

**California Department of Parks and Recreation**

**Off-Highway Motor Vehicle Recreation Division**



**REPORT TO THE LEGISLATURE**

**PUBLIC RESOURCES CODE SECTION 5090.15**

**September 2020**

## Summary

Pursuant to Public Resources Code §5090.15(e), the Department of Parks and Recreation (Department) convened a stakeholder process to develop recommendations to create a more diverse Off-Highway Motor Vehicle Recreation Commission (Commission). The purpose of this report is to describe the comprehensive process undertaken to derive recommendations for the Governor and Legislature to modify Commission membership to better reflect California's diversity as well as the diversity amongst those who utilize California's off-highway vehicle recreation areas.

## Purpose

SB 249 (Allen, Ch. 459, Statutes of 2017), required the Department to undertake a stakeholder process to diversify the membership of the Off-Highway Vehicle Commission. Utilizing the mission, purpose, and roles of the Commission (*Public Resources Code §5090.15*) as a framework, the Department embarked on a process to convene off-highway vehicle recreation enthusiasts, environmental advocates, representatives from the California Legislature, and others, to identify areas of interest and concerns, and negotiate recommendations to modify the eligibility criteria to serve on the Commission.

*§5090.15. (e) By December 31, 2018, the department shall convene a stakeholder process to make recommendations to the Governor and the Legislature regarding ways to implement this section. The stakeholder process may consider a variety of recommendations, including, but not limited to, ways to achieve a diverse commission, including the geographic diversity of California, as well as the diversity of all Californians, including, but not limited to, the special needs of all who participate in off-highway vehicular recreation, and ways to achieve diverse public participation in the commission process. The department shall submit these recommendations to the Governor and the Legislature on or before January 1, 2020.*

The stakeholder group members collective experience were essential to developing a recommendation that recognizes their diverse perspectives and establishes the basis for the best possible future of the Off-Highway Motor Vehicle Recreation Commission.

A diverse group of stakeholders were invited to participate in this deliberative process including representatives from:

- Senate Natural Resources and Water Committee;
- Assembly Water, Parks and Wildlife Committee;
- Environmental & Energy Consulting;

- Cal Wild;
- California Native Plant Society;
- Defenders of Wildlife;
- Environmental CA;
- Southern California Mountains Foundation;
- CalEEC;
- Off-Highway Motor Vehicle Recreation Commissioners;
- California Off-Road Vehicle Association;
- Blue Ribbon Coalition;
- Quiet Warrior Racing;
- American Sand Association;
- American Motorcyclist Association.

Four facilitated meetings were held between July 2018 and April 2019. The approach for these meetings was to first establish consensus amongst participants about the mission, scope, and role of the stakeholder workgroup, establish rapport amongst the stakeholders, and learn about the unique perspectives and commonalities within the group. The group then identified and addressed any gaps, and finally, built a recommendation the stakeholders believe will result in the best possible Commission for the future of California's Off-Highway Vehicle Program.

## **Recommendation**

The stakeholder process concluded with a consensus recommendation for the following amendments.

Section 5090.15 of the Public Resources Code is amended to read:

5090.15. (a) There is in the department the Off-Highway Motor Vehicle Recreation Commission, consisting of nine members, five of whom shall be appointed by the Governor and subject to Senate confirmation, two of whom shall be appointed by the Senate Committee on Rules, and two of whom shall be appointed by the Speaker of the Assembly.

(b) In order to be appointed to the commission, a nominee shall ~~represent one or more~~ **have expertise in and represent one** of the following groups ~~interests~~:

(1) Off-highway vehicle recreation ~~interests~~.

(2) ~~Biological or soil scientists~~ **Environmental protection.**

(3) ~~Groups or associations of predominantly rural landowners~~ **Motorized access to nonmotorized recreation.**

- (4) Law enforcement.
- (5) Environmental protection organizations **restoration**.
- (6) Nonmotorized recreation interests **Health and safety**.
- (7) Rural landowners or residents.**
- (8) Biological or soil specializations.**
- (9) Public-at-large.**

~~(c) It is the intent of the Legislature that appointees to the commission represent all of the groups delineated in paragraphs (1) to (6) of subdivision (b), inclusive, to the extent possible.~~

**(c) Appointees to the commission shall represent one of the groups delineated in the priority order of paragraphs (1) to (9) of subdivision (b), inclusive, to the extent possible. When appointing a commissioner, the appointing authority shall make every effort to identify an individual who can fulfill a vacant category.**

**(d) When making appointments to the commission, the Governor, Senate Committee on Rules, and Speaker of the Assembly shall consider the places of residence and diversity of the members of the commission in order to ensure the commissioners represent the diversity of all Californians including appointments based on race, color, religion, sex, ancestry, national origin, disability, and other protected classifications pursuant to the Unruh Civil Rights Act.**

~~(d)~~ **(e)** Whenever a reference is made to the State Park and Recreation Commission pertaining to a duty, power, purpose, responsibility, or jurisdiction of the State Park and Recreation Commission with respect to the state vehicular recreation areas, as established by this chapter, it is a reference to, and means, the Off-Highway Motor Vehicle Recreation Commission.

~~(e) By December 31, 2018, the department shall convene a stakeholder process to make recommendations to the Governor and the Legislature regarding ways to implement this section. The stakeholder process may consider a variety of recommendations, including, but not limited to, ways to achieve a diverse commission, including the geographic diversity of California, as well as the diversity of all Californians, including, but not limited to, the special needs of all who participate in off-highway vehicular recreation, and ways to achieve diverse public participation in the commission process. The department shall submit these recommendations to the Governor and the Legislature on or before January 1, 2020.~~

~~(f) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.~~