, that's the information we were
6 looking for partially from the DRI study, I should say
7 primarily the DRI study, which is what could you do to
8 reduce PM10 emissions inland. To answer the question,
9 and we only have a partial answer from the DRI study.
10 We're going to need to try more trial and error, if you
11 will, measurements to see what works best. So if you
12 assume that the DRI study, for instance, hay bale
13 project showed that once the hay bales were in place
14 there was a lot less sand movement as the wind became
15 turbulent over those hay bales, and since less sand was
16 moving along the ground, then those individual grains
17 of sand impacted the ground less often, so there was
18 less PM10 emitted. So adding that surface roughness
19 factor, the prediction would be that you would get less
20 PM10 as a result of that.

21 So you could begin to look at areas. For
22 instance, there is a significant amount -- all of us
23 that were on the field trip saw it. When you're on the
24 back side of the dune there's still a large expanse of
25 open sand behind the riding area before you get into

1 the Nipomo Mesa areas that are populated.

2 COMMISSIONER KERR: In the buffer zone.

3 CHIEF JENKINS: Yes, that buffer zone,
4 ConocoPhillips buffer zone.

5 You could conceivably go in there and put in
6 rough surface elements what might be mechanical
7 structures, it could be vegetation, so there are a lot
8 of potential things you can do back there which would
9 mimic the experience with the hay bales, perhaps a more
10 natural form, that might reduce sand movement and
11 theoretically would reduce PM10 emissions. And you
12 could do that back there without impacting the OHV
13 recreation, what's going on in the front of the dunes.

14 COMMISSIONER VAN VELSOR: Is that the only
15 thing?

16 CHIEF JENKINS: There are a million of ideas out
17 there. That's not the only idea that's been tested as
18 part of the DRI study. They know in that vegetated
19 area there was actually less movement as a result of
20 wind speed because the plants were protecting sand from
21 the wind. And in the hay bale area, you had the
22 artificial roughness, you've got that turbulence, so
23 the sand tended not to move so much.

24 So working in the realm of what we know versus
25 what we guess, we know the surface roughness and we

1 know the vegetation results in less sand movement. As
2 some people have stated at the APCB meetings, we knew
3 that already so why do we need to do an experiment.
4 Well, we need to quantify how much impact that has so
5 that we would know if we were deciding to put in
6 vegetation, how much vegetation will it take before we
7 get to a result. So you need to have a factor. In
8 other words, if you put in this much vegetation you're
9 going to move how much less sand, and what's the net
10 result in decreased PM10. So it gets boring the more I
11 talk about numbers, but that's the process we're going
12 to have to go through at some point.

13 COMMISSIONER VAN VELSOR: Following up on
14 something that you had said earlier that monitoring
15 research and the interim process, did you take steps to
16 monitor, and then you take actions based on the results
17 of your monitoring. So in this case it's possible that
18 steps are going to need to be taken that are then
19 monitored to determine what, in fact, is going on.

20 CHIEF JENKINS: I completely agree.

21 COMMISSIONER SLAVIK: It sounds like where we're
22 going here, that regardless of vehicle traffic, in
23 other words, mechanical movement of sand by wheels
24 going across the sand, is that the determining factor
25 of kicking up dust, PM10 or whatever, the sand, or is

1 it just the fact that the sand is there and it's
2 already been disturbed by the vehicles, you know, maybe
3 the wind comes out on Monday, there is nobody there,
4 but the PM10 is elevated in the inland area.

5 CHIEF JENKINS: I don't know that anybody has a
6 definitive answer on that, but we can say that since we
7 don't see the correlation between high-visitor activity
8 and high PM10, than to say that the high PM10 is from
9 mechanical result of the tires kicking sand up in the
10 air. If that were true, you would have higher PM10
11 when there were more people riding in the dunes. We
12 don't see that correlation, so we tend to not suspect
13 that as the primary cause, no.

14 CHAIR LUEDER: I'd like to invite Ed Waage to
15 come up. He's a board member from the Air Board, and
16 he will give us a little bit of his information.

17 ED WAAGE: Good afternoon, I'm Ed Waage of the
18 Pismo Beach City Council and also the board member of
19 the Air Pollution Control District.

20 First of all, I want to thank the staff for that
21 great tour we had yesterday. I learned a lot more
22 about the Oceano Dunes. I used to hike up there in the
23 non-riding areas, so I'm familiar with the fact that
24 there are large sand sheets outside the riding area, as
25 well as large sand sheets within the riding area. We

1 learned, for example, the staff are putting in measures
2 to try to increase the amount of native plant species
3 in vegetative islands to try to make sure we can try to
4 reduce the amount of sand movement by additional
5 vegetation. We also, as already mentioned here, saw
6 that the wind tower on the dunes is placed in an area
7 close to where quite a few of the studies were
8 performed, and we also went to the site at CDF fire
9 station, which is adjacent to Highway 1. We know, of
10 course, that the wind speeds, the higher wind speeds
11 will produce more particulates, so knowing what the
12 wind speeds are are critical to understanding what's
13 going on on the dunes.

14 I have handed out a copy of a graph of the wind
15 speeds for the S1 -- I call it the ST1 -- I guess it's
16 S1. For the dunes it's in blue, as compared with the
17 CDF site which is inland just off of Highway 1. That
18 site is also behind rows of tall eucalyptus trees which
19 the tops show wind direction. You saw the eucalyptus
20 trees along Highway 1, which would also impede wind
21 flow. You can see from this graph the wind speeds are
22 much higher on the dunes. The dunes are in blue. The
23 red is the CDF site. And these were taken in April,
24 which is the time of the DRI study.

25 In fact, nowhere in the study even though the

1 CDF site was chosen because it was convenient to use an
2 existing wind measuring location, nowhere in the study
3 did they talk anywhere about the fact about this might
4 not be a good location because it is quite a ways from
5 the dune itself. I've looked throughout the entire
6 study and saw no discussion whatsoever of any
7 limitations because of the location of where they were
8 measuring the wind speed.

9 As I mentioned from this graph here, the wind
10 speeds are much higher, on average they are two-thirds
11 higher on the dunes than at the CDF station. At the
12 highest wind speeds, it's about twice the wind speed on
13 the dunes. They also tried to show that there's higher
14 particulate PM10 with additional vehicle traffic. I
15 looked at, as Phil mentioned, I had looked at the
16 differences between weekday versus weekend particulate
17 during the study period, and there is about 15 percent
18 more particulate on weekdays than weekends, even though
19 you have more vehicle traffic on the dunes on the
20 weekends. I wondered if that was a fluke because you
21 get variability of the wind speeds during days of the
22 week if you average over the year. I took the most
23 recent data I could find, I found the same result.

24 You were asking about some of the issues of time
25 of day. I also looked for signature of traffic on

1 Highway 1, since the PM10 monitor is at the same
2 location as the CDF fire station. I looked to see if
3 there is any higher levels on PM10 on days of the week,
4 and I found the signature for perhaps vehicle traffic
5 during the commute period. On weekdays at 7:00 a.m.
6 there is higher PM10 on the weekdays than the weekend.
7 So some of that additional PM10 on the weekdays could
8 simply be vehicle traffic, but the study didn't address
9 the possibility even of vehicle traffic on Highway 1
10 causing PM10, although it's very well-known that
11 vehicle traffic can lead to additional PM10.

12 Basically, even though I'm on the APCD Board, I
13 do disagree with some of the findings on this study.
14 There is a lot of good data in the study. I just
15 disagree with some of the conclusions and analysis of
16 the study. And the mission, of course, of the district
17 is to protect public health. I feel like at this point
18 what we need to do is to get some additional studies,
19 especially look at the impacts additional data that the
20 State Parks has now from their wind data to try to see
21 how that might affect the study. I agree we need to do
22 more studies on the wind speed since that's critical to
23 understanding what's going on.

24 I would also encourage the existing efforts to
25 increase the amount of vegetation in the park and also

1 to try to come up with best management practices.
2 That's what I would be happy to support. Happy to
3 answer any questions.

4 COMMISSIONER SILVERBERG: Thank you, Ed. I had
5 mentioned earlier to Chief Jenkins about the
6 agriculture land. What is the APCD Board's opinion on
7 why no sampling was taken or considered from all of the
8 agriculture land that's present?

9 ED WAAGE: There was a study done by UC Davis,
10 but just in the springtime where they attempted to
11 distinguish PM10 from ag sources versus the dunes, for
12 example. But it was only done during about a month
13 period in the springtime, but not through the entire
14 year. So in my mind it's not clear that study is
15 really definitive as to whether or not ag had any
16 impact. It seems common sense that you would have more
17 particulate if you ploughed the field. It depends on
18 the time of year you do the study. It's a fairly
19 limited duration. It's hard to tell.

20 CHAIR LUEDER: Well, Ed, I sincerely appreciate
21 you coming and sitting through this meeting, and I
22 appreciate the additional info that you presented. And
23 we look forward to working collaboratively with the Air
24 Pollution Control Board in the future.

25 ED WAAGE: Thank you very much.

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PUBLIC COMMENT ON AGENDA ITEM V(A)

CHAIR LUEDER: So at this point I'm going to open it up to public comment on the Business Item V(A).

NELL LANGFORD: Nell Langford.

Have any of you read the Phase 2 study honestly? Would you raise your hand if you had, please? Were you given a website called SlowCleanAir.Org to see all of the data and all of the study? Were you briefed prior to this meeting about any of the particulars that the Air Pollution Control District has done over the past three years to come up with the result that they came out with?

Agriculture, unpaved roads, the ConocoPhillips plants all ruled out. You have people in Pismo who have their own agenda who will question this result. Please read it for yourself. It's not only in the Phase 2 study, but also in the Phase 1 study. This has been going on a long time. We have known about this pollution for years.

I'm kind of amazed to see Phil Jenkins kind of imply to you that if the PM levels on a weekday are higher than following a weekend, that this makes the study questionable when it has to do with the wind. If the wind doesn't blow on Monday, there will be no

1 particulate matter in the air. All the DRI studies are
2 based on that premise, that it is the wind that is the
3 variable. And yet he doesn't tell you that the reason
4 that you have high PM10 levels is the wind. And so if
5 it blows on Thursday, you have high levels on Thursday.
6 It comes from broken dune crust. This crust has been
7 known to exist for decades. It's in Coastal Commission
8 reports. It exists as well on other dunes, and we know
9 it's very sensitive, and that it can be broken. And
10 one pass from an OHV takes months to heal it back up,
11 so that it doesn't blow in the wind. Dunes have their
12 own operation. They have certain rules, and if you
13 mess with that, which how many vehicles do per year,
14 you're changing a natural system. The plume is easy
15 enough to see, and it's over the riding area. The
16 Phase 2 study did a control group that proved just
17 that. Thank you.

18 KATRINA DOLINSKY: I hope you have the papers
19 that I handed out earlier with the dust sample. My
20 name is Katrina Dolinsky, and I am a resident on the
21 Nipomo Mesa, and I am the one that is combatting a lot
22 of these issues for public health. I want to breathe.
23 My husband wants to breathe. We moved here, and we
24 thought this was an area to come back to, come back
25 home to. And I'm sorely disappointed that this public

1 health issue has not been taken more seriously by this
2 Commission.

3 The first page, if you notice, is the data that
4 you're asking about. What is the PM levels at CDF
5 site. I live a quarter of a mile northwest of this
6 site, the CDF site, and it is the highest in the
7 county. The second highest is Mesa Two further south
8 by Trilogy, but many communities are affected. In one
9 community there are 35 homes that are under the plume,
10 and I will show a picture of that in a moment.

11 We have 61 days so far, 61 days that we have had
12 to endure spikes. The second page you will see the
13 spikes that show very clearly that we had, middle of
14 the day, times that we can't be outside. We tell our
15 kids to be inside. We are advised to stay inside or
16 leave the area. 61 days where it goes into the
17 hazardous zone of being above 300 microns per cubic
18 meter goes into a Hazmat zone. Hazardous to everyone,
19 not just the children and infants, but elderly and
20 those with respiratory cardiac problems.

21 The next page you see is the picture of the
22 dunes where I hope that you take a look at that and use
23 that as a reference point because the sand entrance
24 highway, you see in orange, the arrow, that's the
25 prevailing wind out of the northwest, between 294 to

1 about 310 degrees out of the northwest. That's a
2 common wind you see in the spring and sometimes in the
3 fall. You have 61 days where it's raining here, you
4 pay for it Monday.

5 Now we're finally to this picture, which is the
6 AQI forecast, and this is the one that shows the little
7 tiny spot before Los Angeles on the map that shows the
8 area that is inundated by the PM10 pollution, and it's
9 a moderate advisory for the unhealthful situation, and
10 that includes Nipomo, Oceano, and Nipomo Mesa, as well
11 for the unhealthy days.

12 The first one is the view of the dune area at
13 Marker Post 4 to 5 for Worm Hill, as it's known on your
14 map. If you go back to your map, the highway entrance
15 from Shell Beach, if you go across the water, and
16 that's a clear day this past spring. Next picture,
17 please, and you can see the worm. Now Worm Hill again,
18 you can't see behind it. You can see the road, the
19 line of trees, that brings that plume behind the line
20 of trees right into our area off of Calendar Road and
21 Highway 1 near ConocoPhillips near the CDF site, and it
22 goes as far sometimes to Santa Maria, as far inland and
23 far south on the southeast trajectory.

24 That's my comments. We have to do something
25 more serious, guys. You can think out of the box, but,

1 please, I want to breathe. You've got to do something
2 different than continue business as usual. Thank you.

3 COMMISSIONER VAN VELSOR: You said that 61 days
4 of the year you're advised to stay indoors.

5 KATRINA DOLINSKY: 61 days of the year. When
6 the yellow marker, right, that shows it's moderate, and
7 it does show on your other sheet that we are advised --
8 when it hits moderate to either advise if you're a
9 sensitive population to stay indoor, close the windows,
10 or go someplace if you're affected.

11 COMMISSIONER VAN VELSOR: The advisory comes
12 from who?

13 KATRINA DOLINSKY: APCD, Air Quality.

14 DEPUTY DIR. GREENE: Ms. Dolinsky, do you have a
15 copy of that one page you just held up? Because it's
16 not in our packet. Maybe you can leave that with Vicki
17 over there if you don't mind. Thank you.

18 COMMISSIONER KERR: So that is reduced
19 visibility, obviously. You call it a plume?

20 KATRINA DOLINSKY: Correct.

21 COMMISSIONER KERR: I'm not sure what I'm
22 looking at here. It could be water vapor off the
23 river. We're on a coastal area, so you have a river
24 valley there coming down, different temperature than
25 the Pacific.

1 KATRINA DOLINSKY: Right. This is at Shell
2 Beach at Costa Rica. It's on the hillside.

3 COMMISSIONER KERR: I know where you're taking
4 this photo from. So is your assertion that that
5 reduced visibility is all PM10?

6 KATRINA DOLINSKY: That's why I gave a baggie
7 for you to open it up and actually fill it. I thought
8 when I first came back here, that it was just salt.
9 And then I went out there, and had this almost whiteout
10 conditions.

11 COMMISSIONER KERR: These are two disconnected
12 elements, the bag of dust and the visual photo from
13 Shell Beach. But that's what you're referring to as
14 the plume?

15 KATRINA DOLINSKY: The plume, right. And that's
16 just one of many pictures that we have taken over time
17 because it has been a serious situation to be
18 investigated because, again, it's a health issue,
19 nothing more. I'm a recreational cyclist myself and my
20 kids are cyclists and motorcyclists. I'm not against
21 it. I'm against the fact there is a public health
22 threat that's happening to people who move into the
23 area long since you developed the SVRA.

24 COMMISSIONER KERR: Thank you. I guess the
25 question is cause and effect.

1 COMMISSIONER SLAVIK: Is the size of this matter
2 in here PM10?

3 KATRINA DOLINSKY: It's a coarse particulate
4 matter, correct. There are smaller particulates that
5 are in there but that's the coarse particulate. You
6 stick your finger in it, it has a talc-like quality.
7 That's what we're breathing, any kind of dust, any time
8 you open your window, it's there. You can come visit
9 me.

10 COMMISSIONER SLAVIK: Any time you open the
11 windows? When the wind stops blowing?

12 KATRINA DOLINSKY: This is suspendible and
13 resuspendible. In other words, all it takes is a
14 12-mile-an-hour wind over the Mesa to drop it on us.

15 COMMISSIONER SLAVIK: So are you saying the
16 whole valley is covered in this stuff the whole time?

17 KATRINA DOLINSKY: Not the whole valley, no.
18 When the prevailing wind, the arrow, you've got the
19 parameter of about 12 degrees, and you've got a wind of
20 at least 12 miles per hour -- I'm sure that Phil
21 Jenkins agree -- that you have the amount of wind to
22 bring it over. It doesn't have to be 12 miles an hour
23 to stay on the Mesa. It just sits there, hangs in the
24 air. It's dust.

25 COMMISSIONER KERR: When did you move back to

1 the area?

2 KATRINA DOLINSKY: Three years ago.

3 COMMISSIONER KERR: And how long has the SVRA
4 been there, 35 years?

5 KATRINA DOLINSKY: Right, but we put in also
6 developments, there are several developments,
7 multiple-unit developments in the south. On your map
8 you'll see them, and there are thousands of people that
9 are going to be affected by this if we don't do
10 something immediately. That's all I'm saying.
11 Recreation is great. I enjoy recreation. I have no
12 problem with you guys. But here and now we've got a
13 serious problem, our kids, our lungs. Help us, please.

14 COMMISSIONER SILVERBERG: I have a question for
15 Ms. Dolinsky. In this photo it appears that the plume
16 covers almost the entire horizontal perspective. And I
17 guess from your description, I would expect the plume
18 if it were coming from the OHV to be on a 12-degree
19 path headed towards the CDF station.

20 KATRINA DOLINSKY: You're absolutely right. The
21 way the photograph is taken, it's on an angle that you
22 don't even see on this map because it's around a curve,
23 that it takes it across the curve of the ocean there,
24 and that's why.

25 COMMISSIONER KERR: I think the Commissioner is

1 referring to prevailing winds about 90 degrees
2 different from the direction of this quote/unquote
3 plume.

4 KATRINA DOLINSKY: It's the angle of the
5 picture. I'm glad you pointed it out. It's the angle
6 it's taken, but it actually is the opposite way because
7 it is south and out of the northwest, the prevailing
8 wind. The plume goes behind this particular groomed
9 hill behind the line of trees. You see ConocoPhillips
10 on the control photo. You will see you can see
11 ConocoPhillips' smokestacks, and it's to the left. But
12 on this one here, this is Worm Hill, and you go in Worm
13 Valley, so park Post 4 and 5 begins here. If you go
14 back here by the line of trees right there, the line of
15 tree begins on the other one is going to be the
16 ConocoPhillips.

17 COMMISSIONER SILVERBERG: You can see the plume
18 is all the way to the far left.

19 KATRINA DOLINSKY: Right. It's the degree
20 because all of the way around the curve, and you don't
21 see it on the map. So I'm taking it that way.

22 COMMISSIONER SILVERBERG: One of the things
23 that's interesting to me, yesterday we were out doing
24 our tour, we actually did see the quote/unquote plume
25 over the Devil Slide -- what is that? So we saw a

1 similar color --

2 KATRINA DOLINSKY: You also have another one.
3 You have the sand mining, concrete, excavation area
4 there, too.

5 COMMISSIONER KERR: There is somebody else
6 there?

7 KATRINA DOLINSKY: On the south of Santa Barbara
8 County on the south side you do have a sand excavation
9 going on there, as well.

10 COMMISSIONER KERR: And you think they may be a
11 part?

12 KATRINA DOLINSKY: That doesn't hit us.

13 COMMISSIONER FRANKLIN: There is a sandpit over
14 there for farming sand.

15 KATRINA DOLINSKY: Correct, they're excavating
16 sand.

17 COMMISSIONER SILVERBERG: Pardon me, for a
18 second, the description -- because I watched it come in
19 as we were on the tour, actually observing this
20 phenomenon that evidently was part of the coastal
21 phenomenon that goes on here. And you could actually
22 see it just from where we were sitting on that south
23 end of the Devil Slide area, wherever. It came in and
24 kind of crept up the valley and all, and so it just --
25 and there was no OHV activity in that area.

1 KATRINA DOLINSKY: It doesn't have to be. When
2 the dune crust is broken and you've got particulates
3 that are so fine, Dr. Cahill from Delta Group, the
4 scientist, he's never seen such fine silica before.
5 This is the finest he's ever seen. And it worries him.
6 It worries him as a scientist. It should worry you,
7 too, because the sand entrance on Grungy Track is
8 county public land. You guys want to do that, do it
9 off of county land, let the land heal. We have got to
10 get some help to investigate here.

11 COMMISSIONER KERR: I would like to hear more
12 about the sand factory or sand mining operation that's
13 in the general area.

14 KATRINA DOLINSKY: It's south of us.

15 COMMISSIONER KERR: You identified it as a
16 potential source.

17 KATRINA DOLINSKY: For the southern part, but
18 not for us because the prevailing wind is from the
19 northwest around 300 degrees.

20 CHAIR LUEDER: Chief Jenkins, do you have any
21 information?

22 CHIEF JENKINS: There is a sand mining plant
23 down by the Santa Maria River mouth. The plume we were
24 looking at yesterday was more toward Devil Slide, which
25 from the angle we were looking would have been to the

1 west of where the sand plant was. So the sand plant
2 may or may not contribute some PM10 to that plume
3 further down, but what you were looking at yesterday as
4 you looked at the front beach and the Devil Slide was
5 in front, as you recall, it started over the water
6 actually. So I don't know whether the plant generates
7 its own PM10 plume, but the effect that Commissioner
8 Silverberg was referring to was westward and to the
9 south of that.

10 PAUL STOLPMAN: Paul Stolpman, I live right next
11 to the Mesa 2 monitoring site in one of the new
12 developments up on the Mesa.

13 Let me reiterate, if you read Phase 2 said --
14 virtually all of the questions you just had will be
15 answered in great detail. The agricultural land was
16 ruled out. They actually put monitors downwind of
17 agricultural land in order to compare it to the
18 monitors further down, the source would be dunes. They
19 found and there's detailed hourly data that tracks the
20 impact of wind direction and wind speed, okay? And you
21 can just see what happens as the wind direction just
22 changes 10, 20 degrees the concentration of our dust
23 drops dramatically. And so it's wind direction, wind
24 speed by hour over a number of days, absolutely
25 beautiful graphics. Just go to the Phase 2 study, and

1 you'll have your answers.

2 I want to talk about health effects. You know
3 that the State of California has a health standard for
4 particulate matter. They set that standard for a
5 reason. And let me give you -- they issued a press
6 release on fine particles. The headlines on the press
7 release is Fine Particle Air Pollution Responsible For
8 9,000 Premature Deaths in California Each Year, 9,000
9 deaths a year. It goes on to say approximately 9,000
10 people in California are estimated to die prematurely
11 each year as a result of exposure to fine particle
12 pollution. There is no question particulate
13 pollution -- this is Mary Nichols talking, head of the
14 ARB -- is causing premature deaths in California and
15 nationwide. She goes on to say the ARB is committed to
16 reducing the staggering statistics because one
17 premature death -- and I hope that would be the
18 approach we would all take -- one premature death is
19 too many. They go on to say, very fine particulate
20 pollution is particularly dangerous since it burrows
21 deep into the lungs where it can enter the bloodstream
22 and harm the heart and other organs. Fine particulate
23 pollution poses an especially critical health danger
24 for children, the elderly, and people with existing
25 health problems. So particulate matter is not

1 something that should be taken lightly.

2 So what does that mean for us. Well, for me I
3 live next to Mesa 2, and 50 to 60 times a year, Mesa 2
4 violates the California health standard. Many other
5 days, other than those 50 to 60, it peaks out well
6 above the health standard, but it doesn't violate the
7 health standard, but those are during the hours that
8 I'm supposed to be out where am I exercising.

9 Now, we don't have air pollution problems at
10 7:00 in the morning, so traffic patterns are
11 irrelevant. If you look at this hourly data, which is
12 in the Phase 2 studies, you will see that we percolate
13 along beautifully until about 10:00 in the morning when
14 the wind speed comes up -- I know I'm out of time -- we
15 peak at very high levels and then we drop down. So
16 traffic, you know, it's another misnomer. It's not an
17 issue. It's not coming from the daily commute
18 patterns. The issue is the use on the dunes. It was
19 also addressed directly. It isn't the vehicle itself
20 kicking up a trail. It is the vehicle not allowing
21 crust to form, vegetation to grow, or if you use hay
22 bales to let hay bales exist. So it's the presence of
23 the vehicles.

24 CRAIG ANGELLO: I am Craig Angello once again
25 shooting from the hip. Just funny to me, you always

1 can find the truth if you follow the dollar, bottom
2 line. And I'll come full circle back to the county.

3 But there's individual that have spoke up here,
4 actually three before me, that all live in an infected
5 area. The value of their houses has dropped. They are
6 trying to find a solution to find the way out of that.
7 Nell Langford's case in particular, she wants a private
8 beach. That is just my opinion, but take it for what
9 it's worth. She wants a private beach so the cost
10 of -- the value of her house will go up, bottom line.
11 Follow the dollar, you'll get the truth.

12 They will try and use the environment as a tool
13 to close the park for that reason. There is only, from
14 what I can tell, two environmental people in the entire
15 room. One of them is on your panel, the other one
16 works for the state and has done a tremendous job at
17 saving vegetation and growth of birds.

18 With the county, follow the dollar. They are
19 closing Morro Bay Power Plant very soon. That's
20 \$300,000 a year that goes to the county, maybe a little
21 more, out of permits for the Air Pollution Control
22 District board for the county. They have to make that
23 \$300,000 up somewhere, and they're not going to cut
24 position. So they're coming after State Parks now, and
25 this is exactly what's going on. Thank you.

1 JIM SUTY: Good afternoon, Jim Suty again,
2 President of Friends of Oceano Dunes. Before you guys
3 should have received a 63-page document. I want to
4 read to you from that document. First one they start
5 off, that we're seeing a very unique situation. We've
6 got some very vocal, local environmentalists who are
7 liquored up on a new situation and frothing at the
8 mouth at the opportunity to use this to close the park,
9 which they've tried using every excuse known to man
10 over the past several years.

11 Let me walk you through page two of my report.
12 It says after years of study, the sole theory that the
13 District staff has articulated is that the dunes
14 without OHV recreation would form a crust that would
15 lessen dust and sand blowing off the dunes. The State
16 of California Geological Survey, within the Department
17 of Conservation is highly critical of this theory.
18 Will Harris spoke to us yesterday, here in this room,
19 put together a very detailed report on this as part of
20 Attachment A of this 63-page document. He can talk and
21 articulate the crust theory to you very well. The
22 crust does not exist. It is a lamina that is developed
23 on the sand, and he can talk to you and articulate it
24 far better than I.

25 Currently, there is no sound science that shows

1 that any incremental sand blowing as a result of OHV
2 riding activity is actually causing particulate matter
3 to exceed State standards. Despite this, the District
4 is moving full steam ahead to adopt a dust rule that
5 targets OHV activity while simultaneously ignoring all
6 of the sources of dust and particulate matter in the
7 county, including obvious and significant other sources
8 such as dirt roads, which there are tons of them out in
9 that area; industrial and manufacturing sources; diesel
10 exhaust; smoke from burning; open dirt construction
11 sites; grading and fill operations; construction for
12 the college; road construction; building and house
13 construction; sea salt spray; agricultural operations.
14 The dust rule covers none of these other sources.

15 You guys were out there on the tour yesterday.
16 We saw how many acres of eucalyptus trees recently cut
17 down. Eucalyptus trees were planted years ago with
18 mitigation for dust back when the farmers did it years
19 ago. It's clearly documented. If you clip the trees,
20 have oil in the leaves. When those trees were cut
21 down, did they emit any dust, and it's not mentioned,
22 not articulated.

23 The Phase 2 study has many, many issues.
24 Attachment 2 to this report, it's from BlueScape
25 Environmental, a firm that we hired, contracted to do

1 another peer review. Their results were very clear.
2 And I'm out of time, so I'll let you read it, and
3 attached in there is a resume for their capabilities.

4 Folks, this is a rush to judgment, and we've got
5 to make sure we stand firm and have good science to
6 make good decisions, and we can help those in the Mesa
7 try to deal with the problems. But first we've got to
8 know the source of the problems.

9 DAVE PICKETT: Dave Pickett, District 36. I
10 have a question maybe Chief Jenkins can address this to
11 me. Does this science that's taking place by the air
12 management control district here still only cover the
13 south area of the county? It would be on a background,
14 page one of the APCD drive pool.

15 CHIEF JENKINS: Just briefly, so this particular
16 effort was focused on the Nipomo Mesa. They have other
17 air monitoring stations throughout the county, and they
18 had identified back in the early report prior to the
19 Phase 2, that first report, that the Nipomo Mesa was
20 one of the hot spots in the county for PM10. But they
21 do look at PM10 issues in other places in the county.

22 DAVE PICKETT: So the Division wouldn't be using
23 you're being restrained within recreation taking place
24 in one geographical area in the county.

25 CHIEF JENKINS: I think the APCD is doing what

1 they're supposed to be doing which is identify a
2 problem, try to seek out the source of that, and try to
3 find some way to address it. I don't think we're being
4 singled out. I think the APCD is doing what they're
5 mandated to do, identify a problem, try to address it.

6 DAVE PICKETT: So if I understand what you just
7 said, APCD understands that there is a dust problem on
8 a countywide basis, not just in this one selected area;
9 would that be correct?

10 CHAIR LUEDER: Dave, let's not turn this into
11 question and answer.

12 DAVE PICKETT: I'm sorry. I'm trying to
13 understand. I'll rephrase it.

14 As moving forward on this, I'm concerned when I
15 see things like the State of California could be sued
16 \$1,000 a day for violation of this, but I don't see
17 anybody else that could be sued by this. Since this is
18 Trust Fund money, this seems like with all of the
19 studies that have been done on it, peer review, this,
20 that and the other, I'm almost to the point where I
21 would say to hell with it, let them sue you, and then
22 hand it over to the Attorney General and let's fight
23 this out and let them fight it out because I'm getting
24 a little bit tired hundreds of thousands of dollars,
25 hundreds of thousands of staff hours that have to be

1 paid going into this, sand that's been used for over
2 100 years. Thank you.

3 KEVIN RICE: Good afternoon, again, Kevin Rice,
4 San Luis Obispo. I note that there is not one critic
5 took part of the study yesterday, not one APCD staff
6 member -- I'm sorry, the tour yesterday, not one APCD
7 staff member is here today. We've gone to their dog
8 and pony shows, but they don't have the courtesy and
9 respect to come here and see the park, and it's very
10 offensive to me.

11 What we see in these photos is a natural dune
12 building process. The USGS estimated 500 million
13 pounds of sand and sediment blow on shore annually. It
14 follows that where the sand is blowing, it piles up and
15 forms dunes. It follows that if you live behind where
16 the sand is blowing and piling up, that there's going
17 to be sand and sediment blowing toward your house.

18 I really question why the owners of these golf
19 resort communities cut down rows and rows and rows of
20 eucalyptus, but the EIR said when they submitted it,
21 the bill said you need to have these buffers continued
22 to be maintained around your property. And we drove
23 down yesterday and saw lots and lots of trees laying on
24 the ground. Dune building via sediment transport is
25 natural.

1 We hear people trying to talk about the health
2 effects. Well, I really believe Mr. Stolpman was
3 quoting from the Ian Tran report. If you know about
4 Ian Tran, you know he has a fake Ph.D. that he bought,
5 he was a resident of Israel who was a convicted child
6 molester in that country.

7 We're hearing people blocking science now. The
8 wind towers were appealed by the person that just
9 spoke, so they don't want the State Parks to get any
10 more data. We have the Air District continuing to
11 poison the well of cooperation. What I mean by that is
12 when the head of the Air District was on the Management
13 Oversight Committee, who had the responsibility -- and
14 you'll have to ask me this question to get more
15 detail -- to settle agreements between the three
16 parties, the Air District, the county, and the State
17 Parks, he wrote to the county, I would like to meet or
18 have a conference call with you and the other APCD and
19 county representatives, leaving State Parks out of the
20 picture, when he signed on to an MOA with three parties
21 involved. They're asking for secret meetings leaving
22 Parks out of it.

23 The author of the Delta Group study,
24 Thomas Cahill, wrote about the sabotage of State Parks
25 and how he was going to put two weeks of summer

1 money -- mix up his hours for his travel and his labor
2 because the contract date designated when he could get
3 paid. And that's before the study came out they're
4 writing about these things.

5 One of them is upset because we're poking at the
6 data before the study: I have not the slightest worry
7 about some hired gun poking at the data. We'll get so
8 much data that they'll have no chance to look at even a
9 fraction of it, and we've got five peer reviewers in
10 our pocket.

11 Well, one of the peer reviewers wrote: My
12 comments therefore are an interested but nonexpert
13 reader.

14 I asked for that e-mail, and they said it didn't
15 exist, but I got it now. Would you like to ask me for
16 questions?

17 CHAIR LUEDER: Thank you for your comments. I
18 don't want to turn this into a question-and-answer
19 period.

20 KAREN SCHAMBACH: Karen Schambach, Public
21 Employees for Environmental Responsibility. The
22 Phase 2 study document presented concrete documentation
23 of the association between OHV use at Oceano and
24 downwind PM10 levels. The Division's demands for
25 additional monitoring before remedial action could be

1 taken to protect the health of people living in Nipomo
2 Mesa is simply an unconscionable delay tactic. It's
3 ironic that the Division-funded challenge of the
4 Phase 2 report criticizes the conclusion that ag
5 cultivation and ConocoPhillips doesn't contribute to
6 PM10 levels. The criticism is based on the data
7 collection occurring only 16 days. By contrast, the
8 Division also challenged EPA's air quality study at
9 Clear Creek using its own data collected on a single
10 day that followed a major rain event. Apparently, the
11 standard for scientific rigor depends on the Division's
12 interest in the outcome.

13 The impacts to of the health of people who live
14 nearby merit more concern than they're currently in the
15 Division to work with the air quality agencies, to
16 start remediation, and not use additional monitoring as
17 an excuse to stall actual action. When will the time
18 be right to start protecting public health? Thank you.

19 JOHN STEWART: Good afternoon, Commissioners,
20 John Stewart, California Association of Four-Wheel
21 Drive Clubs. The more I read and hear about this
22 situation, I'm coming to the conclusion that there is a
23 paucity of data. Yes, it's nice to have monitoring and
24 well-designed studies. I see a lack in both monitoring
25 and a well-designed study.

1 First off, there's got to be a good description,
2 which have yet to be displayed here, of what the PM10
3 problem throughout the county is. Now, just start
4 running some anecdotal information here: Went by the
5 CDF fire station where you have a hill and a
6 high-traffic area, all of your engines you know, the
7 exhaust and the road dirt that kick up a lot of
8 particulate matter, the monitoring station is right
9 there. You say, well, yeah, but the road is a little
10 bit removed. Well, we heard earlier where wind
11 vortexes from vehicles were pulling sand down Pier
12 Avenue. Well, any time you have a moving vehicle,
13 you're going to have wind vortexes that will affect the
14 monitoring stations nearby. You know, look over
15 just -- just visually look, take a trip over to Glamis
16 Sand Dunes sometimes and look at the north side of the
17 dunes where there has been no OHV traffic for 20-plus
18 years, then look at the south side of the dunes where
19 there is heavy OHV traffic. On the same windy day, you
20 will see the same cloud of dust hanging over the north
21 and over the south. It's almost indiscernible as to
22 where you're at. There is no cross. There is no
23 something. It's sand. It moves. It moves with the
24 wind.

25 Yes it's noted that there were a lot of

1 eucalyptus, and I think Mr. Suty pointed out that
2 eucalyptus has their own oil contribution to pollution
3 that you should look into. Down in San Diego County,
4 they have areas where giant eucalyptus groves are.
5 From miles away you can see that there is always a haze
6 there on certain days because of the eucalyptus trees.

7 The San Diego region is also home to a place
8 where there is a lot of air quality issues. And with
9 Alpine, California being noted as one of the worst
10 ozone areas in the state, well, that sits at the funnel
11 point where whatever they do within San Diego County
12 does not solve their problem because that is wind
13 blowing in from Mexico.

14 The overall thing is you cannot come up with
15 correlation with the data that is there, and you do not
16 have a good way to come up with what is causing it with
17 the lack of data. Thank you.

18 JIM BRAMHAM: I worked for two years for the
19 Bureau of Land Management doing endangered species
20 studies at the Imperial Sand Dunes where they were
21 asked to have folks walk six kilometer sections and GPS
22 the location of endangered Pearson milk vetch. And I
23 was the supplier of transportation to those folks to
24 take these teams out into the dune areas, to drop them
25 off, and pick them up each day. And during that period

1 of time, personnel safety was the top consideration of
2 everything else, making sure those hikers were safe.
3 And there was considerable time and energy put into
4 determining at what point sand would lift off the
5 ground to make it dangerous for the hikers to hike from
6 a personal safety standpoint, visibility standpoint,
7 and particularly for my vehicles to be able to move and
8 pick them up in the dunes. Absolutely no difference
9 between the wilderness area, the closed center section
10 of the area that's been closed for ten years now by
11 litigation, and the open riding area. When the wind
12 blows, the sand lifts. It's just there is no
13 difference.

14 But on a monitoring situation, and we follow
15 this monitoring for water in Southern California for
16 years, back from 1986 at the exit of the Rubicon, one
17 of the things that I cannot stress enough, you need to
18 monitor what's coming to you as well as what's leaving
19 you because you need to know it. And I have no idea
20 what's coming in from off-shore. It's just like John
21 said, you know, they're getting Mexico pollution, we
22 have no idea at this point what's coming to our
23 facility and what's exiting our facility. And by
24 monitoring that in an exclusive situation is the only
25 way you're going to be able to determine what

1 contribution we're giving to what's downwind,
2 downriver, downstream, whatever is from that because
3 once that wind leaves our property, it crosses a major
4 railroad, multiple ag fields with ag operations,
5 multiple packing sheds, multiple dirt roads. And so
6 there is no way two miles inland that you're going to
7 be able to determine what portion of that came from the
8 dunes. So if we're putting together a monitoring
9 package, I certainly hope that we're monitoring what's
10 coming to us at the shoreline and what's exiting out of
11 our back gate. Thank you.

12 AMY GRANAT: Amy Granat with CORVA. I've got
13 some more figures for you, and I know you've heard a
14 lot today, so I apologize.

15 2006 figures from the California Department of
16 Public Health Environmental Health Tracking program,
17 the percentage of days for daily PM10 average
18 concentrations over the California standard by county.
19 San Luis Obispo, 2.49 percent; San Francisco, 4.92
20 percent; Sacramento, 5.48 percent. Now we go up into
21 the real problem areas with Fresno at 36.99 percent;
22 Riverside County with 73 percent; and unfortunately in
23 Imperial County over 98 percent. I would say the
24 people living in San Luis Obispo County are very, very
25 lucky. They have one of the lowest rates of

1 percentages of days for amounts or concentrations over
2 the California standards.

3 The study done in 2010 by the Robert Woods
4 Johnson Foundation, together with the University of
5 Wisconsin, State Average for Air Pollution for High
6 Particulate Matter Days. The California average was
7 16 days; San Luis Obispo had zero; Sacramento County
8 had 22 days; L.A. County had 22 days; Fresno County had
9 38 days. If anybody has spent time in Fresno, they can
10 kind of understand. And I like Fresno. I have friends
11 there. They'll probably not like me anymore.

12 So the average rankings, the county health
13 rankings done by the study were very interesting. San
14 Luis Obispo County has a lower percentage of poor or
15 fair health days, lower mortality, lower crime rate,
16 lower unemployment, lower air pollution, and lower high
17 ozone days than the state average; ranks 6th in overall
18 positive health factors and 13th in lack of pollution
19 and a positive physical environment. And that's out of
20 68 counties. In contrast, Sacramento ranks 34th in
21 overall positive health factors and 42nd in the state
22 as far as air pollution and negative physical
23 environmental factors, which tells me that I should
24 move.

25 San Luis Obispo County is an amazing place.

1 It's beautiful out here. It doesn't take a rocket
2 scientist to look outside to see it's an amazing place.
3 There is an availability of good food; well-educated,
4 well-fed people here who have the luxury of being able
5 to afford to live here. People in the Central Valley
6 aren't so lucky. Fresno right now has an unemployment
7 rate of over 15 percent, close to 16 percent. San Luis
8 Obispo has under 10, which is under the state average
9 of right around 12, or 11.9 percent.

10 I hear a lot of complaints, but what I don't
11 hear is people saying how extraordinarily lucky they
12 are to have the luxury of being able to buy a home
13 here. And most of these homes that were in new areas
14 that were bought after the motorized recreation was
15 created. There is no evidence according to these
16 rankings that children are having a tough time. The
17 children in Fresno County, I would say, are having a
18 really tough time. The children in Imperial County,
19 Kern County, Riverside County, I would say are having a
20 really tough time. Where are the people who are so
21 concerned about children? Are they going down to help
22 these children? Are they going down to volunteer in
23 the areas which really need their help, areas where
24 there is very little employment to be had, and there is
25 very little health insurance to be had?

1 We've heard a lot of talking today, and I don't
2 want to continue anymore, but I want people in the
3 audience who object to this recreation that we know and
4 love to understand that they're very lucky to be here.
5 I wish I could afford to live here. Right now I can't;
6 maybe one day. Work with communities so we can solve
7 the problems. Collaboration does work, but please
8 don't throw figures out there that are biased and
9 inaccurate.

10 CHAIR LUEDER: That concludes our public
11 comment.

12 (Returned at 5:01 from lunch break starting at 4:47.)

13 CHAIR LUEDER: So we're going to bring this back
14 to the board, the Commission at this point to have
15 discussion.

16 COMMISSIONER SILVERBERG: Well, after being on
17 the tour yesterday and hearing information, reading all
18 of the data that we've gathered, talking to the
19 experts, it would seem appropriate to look at Division
20 continuing to collaborate with the APCD in trying to
21 get more conclusive information.

22 CHAIR LUEDER: I would agree with that. I think
23 there's some data out there, but I don't think it's
24 conclusive in my mind. Obviously, there's some PM10
25 out there. It's been identified, but I think it's

1 prudent to get additional information so that we can
2 determine where it's coming from exactly, if it's above
3 the natural occurrence, how much above, and all of the
4 different contributors that could possibly be
5 contributing to it getting to the residents. So I'm
6 fully supportive of that.

7 COMMISSIONER SILVERBERG: So I'd like to make a
8 motion to that effect.

9 CHAIR LUEDER: I would second that, and then
10 I'll open it up for discussion.

11 COMMISSIONER VAN VELSOR: What's the motion.

12 COMMISSIONER SILVERBERG: The motion would be
13 that Division continues to work with APCD and continues
14 collaboration on gathering more data so we can reach a
15 conclusion.

16 CHAIR LUEDER: Could I just jump in.

17 COMMISSIONER VAN VELSOR: So then to clarify
18 then, there's nothing different. That's what they're
19 doing, right? So we're just supporting what the
20 Division is currently doing, which is collaborating
21 with the Air Board in trying to find a solution.

22 COMMISSIONER SILVERBERG: Yes.

23 CHAIR LUEDER: I'd like to just add to that just
24 a little bit. I think it's important that we put that
25 in writing from our Commission that that's the approach

1 that we suggest Division and APCD to continue to take
2 to resolve this issue. If you don't mind, I'd like to
3 amend your motion to that effect.

4 COMMISSIONER SILVERBERG: Agreed.

5 CHAIR LUEDER: More discussion?

6 COMMISSIONER SLAVIK: I wonder if we maybe want
7 to go a little broader than that. I'm thinking
8 something along the lines of the Commission has
9 listened to and absorbed the comments that we've heard
10 today, were very concerned. I keep getting this
11 feeling from certain individuals that we were not
12 interested in public safety or public health, and I
13 think we ought to make a statement to that effect, that
14 this Commission is certainly interested in public
15 health. And actions that we take we don't feel that we
16 would be perpetrating health problems, or something
17 like that, by continuing this recreation. I'm not
18 quite sure how to put that in words. I'm trying to go
19 a little broader in that statement we're going to want
20 to make.

21 CHAIR LUEDER: I think that's part of Division's
22 goal is to minimize health risks obviously.

23 COMMISSIONER SLAVIK: I'm talking about the
24 Commission. We want to make a statement as a
25 Commission that we're supporting what Division is doing

1 as a Commission, so we could incorporate that into the
2 letter.

3 COMMISSIONER FRANKLIN: I guess I would echo
4 that position from the entire Commission here, that we
5 continue on our efforts to research and determine what
6 the issue is and if mitigation efforts can be made. I
7 think it's important to note that throughout the day
8 people have asked and requested that we either explain
9 why or just flatly accept the Phase 2 results, and I
10 don't think that's a good idea. I think we should
11 always challenge it. I think we should always look to
12 make sure that the information is being provided in the
13 right light and that it's all of the information, and
14 we have all of the best possible facts when we make
15 that decision, and especially when we see a report from
16 an agency that has good cause to question. You know,
17 there were certainly things in there, a 13-month year,
18 there were a lot of things in there that begged to be
19 questioned. And I think that's the exact reason why we
20 need to have those study peer reviewed and have
21 additional studies done just to either confirm it or
22 adjust it slightly. I would agree.

23 COMMISSIONER KERR: A couple of things, one is I
24 think the concept of monitoring non-disturbed areas and
25 disturbed areas, which is actually proposed by the Air

1 District, is not a bad idea. I think we, A, have to
2 find similar areas to monitor, which is a bit of a
3 challenge. So we don't want to be put in a situation
4 of monitoring a large flat windswept area and comparing
5 to something that's not. But I think the idea of
6 comparative monitoring is excellent.

7 The problem is when you base the fines on a
8 daily difference between those two areas, you run the
9 risk of -- so you pay when you're above, but you don't
10 get paid back when you're below. So that's -- I think
11 that the idea of monitoring is good. And I think that
12 what I'm hearing on the Commission is we're willing to
13 devote additional resources to continue to monitoring
14 of this issue.

15 Just as a sidenote, as one who has been involved
16 in urban planning, I think it's very disingenuous for
17 the County of San Luis Obispo Planning Commission to
18 allow these developments to be placed in an area of
19 known particulate, high particulate counts. And so
20 San Luis Obispo County Planning is the one that created
21 this issue by allowing these neighborhoods to be built
22 in these areas.

23 Having said that, we do have a responsibility to
24 do everything we can to help these people, and so I'd
25 just like to know for future, can we actually put hay

1 bales on those buffer zones or is that something we've
2 got to go to the Coastal Commission for a permit or
3 something. I'm not against doing mitigation on things
4 that we didn't cause, frankly, because I think we need
5 to be a good neighbor. I just don't want to be fined
6 for stuff that we didn't cause, and I want the money to
7 go into actually helping these people. So I don't know
8 if that's appropriate to put in a direction.

9 But I think from my point of view, you're
10 directing staff to continue to monitor the situation,
11 to come up with better ways to monitor the situation,
12 and compare it to non-disturbed areas and to bring back
13 any mitigation measures that they discover that we
14 could potentially implement to improve public health.

15 COMMISSIONER VAN VELSOR: Further clarification,
16 so in our motion are we supporting then the
17 recommendations that were made by the Division to the
18 APCD and challenging then the rule that the APCD has
19 issued?

20 CHAIR LUEDER: I don't think that we're
21 challenging the rule. I believe what we're asking for
22 is continued collaborative efforts, continued
23 collection of data, so that we can have clarity on how
24 OHV may or may not be contributing to PM10 problems in
25 the area.

1 COMMISSIONER VAN VELSOR: I'm struggling because
2 that's what the rule suggests. I don't see that what
3 we're asking is different than what is being
4 recommended by the board.

5 CHIEF JENKINS: If I could clarify, one thing I
6 failed to clarify in the report that might help, pardon
7 for the interruption. It's in the report. I didn't
8 bring it out clearly in my oral report. They're
9 proposing to move forward on the rule, to adopt the
10 rule next month in November. While we had specifically
11 requested -- if you read through the entire letter that
12 I believe you're referring to -- from us to the board
13 is that they take a different approach.

14 For instance, we suggested language if they move
15 forward with the rule, they would address the issue
16 about you don't get paid for the low days, but you get
17 fined for the high days. We were looking at suggesting
18 a change, for instance, that would say over a period of
19 three months if there is a predominance of exceeding
20 the standards, that shows a clear pattern as opposed to
21 just a 24-hour average. So we had a number of
22 suggestions in there.

23 The most recent version of the rule that came
24 out that are referred to just a couple of days ago
25 doesn't appear that they adopted those measures. What

1 I was suggesting the day I spoke to the board was we
2 don't need a rule. We need a collaborative process.
3 We need to together working through an interim process
4 develop best management practices and we, as the
5 landowners of those dunes, are willing to step up,
6 engage in the process, do it collaboratively, but not
7 have that threat of a fine hanging over us every time
8 we fail. If we're making an honest effort, we should
9 be allowed to continue to find those solutions. If
10 you're always afraid that what you do isn't going to
11 result in the required results, then the fine is right
12 behind you, then it begins to enter a different phase
13 of discussions, and then everybody is worried about
14 lawsuits, and it just changes the entire character of
15 interaction.

16 We're trying to not turn it into politics. We
17 want solutions. And we believe that in order to get to
18 solutions, we have to have that partnership with APCD
19 and the county where we can together find those
20 solutions. I don't know if that helps, but that
21 perhaps wasn't clear from what I was discussing
22 previously.

23 COMMISSIONER VAN VELSOR: Well, what I'm
24 understanding you to say then is that the Division has
25 problems with the rule and has asked the rule to be

1 different than what they're currently suggesting. Is
2 that what our motion is that we as the Commission --

3 COMMISSIONER KERR: That's kind of a separate
4 motion.

5 COMMISSIONER VAN VELSOR: It's not. I need to
6 clarify if our motion is what Chief Jenkins just
7 suggested, or is our motion just saying we want to
8 collaborate.

9 CHAIR LUEDER: Our motion would be to support
10 staff, staff's view, and their view currently is do not
11 adopt these rules at this time.

12 COMMISSIONER KERR: I'm for challenging the
13 rule.

14 COMMISSIONER VAN VELSOR: Thank you. I just
15 needed to have that clarified.

16 COMMISSIONER KERR: I don't want to say it in a
17 combative way, just say there are issues with the rules
18 as written, and would prefer to work in a collaborative
19 manner and actually mitigate the problem, if we can
20 figure out how to mitigate it whether we caused it or
21 not.

22 COMMISSIONER VAN VELSOR: Well, from my
23 perspective, it was unfortunate that the Air Board did
24 not send their scientist here because I had questions
25 to ask. I think it's necessary for me to get a better

1 understanding of the situation. This is the State
2 agency charged with protecting the health of our
3 citizens. And so I have to give them the benefit of
4 the doubt. I did have questions. I would have liked
5 to have had those addressed here; they weren't. And I
6 have to continue to support the agency that again is
7 charged with protecting the health of the citizens
8 unless I can see some significant reason not to do
9 that. And I did not see that here, so I would have to
10 not support that.

11 CHAIR LUEDER: That's certainly your
12 prerogative, and I respect your position at this point.

13 DEPUTY DIR. GREENE: If I may, just one point of
14 clarification. I think we've all established that we
15 want to work collaboratively. I think the question at
16 hand though is the Commission's position on the
17 potential for adoption of a permanent rule, and the
18 imposition of fines which could be significant, more
19 than \$1,000 a day, that that would take place starting
20 November 16th is when the board meets the next time.

21 What we've talked about is that PMRP. What does
22 that PMRP look like? What happens when we start
23 implementing some of those measures, the monitoring,
24 that we get clear and accurate data again with the
25 APCD. That's what they're talking about is

1 implementing the monitoring. If we find the monitoring
2 is not working, then we start to move it. But we've
3 got to have consistency in our monitoring, consistency
4 in the data collection. And what is of concern is that
5 immediately they're going to start imposing fines on
6 this Division come November rather than saying, let's
7 work to come up with that solid PMRP, and what does
8 that look like.

9 I will say that we did invite the APCD director
10 to be in attendance yesterday, and today I know he had
11 some scheduling conflicts. He was worried about
12 something today so it probably would have been helpful
13 yesterday. But I do think that's the concern for us,
14 again you want that consistency that we're working
15 together. Some people would say that you're afraid of
16 the fines. No, it's how do we make this work? We're
17 at that stage.

18 COMMISSIONER KERR: Well, I'm objecting to the
19 fines, but we could be fined for something that Mother
20 Nature does. But I think the rest of this looks good.
21 The monitoring they suggested if done in a scientific
22 manner would be valuable input.

23 DEPUTY DIR. GREENE: I think every time we can
24 get data, we need that consistency. If we're going to
25 have monitoring stations coming off of the dune

1 preserve where there is no motorized use and it hasn't
2 existed for 30 years, what we need to have coming
3 downwind here in the park, we need to have the same
4 monitoring devices where the activity is occurring so
5 that there is some way we can gather consistency in
6 data.

7 COMMISSIONER VAN VELSOR: I could understand why
8 we would not want to have the fines, but there is a
9 reason why the Air Board put the fine there. And I
10 would like to know what that reason is, and I would
11 have liked to have asked that today.

12 DEPUTY DIR. GREENE: I agree.

13 COMMISSIONER VAN VELSOR: Without that
14 information, it's difficult for me to say that that's
15 not legitimate, that there's a reason that those fines
16 are there in order for them to accomplish their goal,
17 which is reduce PM10 and reduce the risk of health
18 problems with the citizens. So that's the struggle for
19 me that they obviously have a reason for having a fine
20 in there.

21 DEPUTY DIR. GREENE: Correct, I agree with you
22 in terms of when fines need to be implemented. They do
23 have flexibility, however. And whether and how we
24 develop that particular plan, what does that look like,
25 and to give it some time so that together we can figure

1 out and start gathering that data. If in fact we're in
2 violation then, of course, that's the issue. I think
3 there hasn't been that clarity, and that initial pilot
4 project told us that of ride, no ride. And that's
5 where the issue comes. The prevailing winds, how are
6 we going to gather that data.

7 CHAIR LUEDER: I could go on and on with this.
8 I respect your opinion and you can vote obviously any
9 way you'd like. That's your freedom here.

10 So bringing it back to a vote. And a
11 restatement of the motion would be to support staff in
12 the collaborative approach to this situation with
13 working with the Air Board as they have.

14 COMMISSIONER KERR: Do we need to say we are
15 challenging the rule?

16 CHAIR LUEDER: Well, staff is challenging the
17 rule, and we're echoing staff's opinion at this point,
18 and that we would like to see additional data collected
19 so that everybody is clear that before mitigation
20 measures start we have some idea of whether this PM10
21 is being generated naturally or if it's also
22 contributed by OHV use, and clearly defining those
23 parameters before we accept or endorse rules that could
24 give us fines. If that's not too much to ask, is that
25 a clear restatement of the motion?

1 COMMISSIONER SILVERBERG: Yes, that covers it.

2 CHAIR LUEDER: I already seconded it and call
3 for the vote. All in favor?

4 (Commissioners simultaneously voted.)

5 CHAIR LUEDER: All opposed.

6 COMMISSIONER VAN VELSOR: Opposed.

7 CHAIR LUEDER: All right. That carries, five to
8 one vote.

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10 **AGENDA ITEM V(B) - COMMISSION POLICIES & PROCEDURES**

11 CHAIR LUEDER: So moving on, we have one more
12 item, and I promise this should be quick, item B,
13 Commission policies and procedures. So we are going to
14 review the revisions that we made in our last meeting
15 and either endorse those or suggest further revisions,
16 but I hope that we can endorse these.

17 DEPUTY DIR. GREENE: Based off of our last
18 Commission meeting where we discussed some of the items
19 that you wanted to change, today, is the first day
20 where some of those changes have been implemented. For
21 example, the implementation of the three-minute rule
22 and whether or not that works in the way that you want
23 it to.

24 We had some changes to when we would get the
25 notice out, and the agenda, and noticing the public

1 through press releases. There were also a number of
2 adjustments for consistency, grammatical corrections
3 that we needed to make. So we did that. That's
4 exemplified here.

5 CHAIR LUEDER: Is there any questions or
6 discussion?

7 COMMISSIONER VAN VELSOR: I did have one, and I
8 believe we discussed this, and I just think it wasn't
9 included, but I may be mistaken.

10 So it is under operations policy and procedures,
11 (C)(3), Commission meeting protocol. And it reads:
12 Only items that are listed on the meeting agenda can be
13 voted upon except as indicated in Bagley-Keene.

14 I thought we said items only listed on meeting
15 agenda as business items can be voted on. It's under
16 the operational policy and procedure (1)(C)(3).

17 CHAIR LUEDER: I believe if you look at the
18 tracked changes, this is the way it was originally
19 written. And then we added, except as indicated in the
20 Bagley-Keene Open Meeting Act, which would provide us a
21 mechanism to add items to the agenda.

22 COMMISSIONER VAN VELSOR: So you think that
23 handles what I said?

24 CHAIR LUEDER: Yes.

25 COMMISSIONER VAN VELSOR: That was the

1 misunderstanding then.

2 CHAIR LUEDER: Right.

3 COMMISSIONER VAN VELSOR: Very good.

4 COMMISSIONER KERR: I thought there was
5 something we were going to have about how you added
6 things to the agenda if the majority of the
7 commissioners wanted it on there, but I can't find it
8 here. Because what you've got here is: At the
9 discretion of the chair, draft agenda will be
10 distributed for review prior to the meeting and it gets
11 finalized. I don't see anything about how
12 commissioners have accepted the agenda with some kind
13 of support.

14 CHAIR LUEDER: On page three item (B),
15 Commission meeting agenda, the Commission Chair shall
16 set the meeting agenda with the consultation of the
17 Deputy Director after considering input from other
18 Commissioners. Commissioners shall provide suggested
19 agenda items to the Deputy Director no later than three
20 weeks prior to the scheduled meeting.

21 And so you can either submit items to the Chair
22 or you can submit them to the Deputy Director. The
23 Deputy Director would then prepare a draft, and then
24 the Chair would consider those to come up with the
25 final.

1 COMMISSIONER KERR: So it's still the same way
2 as it was before.

3 CHAIR LUEDER: I think it's similar to the way
4 it was before.

5 COMMISSIONER KERR: Because there is no
6 mechanism to get items added to the agenda unless
7 you're the Chair or the Deputy Director.

8 CHAIR LUEDER: There is no mechanism to force
9 items on the agenda if you're not the Chair or Deputy
10 Director.

11 COMMISSIONER SLAVIK: Didn't that whole
12 discussion come about because we were receiving
13 information at that particular meeting and we needed to
14 act on that at that time?

15 COMMISSIONER KERR: That was another one.
16 That's the Bagley-Keene thing.

17 CHAIR LUEDER: That's different.

18 COMMISSIONER SLAVIK: That we could act on
19 non-agenda items.

20 COMMISSIONER KERR: Well, if that's the majority
21 view, I thought we talked about something else.

22 CHAIR LUEDER: I think what we talked about
23 was --

24 COMMISSIONER KERR: I still think that there is
25 an issue here, but it's late in the day and you know --

1 I mean...

2 CHAIR LUEDER: Well, from my standpoint as the
3 Chair and having put an agenda together, how would I
4 and the Deputy Director react to if Commissioner
5 Van Velsor wanted two items on the agenda and
6 Commissioner Kerr wanted two separate items on the
7 agenda, and suddenly we have 20 items on the agenda.
8 So that's the pushback that I'll put out there on that
9 item. I think the idea is that we work
10 collaboratively, and we can discuss them as they come
11 up. I don't know if that's adequate.

12 COMMISSIONER KERR: That's fine. I've been
13 trying to get something on the agenda, and you left for
14 Europe. And is there a mechanism -- are we not allowed
15 to bring it up at the meeting and vote on whether we're
16 going to have it on the agenda at the next meeting,
17 like this issue of public/private partnerships that's
18 going to get talked about pretty soon, I'd just like to
19 at least have a vote on the Commission of why we're not
20 talking about it.

21 Is there any mechanism in here for a
22 Commissioner bringing before the Commission a proposed
23 agenda item and having it voted on whether it will be
24 included in the next meeting?

25 CHAIR LUEDER: I think we could do that.

1 COMMISSIONER KERR: That way you're not getting
2 overwhelmed.

3 COMMISSIONER SLAVIK: We've done that in the
4 past.

5 COMMISSIONER KERR: How does that happen?

6 COMMISSIONER SLAVIK: Just bring it up it.

7 COMMISSIONER KERR: When?

8 CHAIR LUEDER: You can bring it up during
9 Commissioner Reports. That's your opportunity to talk
10 about whatever you'd like to talk about.

11 COMMISSIONER KERR: And is that an actionable
12 part of the agenda? I'll bring it up then, fine.

13 CHAIR LUEDER: I'd just like to ask a question
14 of counsel. So is it feasible to put in our policies
15 that Commissioners prior to a meeting could -- if a
16 Commissioner wanted to place an item on the agenda and
17 he has the support of the majority of the
18 Commissioners, that that would be acceptable as a way
19 to get items on the agenda?

20 ATTORNEY LA FRANCHI: Yes, I think that would be
21 acceptable, as long as the discussion about what to put
22 on the agenda doesn't go beyond up or down and get into
23 a lot of discussion on the pros and cons of the item
24 itself, if I'm making myself clear. It is a fine line.

25 CHAIR LUEDER: In other words, if Commissioner

1 Silverberg said I would like to put this item on the
2 agenda and I said I don't really think so, but then he
3 goes further and gets the support of the majority of
4 the Commissioners.

5 ATTORNEY LA FRANCHI: That would be fine.

6 CHAIR LUEDER: That would be okay.

7 ATTORNEY LA FRANCHI: If the majority of the
8 Commissioners say no, and he tries to argue or debate
9 the point and persuade them with pros and cons, that
10 would go too far.

11 DEPUTY DIR. GREENE: And if I may, the reason
12 for historically the Chair's discretion is based on the
13 location of the meeting. For instance, would this
14 Commission right now want to go into a discussion of
15 public/private partnerships; is that a realistic
16 expectation? So as the Chair and Deputy Director are
17 looking at schedule and timing and critical issues and
18 contentious issues and the time that they may require,
19 then decisions get made in that regard.

20 I would suggest certainly obviously that the
21 Chair headed off on a much needed vacation. But I
22 think the public/private partnership issue certainly
23 can be on the agenda for the next meeting.

24 We will be, as a reminder, only in five weeks'
25 time, down in Imperial County at Heber Dunes looking at

1 the general plan and the EIR. So I guess that's
2 typically where that give and take has been, is looking
3 at the items that are also on the agenda.

4 CHAIR LUEDER: Commissioner Kerr, if you would
5 like to add that caveat?

6 COMMISSIONER KERR: I thought if you go to all
7 of the trouble -- first of all, people would need to
8 answer their e-mails. I would like to suggest, and
9 this would be available to any Commissioner, if there
10 was an item you're having trouble getting on the
11 agenda, that you send the e-mail to the other
12 Commissioners indicating this issue and asking them to
13 please weigh in on whether it should be on the agenda,
14 and I think that's okay under Bagley-Keene. I'd like
15 to add that in some kind of policy statement which we
16 are currently reviewing at this moment.

17 CHAIR LUEDER: If I could make a motion to
18 approve the policy and procedures as written with the
19 addition of Commissioner Kerr's suggestion that an item
20 could be placed on the agenda by an individual
21 Commissioner if he has the support of the majority of
22 the Commission. Do I hear a second?

23 COMMISSIONER FRANKLIN: Second.

24 COMMISSIONER SILVERBERG: Second.

25 CHAIR LUEDER: Any discussion? All in favor?

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(Commissioners simultaneously voted.)

CHAIR LUEDER: One thing I forgot is public comment on the policies and procedures.

Hearing no further public comment, that item passes. Unanimously.

I believe that ends our agenda, so do I hear a motion to adjourn?

COMMISSIONER SILVERBERG: Motion to adjourn.

COMMISSIONER SLAVIK: Second.

CHAIR LUEDER: All in favor?

(Commissioners simultaneously voted.)

CHAIR LUEDER: We're adjourned.

(Meeting adjourned at 5:34 p.m.)

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