

CALIFORNIA STATE PARKS
THE NATURAL RESOURCES AGENCY
OFF-HIGHWAY MOTOR VEHICLE RECREATION DIVISION

OHMVR COMMISSION
REGULAR MEETING

Friday, May 29, 2015

8:30 a.m. to 3:34 p.m.

Held at

Best Western Sonora Oaks

19551 Hess Avenue

Sonora, CA 95370-9720

Reported by CHERYL L. KYLE, CSR No. 7014

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IN ATTENDANCE

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OHMVR COMMISSIONERS PRESENT:

Ted Cabral, Chair
Diana Pérez, Vice-Chair
Erin Hafkenschiel
Eric Lueder
Kevin Murphy
Edward Patrovsky
Paul Slavik
Teresa Villegas

OHMVR COMMISSIONER ABSENT: None

OHV DIVISION STAFF:

Christopher Conlin, Deputy Director
Maria Mowrey, Administrative Chief
Kathryn Tobias, Legal Counsel

OTHER OHV DIVISION STAFF AND REGISTERED VISITORS

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1 AGENDA ITEM I - CALL TO ORDER at 8:37 a.m.

2 AGENDA ITEM I(A) - PLEDGE OF ALLEGIANCE

3 (Pledge led by Chair Cabral.)

4 AGENDA ITEM I(B) - ROLL CALL

5 (All Commissioners present.)

6 CHAIR CABRAL: And we also have our OHV Division
7 staff here, and we have our Deputy Director, Chris
8 Conlin.

9 And, Chris, thank you for all of the efforts
10 that everyone has put together for this tour we had
11 yesterday and in putting this meeting together. It's
12 great. It's always a pleasure to see these dedicated
13 employees working and doing such a wonderful job.

14 So we also have Maria Mowry, the administrative
15 chief. And we also have Kathryn Tobias, our legal
16 counsel.

17 As far as guests, Jess Cooper for State Parks is
18 here, so it's kind of nice -- it's real nice to see you
19 here because I like to see the cross-pollination
20 between the standard State Parks Division and OHV, so
21 thank you very much.

22 AGENDA ITEM II (A) - APPROVAL OF AGENDA

23 CHAIR CABRAL: So next we have approval of the
24 minutes [sic].

25 COMMISSIONER LUEDER: I'll make a motion to

1 approve.

2 COMMISSIONER SLAVIK: I'll second that motion.

3 CHAIR CABRAL: I'd like to have a vote on that.
4 We've got to do roll call.

5 (Unanimous approval via roll call vote.)

6 **AGENDA ITEM III (A) - APPROVAL OF MINUTES**

7 CHAIR CABRAL: Next we will move on to
8 Commissioner reports. Let's see here, why don't we
9 start with -- approval of minutes. I'm sorry, I'm
10 trying to get this done, aren't I? So approval of
11 minutes -- I mean the agenda. Minutes, excuse me,
12 minutes.

13 COMMISSIONER LUEDER: I'll make a motion to
14 approve the minutes as written.

15 THE CLERK: Second?

16 COMMISSIONER MURPHY: I'll second.

17 (Unanimous approval via roll call vote.)

18 **AGENDA ITEM IV (A) - COMMISSIONERS' REPORTS**

19 CHAIR CABRAL: Okay. Next item is our
20 Commissioner reports. So why don't we start all the
21 way down to the right.

22 Commissioner Villegas, do you have a report?

23 COMMISSIONER VILLEGAS: I do not. I'll pass.

24 CHAIR CABRAL: Okay. Thank you.

25 Commissioner Patrovsky?

1 was ready and her daughter to come down to have OHV
2 training, so that was a good day. Thank you.

3 CHAIR CABRAL: Commissioner Pérez?

4 COMMISSIONER PÉREZ: I'm also going to keep my
5 report fairly short. I do want to thank everyone
6 yesterday for the tour. U.S. Forest, whoever organized
7 it, did a very good job. It was a very well-organized
8 tour.

9 And in particular I wanted to thank Beth
10 Martinez. She happened to be in our car, and I want to
11 thank her for answering like an additional hundred
12 questions that we probably asked during that tour. She
13 answered every single one of them, so thank you again.
14 I really did enjoy the tour yesterday. Thank you.

15 CHAIR CABRAL: Commissioner Lueder?

16 COMMISSIONER LUEDER: Yes, thank you.

17 I just wanted to report that I attended two
18 events since our last meeting in April. I attended the
19 Sawmill Enduro put on by North Bay Motorcycle Club at
20 BLM Cow Mountain. And then in May I attended the
21 Fool's Gold Enduro put on by the California Enduro
22 Riders Association up at Georgetown.

23 And both events went off very well, and I
24 appreciate BLM and Forest Service staff and the
25 motorcycle clubs for putting those events on.

1 Commission. I just wanted to say that I really enjoy
2 your guys' company. I think we have a very good
3 Commission and appreciate everything you guys put into
4 it. I think it's well-rounded. It represents the
5 State of California well, and I thank you for all of
6 your efforts and volunteers. I just wanted to put that
7 out there. I thought it was important to say that,
8 okay.

9 Now, as I move into my Commission report, I have
10 a couple of things here that I noted. I met with the
11 State Parks Transition team leader, Steve Szalay and
12 our Deputy Director Chris Conlin, in Sacramento in
13 March. We discussed the OHV program and how it may be
14 integrated into the transition process. I expressed my
15 views on the need to continue with a separate
16 Commission for the OHV program and also explained the
17 depth of the Grants Program and how it affects more
18 than State Parks but California as a whole.

19 We also discussed the \$10 million redirect of
20 OHV funds. Mr. Szalay understood the concern but
21 reminded me that it was a legislative issue that he had
22 no control over.

23 Mr. Szalay also asked me to join the State Parks
24 Advisory Committee. I have accepted the appointment,
25 and the committee has had two very informative

1 conference calls.

2 I feel that the State Parks leadership is doing
3 the right thing and that we're moving in the right
4 direction. Some of the systems that are in place now
5 are old. They're from the '70s and early '80s, and
6 things are being updated such as budgeting and
7 big-picture type things. And it's going to help us all
8 down the road. I'm excited to be part of that process,
9 and there are some good things happening there.

10 I also attended the Hangtown Motocross National
11 in Prairie City SVRA March 16. Dirt Diggers Motorcycle
12 Club produced an excellent event. I thought they did a
13 really good job. Great to see so many people on a
14 postcard-perfect day. It couldn't have been any
15 better. It was 72 degrees with a slight breeze. The
16 event was a great example in my opinion of the quality
17 partnership between the club and the staff of the SVRA.

18 I spoke with Kerri Coombs, one of the partners
19 of the National Motocross Series, and she was thrilled
20 to be at the SVRA and was pleased to have such strong
21 support from the State of California.

22 And she also offered a tour of the infield for
23 Assemblyman James Gallagher and Tom Lackey who were
24 attending the event. Assemblyman Gallagher had to make
25 another appointment, and he declined. Assemblyman

1 Lackey and his son, Justin, were able to make the tour.
2 They loved the up-close action. And they were so
3 excited about it they were making plans to attend the
4 event next year. So that was really cool.

5 I was also able to spend some time speaking with
6 Congressman Tom McClintock. He's a member of the House
7 Natural Resources Committee and chairman of the Federal
8 Land Subcommittee. And we discussed the public getting
9 access to federal lands, wildfire issues and funding of
10 catastrophic wildfire events. He assured me that he
11 would be focusing on these three issues heavily. And
12 that as we go forward, if I had any concerns, I would
13 have access to his office.

14 So that's my report. We'll go from there.

15 **AGENDA ITEM IV(B) - COMMITTEE REPORTS**

16 CHAIR CABRAL: Next, we have our Committee
17 Reports.

18 So ATV Safety, how about Commissioner Pérez and
19 Commissioner Murphy?

20 COMMISSIONER MURPHY: I don't have anything to
21 report.

22 COMMISSIONER PÉREZ: I don't have anything to
23 report.

24 But at a future Commission meeting, Deputy
25 Director Conlin -- I know that there's an ATV Safety

1 Committee that's statewide. So I was hoping to maybe
2 at a next -- a future Commission meeting to get an
3 update in terms of what was new with that committee.

4 DEPUTY DIR. CONLIN: Okay. We'd be very happy
5 to do that.

6 COMMISSIONER PÉREZ: Okay. Thank you.

7 CHAIR CABRAL: BLM Liaison. Commissioner
8 Patrovsky, do you have anything?

9 COMMISSIONER PATROVSKY: Nothing to report at
10 this time.

11 CHAIR CABRAL: I just want to thank -- on the
12 BLM issues that our staff -- especially Dan Canfield --
13 for putting together the comment letter, helping us
14 with that. And Ed and I were able to have some input,
15 and I think we had a real nice letter going together
16 for the WEMO comments. So thank you for that.

17 Also, I'm concerned about the -- and this is
18 kind of -- this goes across the board really with
19 all -- whether it's on our standard state parks, with
20 our SVRAs. But this one is specific to the BLM but --
21 with the Forest Service or the BLM.

22 There's a pretty large inconsistency for people
23 putting on special events on the permit process between
24 each one. And I have had some complaints from folks in
25 Southern California putting on BLM events and that they

1 were-- something that -- they had issues with the law
2 enforcement people being maybe a little too overactive
3 on issues that were handled by the race promoter, and
4 there was a little bit of a tension between how that
5 was happening and also just the permitting process in
6 general. It was very slow and very difficult to get
7 the permit in hand in a timely manner.

8 And I think that's something that I'm going to
9 take up with the BLM directly in a private meeting.
10 But this is a reoccurring theme, and it may be
11 something that we need to look at as a Commission down
12 the road. So I just wanted to kind of mention that.

13 Next, we have the CARB.

14 COMMISSIONER HAFKENSCHIEL: I have nothing to
15 report.

16 CHAIR CABRAL: Okay. I have a printer that's
17 now decided to print on two sides of the paper, so I'm
18 getting confused here.

19 CARB report, on my end we have -- on May 21st, I
20 attended the Air Resources Board Red Sticker motorcycle
21 emission testing lab in El Monte. Sherri Zhang and her
22 staff were very accommodating and took the time to
23 explain some new equipment they added to the test
24 procedure.

25 Basically, to go off my notes for a second, they

1 put a piece of equipment in line that would be less
2 likely to be damaged by two-stroke exhaust emissions.
3 So that's the rough outline on it. So they were
4 testing that at a four-stroke to see if -- they were
5 crossing the testing to see how it worked with their
6 other equipment on it. So they were confirming and
7 calibrating it. So hopefully they're going to be able
8 to move forward with some two-stroke testing in the
9 future.

10 Chris Real was observing the test, and he
11 explained his role to me. And his role is an important
12 role because he makes sure there is consistency with
13 the testing. I won't go into too much detail on that
14 one.

15 Now, this is a little bit of an incident in my
16 opinion. The test required for these motorcycles does
17 not allow the bikes to operate how they would be used
18 in the real world. The ARB staff understands this and
19 would like to develop a different test in collaboration
20 with a state university for the future. Perhaps the
21 OHV Division could support this with a grant for the
22 ARB.

23 Looking at the big picture, these bikes are a
24 very small part of the air quality issues that
25 California faces, but the Board has directed the staff,

1 and they must complete the test and present a report to
2 the Board.

3 I believe the best solution is to allow these
4 racing motorcycles to exist with minimum modifications
5 while requiring zero-emission motorcycles in the
6 manufacturer's suite to offset these motorcycles.

7 Something I'm quite clear with is that these
8 motorcycles are competition motorcycles as far as the
9 federal EPA looks at them. And I think if we are able
10 to negotiate a decent situation here, we could be able
11 to make it so the zero-offset vehicles would probably
12 be considerably more sales than we are looking at with
13 these Red Stickers vehicles. There are under 500 units
14 a year sold in the state, and I'm going to say it's
15 more around 300, with an educated guess. I'm going to
16 try to get that information in the near future, so I'll
17 be able to report on that. So hopefully we're going to
18 see something starting to move forward.

19 The last thing on the ARB, they are over a year
20 behind on the testing stuff. They were supposed to
21 have a report in -- due in October, and they have had
22 issues with the equipment, in acquiring motorcycles, so
23 that's why they're behind.

24 Next one we have is the Statewide Motorized
25 Trail.

1 COMMISSIONER LUEDER: Nothing to report.

2 CHAIR CABRAL: I don't have anything to report,
3 too, but I'd like to make this an issue where it lacks
4 traction. And it's -- I realize the issues -- there
5 are other issues that have a lot of priority, but I
6 think this could be a huge economic boon for rural
7 communities throughout California.

8 I would like to make this a centerpiece of a
9 future meeting. I know we tried to make the Bishop
10 area work, and maybe we can try to dovetail it off of
11 what they have been able to accomplish out there.

12 DEPUTY DIR. CONLIN: You know, that's a real
13 good idea, because the Bishop concept of the Adventure
14 Trail they've got going through there, I think that's a
15 good template.

16 Ted, can you remind me of the historic trail we
17 were talking about, the military made one, a supply
18 route that was put in and you were trying to talk to me
19 about that, that goes through the Sierras?

20 CHAIR CABRAL: That's the Ponderosa Way.

21 DEPUTY DIR. CONLIN: Ponderosa Way. It seems
22 like an interesting thing we should look at. That's an
23 interesting thing I think I'd like to follow up on, and
24 maybe we'll do some historical analysis on that.

25 It appears that there was an old U.S. Army Corps

1 of Engineers trail that was cut the length of the
2 Sierras. That might be a connector.

3 And I do think that Bishop -- it may be
4 appropriate we go there. I think that might be an
5 appropriate place to kind of talk about it because that
6 would be fairly close to where that trail goes.

7 CHAIR CABRAL: Okay. Thank you.

8 Clear Creek Management Area Subcommittee, we're
9 going to have a presentation on that I believe here in
10 a bit.

11 So do you have anything.

12 COMMISSIONER PÉREZ: No, I would like to defer
13 to that presentation.

14 CHAIR CABRAL: The same here. Thank you.

15 Cost Recovery, Commissioner Lueder?

16 COMMISSIONER LUEDER: I have nothing to report
17 at this time.

18 CHAIR CABRAL: Commissioner Villegas?

19 COMMISSIONER VILLEGAS: Yes, at this time I
20 don't have anything to report.

21 I know that we have our work cut out for us
22 because we've been trying to get funding back into the
23 budget. I think we've been successful in prior budgets
24 on monies that have been owed to us, but I will
25 continue to follow this as this budget item is moving

1 forward.

2 CHAIR CABRAL: Thank you. All right.

3 Education and Outreach, Commissioner Pérez?

4 COMMISSIONER PÉREZ: Nothing to report at this
5 time.

6 CHAIR CABRAL: Commissioner Murphy?

7 COMMISSIONER MURPHY: No.

8 CHAIR CABRAL: Events, the NOHVCC.

9 Commissioner Slavik, anything on NOHVCC?

10 COMMISSIONER SLAVIK: Things are moving forward
11 on that, the event in October.

12 And just for a reminder for everybody, the
13 National Off-Highway Vehicle Conservation Council and
14 our Commission meetings are going to be tied together
15 in almost a week-long time period in Folsom. And I
16 would remind the OHV leadership here in the room to
17 encourage your folks to attend this meeting.

18 It's going to be, you know, a nationally-focused
19 meeting bringing people from outside of California to
20 see how we do things while here and also learn some of
21 the things that other folks learn -- have learned
22 outside of California bringing it to us.

23 So I've asked Don Amador and a couple of other
24 folks if they could help with possibly some rides.
25 Some of these folks have been coming taking vacations,

1 and, you know, we have a lot of great opportunities
2 here to show off.

3 Also, Deputy Director Conlin has informed me
4 that the Director has been engaged to be at this
5 meeting and give the keynote address. So it should be
6 a good opportunity for us to really show off our
7 Commission.

8 I think that's all I have on that right now it.

9 COMMISSIONER VILLEGAS: I have a question.

10 CHAIR CABRAL: Yes.

11 COMMISSIONER VILLEGAS: Where is it at?

12 CHAIR CABRAL: It's going to be in Folsom. Our
13 meeting will be in Folsom, and the tour will be at the
14 Prairie City SVRA. They're very interested in looking
15 at and highlighting an urban OHV park.

16 COMMISSIONER VILLEGAS: That's what I thought.

17 So who's responsible for the outreach? I mean
18 how can I get materials so I can promote it?

19 CHAIR CABRAL: Actually, I believe either myself
20 or Commissioner Slavik can get you set up with NOHVCC.
21 And NOHVCC would gladly give you as much information as
22 they have.

23 COMMISSIONER VILLEGAS: Okay.

24 CHAIR CABRAL: Okay. The Fuel Tax Study,
25 Commissioner Hafkenschiel?

1 COMMISSIONER HAFKENSCHIEL: Nothing to report.

2 CHAIR CABRAL: Commissioner Lueder?

3 COMMISSIONER LUEDER: I'll second that.

4 CHAIR CABRAL: Law enforcement, private
5 property. We have Commissioner Villegas -- excuse me,
6 I'm sorry. Commission Pérez and Commissioner
7 Patrovsky?

8 COMMISSIONER PÉREZ: I have nothing to report.

9 COMMISSIONER PATROVSKY: Nothing.

10 CHAIR CABRAL: Okay. Urban Parks Acquisitions,
11 Commissioner Villegas and Commissioner Slavik?

12 COMMISSIONER VILLEGAS: For Urban Parks, I think
13 we have our second OPAL meeting coming up with youth.
14 I forget the date.

15 COMMISSIONER SLAVIK: I don't have the date.

16 COMMISSIONER VILLEGAS: I don't remember the
17 date. I apologize.

18 COMMISSIONER SLAVIK: At Castaic Lake.

19 COMMISSIONER VILLEGAS: It's going to be at
20 Castaic Lake. We've been working with L.A. County
21 Sheriff, L.A. County Parks to do a lot more outreach.
22 And this dovetails with the reason why I wanted to be
23 on this committee, to provide a lot more access and
24 recognition of our parks and to notify the public of
25 the resources that we have and all types of

1 constituencies. Because we've seen a large rider
2 increase amongst the Latino community, and I think it's
3 really important we do more outreach in that regard.
4 So that was my interest in being on this committee.

5 But I also wanted to provide you, Chair Cabral,
6 with perhaps maybe like a letter of recommendations of
7 what our committee has learned through this process.
8 Maybe you can give it to the advisory committee that
9 you're on with the state, you know, just in terms of
10 the lessons learned and also need to do, again, more
11 outreach and more accessibility for a lot of different
12 constituencies.

13 COMMISSIONER MURPHY: And, Chairman, if you
14 don't mind, I need to add to that at some point.

15 If you have something first, just go ahead.

16 CHAIR CABRAL: I was going to say that actually
17 would be timely, to have that letter, because they're
18 looking at that stuff right now.

19 COMMISSIONER VILLEGAS: Okay.

20 COMMISSIONER MURPHY: I think I mentioned in a
21 prior meeting that I was working on trying to get a
22 piece of property in the South San Francisco Bay Area,
23 and I worked with Dan Canfield a little bit on that.

24 And I guess there's a moratorium right now on
25 purchasing any property. So it's very difficult to

1 open new parks if you can't purchase property for it.
2 So that's where that is for what it's worth.

3 CHAIR CABRAL: Thank you.

4 Yes, and that moratorium is statewide. It's not
5 just on the OHV, just so that the public knows that.

6 Okay. The next report would be on the Forest
7 Service Report, USFS.

8 COMMISSIONER LUEDER: I have nothing to report
9 at this time.

10 CHAIR CABRAL: Okay. I have a little bit of
11 information here.

12 And the Forest Service out of the Sequoia
13 National Forest is closing single-track motorcycle
14 trails in the Piute area. I spoke with Kevin Elliott,
15 the Forest Supervisor for the Sequoia, and he confirmed
16 these actions.

17 A grant was provided to the Sequoia for \$189,000
18 in 2009 to complete the Piute Travel Plan. I would
19 like this item placed on the next meeting's agenda as
20 an actionable item.

21 Currently, according to the language I've read,
22 this grant is in default. I would also like to have
23 information on what happens, on how that works when we
24 get a defaulted grant and what the process is so the
25 Commission can be more informed on that at the next

1 meeting, if we could, please.

2 On a positive note -- well, first off,
3 yesterday, once again, that was great. I really
4 appreciate that. I know I've already covered that.

5 But the other thing I skipped over earlier was
6 that I had feedback from some of the other people on
7 the tour, some of the public, who were blunt about that
8 in the past they felt like this, the Stanislaus, was
9 kind of not really active on the OHV front and not
10 really moving forward with it.

11 And they really have seen -- they've witnessed
12 over a ten-year period really how things have changed
13 in that area, and how you guys are really embracing it
14 and moving forward with it. So they really appreciated
15 it, so that was something. So the attitude and the
16 direction you guys are heading, that's awesome. That's
17 the feedback from the OHV community that I had
18 yesterday afternoon, so I just wanted to relay that.

19 Also, on a positive note, I recently traveled to
20 the Six Rivers National Forest to ride a mixed-use
21 single-track trail system. Now, "mixed-use" means that
22 these types of trails are for hiking, horseback riding,
23 mountain bike, everything, motorcycles, ATV. They are
24 single-track. They are relatively narrow. The trails
25 are in great condition and extremely fun. It was just

1 a wonderful experience. I loved it.

2 I ran across a signage issue. They had a
3 T-intersection that had a no motorcycle sign on this
4 trail that I was going through. So I decided to call
5 and talk to the rec officer and see what the situation
6 was. I defaulted to the cautionary way and rode
7 down -- followed my GPS and rode down a two-track until
8 I could come back to returning to the single-track
9 system legally.

10 He said that he thought that the sign was there
11 basically because they have a weather-related closure,
12 and it was a temporary closure, and they just forgot to
13 take the sign off. He expressed issues they have in
14 that area, where they don't have a rec officer for that
15 unit, and that he's covering for it and that they have
16 obviously staff and budget problems, like we hear
17 often.

18 But I did get some great information from him.
19 He's a biologist, and he specialized in watersheds.
20 And he said he had to go out and inspect that area, and
21 he was really pleased with how the trails were holding
22 up, the condition of the trails, how all of the
23 different recreational groups were getting along, and
24 he was, you know, ecstatic about it, really. And he
25 was very supportive of this type of a system.

1 Pacific Crest Trail and different types of
2 recreationists.

3 So with that conference call, we had the Pacific
4 Crest Trail Association. We had CORVA on the phone
5 call with us. We also had a member of a group
6 representing over-snow travel. And I think what this
7 is going to do is it's going to build, and we're going
8 to be looking at having different subsections of this
9 that we're going to address issues in different areas
10 and then we're going to look at maybe building this
11 into a recreational-type stakeholder clearinghouse-type
12 place where we can have not only communications but
13 understand that we can get in and mix it up a little
14 and come away with, you know -- how do I want to say
15 this? I guess just better -- like I think Amy pointed
16 this out: We all talk about having better
17 communications, but we don't really change our
18 positions. It's like something along those lines.

19 So actually moving forward -- you know, talking
20 is one thing. But actually understanding that there's
21 going to need to be a give on each side a little bit,
22 and we can come up with something that's going to be a
23 workable solution for the PCT.

24 What we're looking at mainly are the OHV
25 crossings and how those can be managed, and also the

1 type of experience people are expecting on the PCT.
2 The PCT, as a lot of you may know -- but just to cover
3 it -- is the trail that runs from Mexico to Canada.
4 Throughout the state of California, it runs through
5 many different types of properties, wilderness. It has
6 a considerable amount of a wilderness experience, but
7 it also crosses interstate freeways and goes along
8 railroad tracks and along the L.A. Aqueduct and stuff
9 like that. There is definitely mixed use in other
10 areas.

11 I definitely am a proponent of the fact that
12 those mixed-use areas are going to have a different
13 experience than a wilderness area. And there's
14 management on the PCTA that would like to have more of
15 a wilderness-like experience throughout the trail. So
16 we're going to have our work cut out for trying to see
17 how we could work through our issues on that.

18 COMMISSIONER PÉREZ: Question.

19 CHAIR CABRAL: Yes.

20 COMMISSIONER PÉREZ: The kiosks that have been
21 installed, does it appear that it's making a
22 difference? I know that wasn't easy to do. Do you
23 have any feedback on that?

24 CHAIR CABRAL: I have a little bit of feedback
25 on that.

1 I actually went down and went to that area and
2 stayed in Kern County for a couple of days and rode the
3 motorcycle trails in the area. So I can give you a
4 little bit of what I have in this report here, and then
5 we can maybe have a follow-up question. Does that
6 sound good?

7 COMMISSIONER PÉREZ: Yes.

8 CHAIR CABRAL: So with that, I went down -- I
9 attended the May 2nd meeting of the Eastern Kern
10 Recreation Landowners Association. I spoke to the
11 meeting about issues surrounding the PCT, and we
12 discussed possible solutions on these private land
13 areas.

14 I rode the single-track trails near the PCT, for
15 a couple of days, that are in question. The area is a
16 temporary section of the PCT and crosses private
17 property in some areas without proper easements. The
18 Los Angeles Aqueduct, a portion of the original
19 statewide motorcycle trail -- motorized trail and many
20 windmill farms were in the area.

21 I observed very poor signage on the PCT. I
22 observed two marked PCT trails. There were two
23 separate trails that weren't clear, and so it was
24 confusing, and a section where it appears that the PCT
25 hikers may have inadvertently hiked on a motorcycle

1 trail where they were actually -- more or less actually
2 taking a shortcut is what it was, instead of going out
3 to the marked trail. And it was hard to see because a
4 lot of the signs were old and it looked like someone
5 had shot them and stuff along those lines.

6 Most of the motorcycle trails were unmarked. So
7 that was an issue I was concerned with. The motorcycle
8 trails also had special gates to access renewable
9 energy lands with the support of the renewable energy
10 landowners. Many of these gates were vandalized and
11 had a lock placed on the chain so they wouldn't be
12 usable. I also witnessed a string of barbed wire
13 strung up at neck height on an opening through a fence.

14 I spoke with three Kern County sheriff deputies
15 at length about the noise that the Commission was
16 hearing from this area. They detailed many incidents
17 and in my opinion spent a considerable amount of time
18 and resources on complaints of a couple of individuals,
19 one of which has been investigated by the Kern County
20 District Attorney and has been put on notice for filing
21 false reports. That same person also grazed cattle on
22 other people's private property claiming it was their
23 property. According to the sheriff's deputies, the
24 same person filed over 70 false reports yearly until
25 the DA investigated. There have been no reports since.

1 I found all of this very troubling and felt that
2 I have been deceived with the past presentations made
3 to the Commission. With that being said, it's time to
4 move forward and look for solutions.

5 The motorcycle trails need to be marked at the
6 PCT crossings. They need to be rerouted -- need to
7 reroute one of the motorcycle trails where the PCT was
8 placed on an existing motorcycle trail.

9 So to clarify that, there's was a preexisting --
10 from a 1950's motorcycle trail, they decided to route
11 the PCT through on this temporary area. I think it
12 would be goodwill of the landowners that own the
13 property to move their trail off the PCT because it
14 would be difficult to run the PCT in another area there
15 because it is steep, so it would be difficult.

16 The motorcycle trail, on the other hand, could
17 be a little more interesting with a little reroute.
18 With that, the reroute, I believe that it would take
19 local volunteers about four hours to complete the
20 reroute with signs and a little bit of pickaxe work and
21 about 20 people.

22 I spoke with Beth Boyst about improving the
23 signage on the PCT. She's looking into supplying signs
24 for volunteers to install at critical junctions.

25 The Kern County Sheriff's Department is

1 committed to patrolling this area.

2 Also, the Eastern Kern Recreation Landowners
3 Association is committed to purchasing and marking
4 their motorcycle trails that are on their private
5 property. Each landowner agreed to do that. They
6 would like to be able to have less conflict with the
7 PCT, so they're willing to step up and buy signs and
8 put the proper signage out that would be consistent
9 with what's seen in the national forests or on BLM
10 property, so basically carsonite signs with the proper
11 stickers so it would be official looking. I believe
12 these steps will help the situation on the temporary
13 section of the PCT.

14 I also have repeatedly encouraged the Forest
15 Service to complete the permanent routing of the PCT
16 through Tejon Ranch.

17 To end on a positive note, I had the opportunity
18 to speak with some of the permitted PCT hikers on their
19 trek northward. Each one of them had a positive
20 experience on the trail and had no issues whatsoever
21 with OHV recreationalists. They were glad to share
22 their stories and welcomed the company. A couple even
23 wanted to take a spin on the dirt bike. I loved it.
24 It was really cool.

25 People from the East Kern Recreation Landowners,

1 they supply water and snacks and stuff to the people
2 coming through this area. They have little camps out
3 there that they've made, and it's really kind of a real
4 cool experience. And I think those people have been
5 put in poor light by a couple of groups that they
6 didn't deserve.

7 So that's my report on the PCT.

8 COMMISSIONER SLAVIK: How does that letter from
9 the Stewards of the Sequoia fit in, their protest
10 letter to the Forest Service?

11 CHAIR CABRAL: Okay. That's a good question. I
12 didn't address that.

13 Their protest letter will be brought up into the
14 planning process, the next level of the meetings that
15 we're going to have on the group with the -- on the
16 planning for the PCT. Chris Horgan for the Stewards of
17 the Sequoia will be included, and his information is
18 going to be looked at in the planning process.

19 Okay. The last one would be the Reno comment
20 letter. That was myself and Ed. I think we're going
21 to have a presentation on that here. Are we or not?
22 No. So the letter is complete, and it looked great.
23 Thank you, Dan.

24 **AGENDA ITEM V - GENERAL INFORMATION REPORTS**

25 **(A) - Post Wildfire Rehab of Forest Service OHV Area**

1 expanding there. That is, again, looking from
2 Stonyford. And that is Sullivan Ridge. Sullivan Ridge
3 is a main trail corridor. There's about six or seven
4 popular motorcycle trails that go north and south off
5 of that. So if any of you have been to Little Stony
6 Campground, that's the view you would have seen on
7 July 12.

8 And then those of you that have gone to
9 Stonyford, this is the Handlebar Ranch owned by Taz
10 Harvey, former ISDE gold medalist. Right next to his
11 ranch over there is Phil Ray, some of you know him,
12 owner of Modesto Kawasaki, on a KTM.

13 So Phil was back in Pennsylvania at the time, so
14 I was trying to get ahold of him. I was getting calls
15 from people, finally got ahold of him. And to the
16 credit of the Forest Service and Cal Fire, they
17 protected both of those ranches from being impacted too
18 hard.

19 An interesting sidenote on the Handlebar, there
20 is a valley right here. In the late 1800s, there was a
21 calvary stationed there, and they would chase the
22 scallywags in the foothill area there. They were there
23 for a couple of years, pretty good contingency of U.S.
24 Calvary, little historical site up there.

25 So this is July 19. This is Goat Mountain Road,

1 and you can see that it's pretty well nuked from the
2 fire as it came down. Little Stony Campground is down
3 over here, and what was once a very popular fun trail,
4 a lot of vegetation. You can see animals there, pretty
5 devastated by the fire.

6 July 19, this is the West Ridge Trail going up
7 from the main camping area of Fouts Springs going up to
8 Letts Ridge then over to Goat Mountain. Again, once
9 populated with a lot of trees, oftentimes you could be
10 climbing up there seeing deer, quail, a lot of
11 wildlife. That's one of the things that happens when a
12 fire comes is you lose the view shed. You lose the
13 quality of experience that we all enjoy.

14 July 19, this is looking down from around Letts
15 Lake towards Stonyford. That's East Park Reservoir out
16 there. This particular fire burned very hot, and it
17 spotted several miles ahead of the breakfront, very
18 fast-moving fire.

19 And then lately what happens oftentimes, Mill
20 Fire -- I think the Rim Fire and several others -- is
21 there's a mandatory one-year closure in the fire
22 footprint, and it's not just closed to motorized
23 vehicles. There is a loss of hunting access, biking,
24 hiking. And so it's a pretty devastating impact,
25 particularly this is a very popular recreation area.

1 that were once protected with a dense layer of
2 vegetation are denuded and need to be protected.

3 It was interesting -- I think it was on this
4 day, too -- you know, we often think of cultural
5 resources as native persons, some of the earlier
6 pioneers. One of the workers found a chrome headlight
7 screen from a late '50s BSA. So we had an archeologist
8 there, and he showed it to her. She goes, "You've got
9 to put it back. It's history." She told everybody,
10 "If you find something, just leave it there." So here
11 we have a motorcycle part that's now part of history,
12 so I thought that was pretty cool.

13 And this is going up Goat Road. We saw that
14 picture earlier of where the fire came down close to
15 Little Stony. So here we're putting in barriers again
16 to protect some of the cultural resources along the
17 road to keep folks on the route.

18 So vegetation, when it's burned off, is no
19 longer able to act as a trail width restricter. So
20 here we are putting in trail delineators. This is a
21 50-inch trail. So the main message here to the riders
22 as they're riding along, they'll see those barriers,
23 they'll go, okay, that's a 50-inch trail. Vegetation
24 historically provided that information along with the
25 carsonite. But with that vegetative cover gone, you

1 need to put something in to tell the riders this is the
2 type of vehicle that belongs on the trail.

3 And then there is the demo hammer and an
4 electric generator, and I put that in all by myself
5 with no help. But if we hadn't had the demo hammer,
6 we'd probably have ten guys out there getting that in.
7 Anyway, that's the completed job there.

8 And wildfires often impact the route system in a
9 number of ways. One of them is when the initial attack
10 occurs, the doser operators will often use an OHV trail
11 or route either as a firebreak or to create access for
12 firefighters and firefighting vehicles. And oftentimes
13 when they do that, they take out the engineered trail
14 structures, rolling dips and catch basins.

15 So this is Trails Unlimited putting some of
16 those structures back into Potato Hill. And I also
17 want to give Division credit for sending their trail
18 hotshot crew up there and help putting in some of these
19 trails that got impacted by the fire, did a very good
20 job.

21 So yesterday we had presentations from some of
22 the members of the YSS, the Yosemite collaborative.
23 This is a collaborative that's been going on up on the
24 Mendocino for three years. I'm a core team member on
25 that representing recreation.

1 But I think that working with these collaboratives is
2 going to provide some answers and solutions and
3 deserves your support of those efforts.

4 So thank you very much.

5 CHAIR CABRAL: Thank you, Don.

6 (Audience applause.)

7 CHAIR CABRAL: I know you've really spearheaded
8 a lot of that volunteer work up there in Stonyford and
9 Grindstone Ranger District. And I heard from many OHV
10 participants and riders of every type, and they always
11 appreciate your hard work and efforts and organizing on
12 that. So thank you again.

13 I know we've kind of discussed fire a lot -- and
14 we're an OHV Commission -- over the last couple of
15 days, but I think one of the reasons this is brought up
16 is because we're here where this fire, the big fire,
17 the Rim Fire, had happened, but also because, you know,
18 we're seeing -- we're in the middle of a severe
19 drought.

20 Now we're going to go through the cycle when
21 eventually we're going to be looking at a whole bunch
22 of rain again and stuff, so we're going to go back to
23 another direction. But I think it looks like we need
24 to be a little more reactive with our abilities. We
25 need to be able to move fast on some things.

1 a restroom break for everybody. And why don't we give
2 ourselves about five to ten minutes, and I'll call us
3 back to order.

4 (Returned at 9:45 from a break starting at 9:30 a.m.)

5 CHAIR CABRAL: Let's bring the meeting back to
6 order. It was a nice little break.

7 **AGENDA ITEM V - GENERAL INFORMATION REPORTS**

8 **(B) - California Desert Conservation and Recreation Act**
9 **of 2015**

10 CHAIR CABRAL: And Randy Banis just rode in from
11 the sunrise, so you're up for the Desert Conservation
12 and Recreation Act of 2015 presentation for our
13 informational reports.

14 RANDY BANIS: You bet. Thank you for having me.
15 It was really nice of you to put this item on your
16 agenda.

17 I mentioned to Ted during the break that it was
18 a special pleasure having you all down in my
19 neighborhood in Palmdale the last time. But as karma
20 would have it, I'm paying for it this time with a long,
21 long drive. So it will, I'm sure, even out in the end
22 with the mileage.

23 I'm here to talk to you today about the "When
24 Pigs Fly" act of 2000 -- I'm sorry, the Desert and
25 Recreation Act of 2015. It's a little -- it's a little

1 bit of a term to try to put into perspective that
2 things are a little topsy-turvy currently in the world.
3 We've seen a WEMO designation come out with a surprise
4 designation of a doubling of routes -- doubling of the
5 mileage of proposed designated routes, and then we have
6 a really incredible bill, the California Desert
7 Conservation and Recreation Act, that is being embraced
8 by much of OHV leadership and being pushed very
9 strongly.

10 So the first thing I'd like to show you is what
11 this thing does. This is one of the places in the
12 middle that would be protected not only for its
13 resource and environmental protection values but
14 protected for its recreation values. That's just above
15 Afton Canyon. You get there by way of Baxter Wash.

16 So this is the bill. I don't expect you to
17 really see everything about the bill from this little
18 slide. But I just would like you to see -- at the
19 very, very top of that map, you can see a couple of
20 little teeny yellow blobs up there. That's a piece of
21 the bill. Then you can look all the way down in the
22 opposite corner, in the southeast corner, and see a
23 yellow blob, a small yellow blob, down by the Columbine
24 River. That's the southern extent of the bill. So
25 this thing goes pretty much from the international

1 border all the way to the top of Death Valley National
2 Park.

3 It's a very big bill, and it has a number of
4 what I'm going to polygons, a number of shapes, colors,
5 areas on the map that are being proposed for specific
6 designations; and there are different types of
7 designations. The reason for these types of
8 designations -- and this is what's going to be neat.
9 You're going to, I think, be very impressed at the end
10 with the balance of this bill. And that's really the
11 word I want to leave you with today with this bill.

12 It includes OHV recreation areas. Those are
13 areas that would be protected by congressional
14 designation. It also includes OHV expansion study
15 areas for Spangler and for the El Mirage OHV areas. It
16 includes two national monuments, one of which has the
17 word "trails" in it. That should give you a little
18 clue.

19 We also have the wilderness areas. Many of
20 these wilderness areas -- actually, all three of those
21 wilderness areas are currently Wilderness Study Areas
22 that were designated in the original California Desert
23 Protection Act 20 years ago.

24 The wilderness -- the other areas for
25 wilderness, looking onto the right side, Golden Valley,

1 that's an addition; Grass Valley, an addition, Kingston
2 and San Geronio. Those are all additions. There are
3 small additions to the national park system. One is a
4 little bit large, the one in the Mojave National
5 Preserve. It takes a piece that's over by the part of
6 BLM limited-use land that's by the Nevada border and
7 would put that into the Mojave National Preserve.

8 And, lastly, what can you say, a bill this big
9 is going to have "others." And there are Special
10 Management Areas, National Scenic Areas, ACECs, Wild
11 and Scenic Rivers, and even a small 640-acre transfer
12 of the Table Mountain Wilderness Study Area to Anza
13 Borrego Desert State Park.

14 So that's a lot of stuff in this bill, but you
15 can already kind of see the balance here. The thing I
16 want to emphasize --

17 Yes?

18 COMMISSIONER SLAVIK: I have a quick question.
19 Why wasn't Johnson Valley in that first list?

20 RANDY BANIS: Johnson Valley. What is left of
21 Johnson Valley was already designated an OHV Recreation
22 Area by Congress through that transfer process. So
23 that one is already the first of the national -- it
24 doesn't have the word "national" in it, but it is an
25 OHV Recreation Area designated by Congress. So this

1 would add to that, Johnson Valley, would add five more.

2 What I would like to just show you is -- the
3 thing to take away here is looking at the acreage.
4 This is a big bill. It's 1.8 million acres, almost two
5 million acres. But you can see that 60 percent of it
6 is really the national monuments. The green and the
7 purple just above it are the OHV open areas, the open
8 areas and the proposed expansion areas, that's the
9 acreage.

10 But here's the kicker, look at OHV models.
11 78 percent of all of the OHV roads and trails that are
12 in those polygons, 78 percent of the total, is in the
13 national monument designations. And I'll even go
14 further. It's really pretty much all in the Mojave
15 Trails National Monument.

16 The Sand to Snow National Monument only has
17 eight miles of designated roads and trails. The Mojave
18 Trails National Monument would have 1350 miles of
19 designated trails. All of the current designated roads
20 and trails of the BLM would be preserved at the signing
21 of this bill.

22 I'll get into the little more details coming up.
23 May I? Thank you.

24 COMMISSIONER VILLEGAS: Just a quick question.

25 You said that most of this designation also

1 includes two national monuments.

2 RANDY BANIS: That's correct.

3 COMMISSIONER VILLEGAS: Which ones are those?

4 RANDY BANIS: That would be on the left side,
5 third one down, Mojave Trails National Monument, which
6 is the big red spot -- the big red polygon in the
7 middle of that map. It's the big one. It's
8 1.2 million acres. And the Sand to Snow National
9 Monument, which is in the area of Morago Valley --
10 Morago Basin, Yucca Valley.

11 So the point of that slide of the pie chart for
12 OHV miles is to show you -- or show me at least where I
13 wanted to spend my time in analyzing the effects of
14 this bill on OHV recreation. Since 78 percent of the
15 roads and trails are in the national monument, I
16 figured I ought to spend the bulk of my work analyzing
17 the routes and trails in the national monument.

18 Only 6 percent of the total miles of roads and
19 trails in this bill are actually in the wilderness
20 designation, which is usually -- which is the most
21 restrictive designation when it comes to motorized
22 recreation. So if you're looking at where you're going
23 to spend your time, you're going to spend all of your
24 time in the 6 percent area or in the 78 percent area.

25 So this is a chart that shows you the OHV miles.

1 And by the way, let me just break and say on the very
2 last slide is a URL where you can download a report
3 that has all of these charts and all of the maps. So
4 that will come at the end, and you can have all of
5 these in your own computer.

6 But you can see down at the bottom, there are
7 currently 1710 miles of designated roads and trails
8 within all of the polygons of this bill. It would
9 propose to close 47.5 miles of trails all in the
10 Wilderness Area Designations. However, it also
11 proposes to reopen or designate 80 miles, 79.9 miles,
12 of new OHV roads and trails.

13 So this bill actually has a net gain of 32 miles
14 of roads and trails in all of the polygons combined.
15 So totally this bill would protect 1,743 miles of trail
16 that occur out in the Mojave Desert and five OHV open
17 areas. OHV open area -- all of the trails there --
18 aren't included in here, because the OHV open area, you
19 can travel wherever you want. You can't really measure
20 the miles.

21 These miles of trails are just the designated
22 routes on the limited-use areas. And you can see, for
23 example, on the very bottom, Vinagre Wash Special
24 Management Area, that takes a hit of losing 22 miles of
25 trails, but you can see it's proposed to put 70 miles

1 of trail in that one polygon back into that polygon.
2 So there's a really interesting balance going on there.

3 Just another graph to show you where the hits
4 are. As I said, Vinagre Wash is that red down below
5 the baseline, but you can see it's got the most blue,
6 which is the most new miles of roads and trails.

7 The Avawatz Mountains, all the way to the left,
8 is a Wilderness Study Area that would be proposed as
9 wilderness. It would close roads, but it would also
10 open some roads and trails.

11 Another way to look at it: You can see that
12 predominantly, the green, those are all of the
13 currently designated roads and trails that would be
14 protected. The red are the ones that would be lost.
15 The blue would be the ones that we gain in the
16 inventory.

17 So the positives, the pluses here, as I see it
18 and with respect to OHV: First is a congressional
19 designation for five BLM OHV open areas. It's a net
20 gain of 32 miles of roads and trails. It restores
21 access to some destinations in the desert that we've
22 lost. There's expansion study areas for OHV open
23 areas.

24 This would exclude -- everything in the bill,
25 the 1.8 million miles, would be excluded from future

1 development, particularly renewable energy. So we're
2 not just protecting the designation of roads and
3 trails. We're protecting all of those scenic values
4 and resource values and all of the reasons that we go
5 there and the allowable uses in the national monuments,
6 specifically say OHV -- including Green Sticker, OHV,
7 rock hounding, hunting and events.

8 There is going to be a national monument
9 committee for each of the national monuments. And each
10 of the committees will have a representative for OHV,
11 for rock hounding and for hunting. That's not one
12 representative for all three interests. That's three
13 representatives for those three interests.

14 It would release some Wilderness Study Area
15 lands. The Cady Mountains release is a little of a
16 technicality. Yes, it gets released from the
17 Wilderness Study Area, but it does become part of the
18 national monument. A portion of the Soda Mountains
19 Wilderness Study Area gets released, but that just
20 becomes BLM limited-use lands, designated roads and
21 trails.

22 Revenue that's generated from the leasing on
23 federal lands would be shared with local and county
24 entities. That's a first. And that's above and beyond
25 PILT, which is the federal payments in lieu of taxes,

1 and oftentimes legislation says, "Oh, we'll do revenue
2 sharing, but it comes out of your PILT. This is above
3 and beyond the PILT.

4 COMMISSIONER VILLEGAS: Is it okay to ask
5 questions?

6 CHAIR CABRAL: Yes, go ahead.

7 COMMISSIONER VILLEGAS: Where is the revenue?
8 Where is it coming from? Who is paying into it?

9 RANDY BANIS: It would be the leasing of federal
10 lands in the desert for renewable energy development.
11 There is leasing revenues that the government receives.

12 COMMISSIONER VILLEGAS: So is there anything in
13 that legislation that says that the federal government
14 can't take it in the event they need like monies for X,
15 Y and Z?

16 RANDY BANIS: No, it is --

17 COMMISSIONER VILLEGAS: I'm just asking. There
18 is always some type of --

19 RANDY BANIS: Oh, absolutely.

20 The leasing revenue that the federal government
21 would receive from renewable projects in the desert not
22 within that 1.8 million acres -- remember, that
23 1.8 million acres, all of those polygons, it's excluded
24 from renewables.

25 But everything else that the BLM does in the

1 desert, all of the places that they are or could
2 potentially allow for development, those leasing fees
3 that are paid by the renewable energy companies to the
4 people, to the federal government, would be shared with
5 local and county entities.

6 COMMISSIONER HAFKENSCHIEL: How do those
7 polygons overlap with the Desert Renewable Energy
8 Conservation?

9 RANDY BANIS: The DRECP actually took into
10 consideration --

11 COMMISSIONER SLAVIK: Randy, would you make sure
12 you don't use acronyms.

13 RANDY BANIS: You're going to make me remember
14 that one. I'm just kidding.

15 The Desert Renewable Energy Conservation Plan
16 that was recently reviewed and discussed, which sites
17 renewable -- which hopes to site renewable energy
18 development and conserve for renewable energy
19 development, during that process, this Feinstein bill
20 was actually a layer in their analysis.

21 And if you talk to planners, although that bill
22 hadn't passed, they did find a way to take it into
23 consideration. So it matches up very well with DRECP.
24 You'll find it does.

25 COMMISSIONER PÉREZ: Randy, I have a question

1 for you.

2 You mentioned revenue -- I'm sorry, going back
3 to Teresa's question -- revenue that would be shared.
4 Do you know what percentage is going to be shared with
5 state and local governments?

6 RANDY BANIS: I'm sorry, not off the top of my
7 head, but I think it's within the order of about
8 25 percent. And it says so much for the local and so
9 much for the county. I think it's like 25 percent gets
10 split between the locals and the counties.

11 But, I'm sorry, again, this is -- that portion,
12 I'm afraid, is one of the least familiar to me not
13 being a specific OHV issue. But it is in the order of
14 about a quarter. I'm sorry I couldn't give you
15 specifics.

16 COMMISSIONER SLAVIK: And, Randy, are those the
17 counties that are impacted by this bill?

18 RANDY BANIS: The counties that would be
19 impacted by the renewable energy development.

20 COMMISSIONER SLAVIK: So anything that's within
21 their jurisdiction?

22 RANDY BANIS: That's correct, anything with BLM
23 jurisdiction in the desert.

24 CHAIR CABRAL: I would like to know if you have
25 any information if it changes the funding priorities

1 because of the national designation. Because I believe
2 that changes how that process works for those areas.

3 RANDY BANIS: The bill itself doesn't change
4 funding priorities, nor does the bill provide
5 additional funding. The rationale behind that -- and
6 we've heard this before -- is that the agencies are
7 already receiving monies to manage that acreage. It's
8 just a matter of changing strategies of how they're
9 going to manage that acreage.

10 We've heard that before. That is what is being
11 proposed in this bill as well. But I'm sure that the
12 agency, the BLM, would re-prioritize how they manage
13 those polygons.

14 The wilderness polygons are already being -- let
15 me emphasize part of the status quo here. This is
16 another thing about the bill that I don't push it too
17 hard here. But the OHV areas that would be designated
18 are already being managed as OHV areas. The Wilderness
19 Study Areas that would be converted to wilderness are
20 already being managed essentially as wilderness. So
21 those would be taken out of that equation. The
22 national monument would be a concern of how they would
23 re-prioritize.

24 CHAIR CABRAL: So just basically making us all
25 official.

1 purchase and donate those lands. And Senator Feinstein
2 was sympathetic to that, and that really formed the
3 cornerstone of this bill and what she wants to do that
4 national monument.

5 Everything else was sort of built around that in
6 order to create the balance that we're trying to
7 achieve in getting everybody to come along, raising all
8 votes in this one.

9 Lastly, in October 2014, the Senate released a
10 draft of this bill, and all of the major OHV
11 organizations in California and in western -- and those
12 in the west who are strong in California wrote letters
13 of conditionable support for the bill asking for some
14 additions.

15 When the bill came out, some of those additions
16 were accepted and added to the bill; some of those
17 requests were not. And the organizations are now going
18 one by one to their boards of directors and through
19 their processes and are deciding to update their
20 letters of support or not or how they want to play
21 that.

22 As of now, CORVA has voted for full support.
23 The AMA District 37 has written a letter of full
24 support. And other organizations have it on their
25 agendas in the coming days. I don't want to

1 prematurely announce support of organizations before
2 they've voted to do so. But keep your eyes out in the
3 coming weeks for more support coming this way.

4 The next slide show though -- I've got to tell
5 you, this is a balance thing. This is a balanced bill.
6 There are some negatives here. I want to lay this
7 right out for you.

8 The first contention -- the first point is
9 perhaps debatable with the BLM. The bill would create
10 a Golden Valley Wilderness addition that is in the
11 Christmas Canyon area, which is, in my understanding
12 and my advocacy experience, still part of the Spangler
13 OHV open area. Okay. The DRECP, Desert Renewable
14 Energy Conservation Plan, takes this Christmas Canyon
15 area out of the open area.

16 There are folks in BLM that believe that it has
17 already been taken out, but this has been raised in the
18 DRECP comment process. We wait for the response to
19 BLM, as they do in the public processes. We'll find
20 out what their historical analysis is of this little
21 piece. But I believe that these 3400 acres are indeed
22 inside of the OHV open area, and those would be lost.

23 But, again, the Spangler Hills OHV open area is
24 proposed for an expansion study. So there is hopes
25 that we would get those acreage, potentially even more

1 back.

2 COMMISSIONER SLAVIK: So in the language of
3 wilderness, "land untraveled by human beings," all of
4 that language that goes on there in an open area where
5 there is trails crisscrossing every direction, so how
6 did they justify that?

7 RANDY BANIS: I'm not the wilderness proponent
8 here, but I -- let me offer that during the discussions
9 over Christmas Canyon and DRECP, I think that many of
10 the OHV leaders conceded that having open use of that
11 particularly hugely significant archaeological resource
12 area is probably inappropriate. And from what I
13 gathered in the comments of OHV organizations on DRECP,
14 there was not strong opposition to them taking that out
15 of open area use.

16 How you make the nexus to wilderness, I'm sorry,
17 I will have to ask some wilderness folks on that for
18 you.

19 COMMISSIONER SLAVIK: Good answer. Thank you.

20 RANDY BANIS: There are 47.5 miles of trails
21 that would be closed. Of course, there's 80 miles
22 that's being put back into the inventory for a net
23 gain. But still those 47.5 miles of trails could be
24 very important to some people. Those could be going to
25 very important rock hounding sites, could be going to

1 your very favorite family campsite that you've been
2 going to for generations, could be your favorite OHV
3 trail.

4 I don't want to discount simply looking at raw
5 numbers that we are losing this but we are getting this
6 so it's all better. We do need to look at those, the
7 47 miles of trail, that are being closed. And in my
8 report, you can do that. It shows in red lines those
9 roads that will be lost so recreation and OHV can look
10 at it, analyze it and come to the table with
11 suggestions, but there are that loss.

12 The national monuments are to prepare management
13 plans and perform route designation within three years.
14 So that's this little caveat I wanted to come back to.
15 Yes, of the day that that bill is signed, if it is ever
16 signed, all those roads and trails would remain open,
17 but there would be a management plan within three years
18 and a route designation process.

19 The OHV recreation areas, the BLM would be
20 directed to amend their resource management plans or
21 develop new plans within three years.

22 There's a transfer of BLM land near Dumont Dunes
23 called the Bowling Alley. It's a long thin strip of
24 land sandwiched between the military base and Death
25 Valley National Park, and that area has long been

1 argued that that strip should be managed by the Parks
2 Service because it's more or less contiguous with their
3 sphere of influence. This would transfer that land to
4 them, but that transfer would complicate Green Sticker
5 access to the Southern Avawatz Mountains because you
6 can't have a Green Sticker vehicle on the national park
7 roads and trails. So it would complicate access. They
8 would have to drive further down the trail to the
9 boundary before the OHV could be offloaded out of a
10 pickup truck or whatever.

11 There are 47 miles of BLM roads in the expansion
12 area for the Mojave National Preserve that would be
13 converted from Green Sticker allowable to street legal
14 only, again because the preserve is a street legal only
15 vehicle area.

16 And, lastly, those expansion study areas in the
17 bill are just studies. It doesn't say there will be an
18 expansion. It does direct the BLM to do it. It puts
19 the study area on the map. It's an actual designation.
20 You can see the polygons of where are the areas that
21 will be studied, but it is just a study.

22 So the path forward, this bill, S 414, was
23 introduced in February. We expect that Representative
24 Paul Cook will introduce his version of this bill
25 shortly. It will not be the same bill. It will have

1 much of the same things. It will have some additional
2 things we believe, and some things will probably not be
3 included. But we do fully expect that there will be a
4 companion bill in the House of Representatives very
5 soon.

6 We have asked Congressman Cook for -- and we're
7 crossing our fingers in hopes of receiving -- the
8 addition of Imperial Sand Dunes for protection; an
9 actual expansion of Spangler and El Mirage, not just
10 the study; a boundary alignment in that Bowling Alley
11 area that would allow the Green Stickers to keep the
12 access they have. So, in other words, it's still
13 wilderness. It's just the boundary between BLM and the
14 park would be slightly different. It would follow the
15 county road.

16 And we're hoping that his bill will not just
17 allow the existing designated roads and trails to
18 continue to be used in the national monuments, but he
19 would actually designate those roads and trails with a
20 no-net-loss protection. So in the event that a
21 resource was seriously and negatively impacted and a
22 route had to be taken out of the inventory, they would
23 have to make it up somewhere else in an appropriate
24 way.

25 So what I've got on this slide down on the

1 bottom line, that's the URL to download this PDF
2 report. It includes maps of every one of the polygons
3 showing the green lines, the red lines and the blue
4 lines. And you can see it for yourself, as well as all
5 of the charts that were in there.

6 So just in closing, it feels good to work for
7 something and fight for something. OHV is -- at least
8 in the desert, we've had our backs against the wall for
9 so long. We've had so many challenges to try to
10 protect the roads and trails. And that's been my
11 mantra all along. That's really been my thing since
12 getting involved, is just protecting the roads and
13 trails. And I think this bill has a very, very good
14 opportunity for us to get all of those roads and trails
15 in those polygons, particularly for us.

16 Thank you for listening. Happy to take any
17 questions or happy to grab a seat.

18 COMMISSIONER HAFKENSCHIEL: Randy, what's the
19 likely timeline for the bill in terms of when do they
20 need to -- going to committees and passing to the
21 House?

22 RANDY BANIS: You know, when we talk punditry,
23 we feel that this year is it. If it doesn't come
24 through this year, we think that the landscape may
25 change.

1 come from a group that we call the small miners, not
2 that they're not diminutive in size but because their
3 operations are rather small. Corporate mining does not
4 oppose the bill because all existing and valley mining
5 claims have been grandfathered and all of their
6 operations have been grandfathered. The Castle
7 Mountains area has this gigantic cherry stem where the
8 mining operation has been taken out. So the big mining
9 does not oppose.

10 Small mining has opposed because their interest
11 is prospecting, and this would withdraw these lands
12 from prospecting, for making new claims.

13 COMMISSIONER PATROVSKY: One comment I might
14 make along that line.

15 I live in Apple Valley. And one individual
16 that's involved with the small mining group, after the
17 town council voted five to nothing to endorse the bill,
18 announced the boycott of the town. And so there is --
19 has been some opposition to it.

20 RANDY BANIS: Yes, it's the small miners.

21 We are looking for a vote of support next week
22 from Barstow. We're looking -- I'm sorry, from
23 Victorville, and then right after that we're hoping for
24 a vote of support from Barstow. And also Riverside
25 County Supervisors voted to support the bill. San

1 Bernardino County Supervisors have not yet weighed in,
2 which is important because the vast majority of this
3 bill is in that.

4 The URL is, for the record,
5 DeathValley.com/CDCRA/Report.

6 COMMISSIONER SLAVIK: So, Randy, I want to --
7 first of all, I guess I need to thank you and the
8 people that have been involved in this. I know it's
9 been a long hard battle, and I know there have been a
10 lot of people in this room that have been involved in
11 OHV recreation advocacy for a long time.

12 And our backs were up against the wall, starting
13 with Nixon's Executive Order. It was 1972, whenever it
14 was, and the Desert Protection Act and that huge battle
15 there. Now it seems like we're at least noticed out
16 there in the big world.

17 So I want to thank you and the people that have
18 been involved for really keeping this battle up and
19 actually making some headway. Putting that aside, I
20 want to thank you expressly for that. But there is
21 another thing I was thinking about, and that is:

22 Why wasn't the Onyx acquisition and the BLM
23 lands that are part of that acquisition included in
24 this bill in some way so that we won't have to deal
25 with an MOU with the BLM and still have the federal

1 land issue hanging over our heads whenever we want to
2 do any planning on that land? Because if it was
3 donated -- not donated but somehow transferred to State
4 Parks as part of this larger omnibus bill, we would be
5 in a much better position to do our general plan. Was
6 there ever any of discussion about that?

7 RANDY BANIS: No.

8 But I'll tell you where some of the discussions
9 were. Number one, Kern County is out of this picture.
10 You'll notice there is nothing in Kern County in this
11 bill, and that's because there's no support among Kern
12 County officials for having additional -- having
13 this -- pieces of their land attached to this bigger
14 bill.

15 You will see there is about this much of
16 Spangler OHV area that's in Kern County. That's the
17 only portion of the bill. So it was a very
18 county-specific bill. We asked for other things that
19 were outside of San Bernardino County and outside of
20 Imperial County, and we weren't granted those items
21 either.

22 So the bill kind of got its rope around it early
23 on and work was being done to in-fill within that rope.

24 COMMISSIONER MURPHY: I just want to add one
25 more thing.

1 I had just a couple of minor concerns -- but I
2 trust that Representative Cook is going to deal with
3 those things -- and that just had to do with the people
4 on the ground that this directly affects. They're not
5 here to speak, so I trust those things are being taken
6 care of.

7 I just wanted to tag onto what Commissioner
8 Slavik was saying. I very much appreciate the approach
9 that you take where it's a collaborative agreement
10 where you've considered all parties. I've said it
11 before here, I truly think that is going to be the way
12 forward for OHV and for public land use in general, is
13 going to be the collaborative approach where all people
14 are considered and all people are respected.

15 So I just wanted to say I appreciate the work
16 that you've done and everybody that's on this, because
17 it's a huge thing. So thank you very much for your
18 work and your time and effort.

19 RANDY BANIS: Thank you.

20 There are always going to be prices to be paid.
21 There are no -- the days of 100 percent bills in your
22 favor are over. There is always going to be a price.
23 There is a price to pay for that nice new motorcycle
24 you want to buy. You want to get it at the best price
25 that you can, but you're probably going to have to get

1 out your wallet at some point in time to buy it.

2 I would say that the price that we have for the
3 protections that we're being offered in this bill is
4 about the lowest cost that we're going to find for
5 these kinds of protections.

6 So thanks for letting me talk on that.

7 CHAIR CABRAL: Thank you very much, once again,
8 to you both. I just think we saw examples from
9 yourself and from Don Amador, two longtime advocates,
10 that did very professional, nice presentations to the
11 Commission, and we really appreciate it.

12 I'm sure with Congressman Cook and his staff
13 working on another version from the other side, I
14 believe that that -- we will come to a great
15 compromise. And I have full confidence in his staff
16 and his abilities. So, once again, thank you, and I
17 appreciate you rushing up here to get everything done.

18 So with that, I think both of these items were
19 very informational, and we should probably open this up
20 for public comment.

21 So I'd like to do some public comment on this
22 section here. And then we'll move into the CCMA
23 informal program update.

24 **PUBLIC COMMENT ON AGENDA ITEMS V (A) and (B)**

25 CHAIR CABRAL: So why don't we go ahead and

1 start with -- the first person up would be Nick Haris.

2 NICK HARIS: First of all, we should probably
3 clap for Randy.

4 (Audience applause.)

5 NICK HARIS: Honestly, he's always given such
6 great presentations.

7 Nick Haris, American Motorcyclist Association.

8 First of all, I want to say thanks again for the
9 tour yesterday. I don't know how much we're doing on
10 the agenda or how much is for this morning.

11 CHAIR CABRAL: This would be just on the items
12 you just heard this morning.

13 NICK HARIS: Then just quickly wanted to
14 mention, number one, my social media scallywag friend
15 and apologize. He will learn from his mistakes. I'm
16 going to use the term "scallywag" now because that's a
17 term of endearment. I did very much enjoy the tour.
18 And like I said, my social media friend was the one, so
19 I'll take the hit on that.

20 But I wanted to talk just a second about
21 Carnegie, and I went to both the Livermore meeting as
22 well as the Hayward meeting.

23 CHAIR CABRAL: That would be the non-agenda
24 items. What we're doing here is we're just on the two
25 informationals, so the presentation by Don Amador and

1 Randy.

2 NICK HARIS: I'll just thank Don for his hard
3 work as well and leave it with that. I'll come back
4 up.

5 CHAIR CABRAL: Next would be John Stewart.

6 JOHN STEWART: Good morning, Commissioners. I
7 appreciate the informational briefs.

8 John Stewart, California Association of
9 Four-Wheel Drive Clubs.

10 I really appreciate the informational brief.
11 They are very informative. Commissioner Slavik brought
12 up a question about untraveled by man and within
13 wilderness.

14 That was in the original 1964 Wilderness Act
15 legislation. It was subsequently removed and -- it's
16 called the purity concept of the wilderness. That was
17 removed under subsequent legislation so that virtually
18 everything Congress says qualifies as wilderness, is
19 wilderness, regardless of whether it has train tracks,
20 power lines or airports in it.

21 COMMISSIONER SLAVIK: Thank you.

22 JOHN STEWART: Within the proposed legislation,
23 from Cal 4-Wheel's perspective, we support the overall
24 intent of the legislation. We are uncomfortable with a
25 couple of items.

1 property, I believe there's a way where Division could
2 help out.

3 Private property owners do not qualify for any
4 of the OHV grants as such, but there is a provision
5 within the operating procedures of the Division where
6 Division can pay property owners to repair damages to
7 OHV incursions on private property where that private
8 property is adjacent to an OHV area.

9 I think it would be very logical to expand that
10 out as a preventive measure, that where OHV Division
11 could provide the signage, rather than having the
12 private property owners do this, I think it would be
13 going a long ways to reduce the conflict between OHV
14 and other recreationists at least from those sections
15 of the PCT. Thank you.

16 CHAIR CABRAL: Thank you. Amy Granat.

17 AMY GRANAT: Amy Granat, California Off-Road
18 Vehicle Association, and I'm going to take advantage of
19 the fact that I'm sitting right in front of you and not
20 move.

21 We couldn't have any better advocate in our
22 corner than Randy Banis, and I think you can tell on
23 all of the work he did on the Desert Renewable Energy
24 Conservation Plan and on this bill that he has not only
25 pushed entities that did not previously support OHV

1 recreation to support OHV recreation, he has brought us
2 a respect that is very rare in politics at times.

3 And on May 16th, CORVA did something that was --
4 two things, actually, that were rather unique. One, we
5 elected a new president, Diana Mead, our first woman
6 president. And the second thing is we voted
7 unanimously to support this bill. That didn't come
8 easy, for many who know the history of CORVA.

9 But what did come easy was the fact that we had
10 an upfront seat at the table. It is really critical
11 for us to understand that we can negotiate and
12 negotiate in good faith with politicians, and that's a
13 lesson we have to take to heart.

14 The national monument aspect of it is troubling.
15 What CORVA has done is become very involved in those
16 national monument plans. We can't just have a bill
17 like this legislated and then forget about our
18 responsibility to the management plans.

19 What we have found in the San Gabriel National
20 Monument that is very, very helpful is to form a
21 coalition. We formed a coalition with other
22 like-minded individuals that have nothing to do with
23 OHV called the Mountain Conservation Alliance. And
24 because of them, we don't think we are going to lose
25 any access in the new San Gabriel National Monument,

1 much to the consternation of some of these other people
2 in that room at the moment.

3 So my appreciation to Randy for bringing this to
4 us, for bringing us to this point, and we're very proud
5 in CORVA that we could support it.

6 CHAIR CABRAL: Thank you.

7 Dave Pickett.

8 DAVE PICKETT: Dave Pickett, District 36,
9 Motorcycle Sports Committee.

10 Mr. Amador, thank you again for your continued
11 efforts and presentations this morning. Can I borrow
12 your jackhammer next weekend?

13 And, Mr. Banis, thank you. You've got years
14 into this, and it's very, very much appreciated.

15 On the presentation that Randy had shown us,
16 which was very good and it helped put a lot of the
17 pieces of the puzzle together, I'm a little bit
18 concerned because, keep in mind, as shown, it's an
19 allowed OHV use and not a prescribed OHV use. I think
20 that's something that we need to look at. I want to
21 wait until I see the Cook amendment.

22 And I didn't see the word "mitigation" in the
23 presentation anywhere, and I'm not sure if that's
24 something that we could possibly use or at least
25 request to be considered for the Spangler Hills area.

1 It's still kind of a dark spot for me. But maybe we
2 could figure out some other place that we could do a
3 trade for an existing closed area.

4 I'm also having memories of S 21 years and years
5 and years ago, and the massive loss of OHV opportunity
6 at that time and how much that ties into this process.
7 As it is moving forward, especially with large OHV
8 support at this time, it's looking like it's heading
9 that way. But I'm going to wait -- District 36 will
10 wait for the Cook amendment to take a peek at it.
11 Thank you.

12 CHAIR CABRAL: Thank you.

13 Okay. I just want to clarify the public comment
14 over the next period, because it's going to possibly
15 get confusing. But we're going to have the general
16 information -- excuse me, the program reports, and
17 we're going to get into the Clear Creek Management Area
18 informal update, the Forest Service and BLM. We're
19 going to get to those. We'll do all public comment
20 after all of those three reports, okay?

21 But we're going to -- at the lunch break, when
22 we come back from lunch break right at 1:30, we're
23 going to do non-agenda items. So regardless of where
24 we're at, that's what -- we're going to be sticking to
25 the schedule on that. I want to be clear with that.

1 That's how we're going to run the program for the rest
2 of it.

3 **AGENDA ITEM VI - PROGRAM REPORTS**

4 **(A) Informal Update on Clear Creek Management Area**

5 CHAIR CABRAL: Next thing we have up is the
6 Clear Creek Management Area update.

7 CGS GEOLOGIST WILL HARRIS: Good morning,
8 Commissioners. I have only these two hands here, so
9 bear with me.

10 My name is Will Harris. I'm with the California
11 Geological Survey. I'm a geologist with them. I'm
12 here to give you an update on the Clear Creek Risk
13 Assessment investigation that's been conducted -- an
14 expanded investigation that's been conducted by the
15 International Environmental Research Foundation. But
16 to do that, I need to give you some background and
17 orientation on the Clear Creek Recreation Area.

18 Clear Creek consists of 75,000 acres of mostly
19 public land, and it's in southern San Benito County and
20 extends into western Fresno County. Here is roughly
21 the location of where Clear Creek is. This is
22 Hollister up here, roughly about 65 miles along Highway
23 25 to get to the Clear Creek area along the San Andreas
24 fault.

25 Of that 75,000 acres in Clear Creek, 63,000 is

1 managed by the Hollister Field Office of BLM. And of
2 that 63,000 acres, 30,000 acres have been designated in
3 an Area of Critical Environmental Concern. That is
4 based on soils derived from the New Idria Serpentinite
5 geologic inclusion. Serpentinite is a metaphoric rock,
6 and it's derived mostly -- it's derived from partially
7 subducted oceanic crust. And because I know that all
8 of you are good students of California geological
9 history, I know you know what that means.

10 Serpentinite is also -- serpentinite is called
11 serpentinite because it's formed from mostly minerals
12 from a serpentine group of minerals, and some of those
13 minerals -- a few of those minerals can be fibrous.
14 And when they are fibrous, and they are known as
15 asbestiform or asbestos. And one of those minerals of
16 concern at Clear Creek a chrysotile. If these fibrous
17 minerals are encountered in soil and in rocks, they're
18 termed naturally-occurring asbestos or NOA.

19 This is an image looking at Clear Creek looking
20 east from the Clear Creek area, the western portion of
21 the ACEC, and in this little inset is the rock
22 serpentinite, just one example of it.

23 And this is a delineation of the Clear Creek
24 Management Area -- you don't need to worry about the
25 legend down below -- but this red spotlight steep

1 serpentinite geological inclusion or ACEC. The eastern
2 third of the New Idria Serpentinite inclusion ACEC is
3 relatively rich in the chrysotile mineral in this area,
4 and in the past it has been mined for asbestos, that
5 chrysotile mineral.

6 Primary recreation within CCMA and the ACEC has
7 been from the west via Clear Creek Road, and in general
8 most of the recreations that have occurred at CCMA has
9 been in the western half of CCMA and the western half
10 of the ACEC.

11 The predominant recreation at CCMA has been
12 motorcycle trail riding. Hiking, mountain biking, rock
13 hounding, camping are also popular activities. And
14 prior to 2008, roughly 35,000 visitors came to CCMA
15 annually.

16 In May of 2008, the Hollister Field Office
17 issued a temporary closure of CCMA, and this is based
18 on a May 2008 EPA activity-based study where Region 9
19 of EPA looked at NOA exposure while conducting various
20 activity-based air sampling. The Region 9
21 investigation team collected air filter samples while
22 the participants of the team were conducting those
23 activities, and they collected those samples in
24 September of 2004 -- September and November of 2004 and
25 February and September of 2005.

1 calculations had to show that there was a risk of,
2 quote, an "excess cancer" associated with the asbestos
3 exposure, that it was less than 1 in 10,000 visitors.

4 This is kind of dense material. So thank you
5 for bearing with me.

6 To meet this threshold, the Hollister Field
7 Office chose a year-round management alternative, which
8 allows for visitation to the ACEC for five days a year,
9 but only for driving of highway-licensed vehicles and
10 activities like hiking.

11 Also, during the six-year closure period, the
12 OHMVR Division hired the International Environmental
13 Research Foundation to conduct a more focused risk
14 assessment study at the -- in the ACEC that was looking
15 specifically at motorcycle trail recreation.

16 The OHMVR Division wanted this more focused
17 study because since 1980 the Hollister Field Office has
18 received nearly \$7 million of OHMVR grant funds for
19 OHV-related infrastructure and maintenance operations
20 specific for CCMA. In other words, they wanted to make
21 sure that the potential loss of their OHV investment
22 was warranted.

23 The IERF investigation had two motorcycle trail
24 riders riding in the western position of the ACEC,
25 again in this area here. And this is a generalized

1 geologic map of that western area, zooming in, going
2 back, this next slide would be in this area here. So
3 they were riding here.

4 And the purple is the serpentinite inclusion,
5 and these are grounder rocks adjacent to the
6 serpentinite inclusion. And these next two slides just
7 show some of the trails they rode on different days and
8 for different periods of time. So this is just
9 flipping back and forth, and that's just a sample.

10 So the IERF investigation team had two
11 motorcycle riders, one following the other, go on
12 various trails in the western portion of the ACEC and
13 equipped with air filter sampling equipment. And the
14 trails they rode were the same trails that were ridden
15 by the motorcycle trail riders for the Region 9 EPA
16 team.

17 They collected the filters on the air sampling
18 pumps that the riders had, and then those filters were
19 subsequently analyzed for NOA. And the report
20 itself -- excuse me, the riding that occurred was in
21 April of 22 and 23 of 2011. Excuse me, let me back up.
22 Riding that occurred for the IERF study was April 22
23 and 23rd in 2010. The IERF report came out in March of
24 2011.

25 The IERF report study found that the main

1 concentration of airborne fibrous material was very
2 low. And based on the concentrations that they got
3 from the air filter sample, the risk-based health --
4 the health-based risk assessment calculation showed
5 that for a five-day-per-year motorcycle trail riding
6 scenario within the ACEC, the risk of excess cancer was
7 less than one in one million, easily meeting the one in
8 10,000 threshold that BLM set forth.

9 The Hollister Field Office finalized their RMP
10 in February of 2014. In its place -- and they lifted
11 the temporary closure in March of 2014. In its place,
12 the RMP allows for year round but limited access to the
13 ACEC. Individuals cannot enter the ACEC for more than
14 five days a year. Recreation is limited to
15 non-motorized activities such as hiking, rock hounding,
16 horseback riding, also allowed is the non-hunting
17 discharge of firearms, as well as the driving of
18 highway licensed vehicles into and through the ACEC.
19 And this would primarily be done along Clear Creek Road
20 at the west end of the ACEC.

21 Camping is prohibited, although camping at the
22 Jade Mill Campground, which is adjacent to the western
23 perimeter of ACEC, roughly right there, that is
24 allowed. And OHV recreation, including motorcycle
25 trail riding, is prohibited.

1 asked IERF to broaden its initial risk assessment
2 investigation. The work for this new investigation
3 occurred in November and December of 2013 and also in
4 January and March of 2014. Motorcycle trail riders
5 were equipped again with air sampling gear, and they
6 rode in the western portion of that ACEC. And filters
7 from that air sampling equipment were collected and
8 currently are being analyzed for NOA content.

9 A risk assessment will be conducted based on
10 this new and the previous air filter data, and a report
11 will be prepared and the results are expected in
12 August of 2015, this coming August.

13 And happy to answer any questions you might
14 have. And thank you for bearing with me.

15 CHAIR CABRAL: Thank you, Will.

16 I guess before we get in on this, I want to jump
17 in here and give my fellow Commissioners an idea of
18 what I'm thinking. This is a very intense, deep, long
19 subject that's going to require a lot of discussion.
20 And I think that we could talk about it today and get
21 absolutely nowhere with it, and that we're going to
22 need to look at having a special meeting that's going
23 to focus just on this issue when it's appropriate.

24 I say when it's appropriate. I know that our
25 letter that we wrote for the Clear Creek, I think it

1 was their Record of Decision that they made down there,
2 they had to take our comments into consideration for
3 travel management outside of the ACEC, and they're
4 working on that right now. And they're going to have
5 that complete sometime in the near future.

6 And maybe we could coordinate with them to see
7 how that timing is and have a special one-day meeting
8 based upon this.

9 So, Deputy Director, do you have some input on
10 this?

11 DEPUTY DIR. CONLIN: I think we can look towards
12 that. But the other important thing to understand is
13 the study still has to be completed. And once we have
14 the evidence from that, then we're going to be in a far
15 better position to go back and discuss adaptive
16 management with BLM.

17 I think what are we looking at for that --

18 CGS GEOLOGIST WILL HARRIS: That's a good point.
19 I have to say, Robert Nolan, who is the lead
20 investigate for IERF, has been very careful not to give
21 me or anyone else information on preliminary results.
22 He doesn't want to backtrack anything that comes out.

23 And a lot of people are asking, "So what's the
24 latest." So we don't know. I mean it might turn out
25 that this is not a favorable result in terms of OHV

1 recreation if that's your position. But we're going to
2 have to wait until August in that case.

3 So I think Chris' suggestion is prudent. We
4 need to wait.

5 COMMISSIONER PATROVSKY: Is there any action on
6 the congressional bill?

7 CGS GEOLOGIST WILL HARRIS: The last I checked,
8 in April of this year, it was submitted to the
9 subcommittee on federal lands. That's House Bill 1838
10 this year. It used to be 1776.

11 COMMISSIONER PÉREZ: I have a question for you.
12 So I just want to make sure I understand.

13 Previous to the closure, did riders have
14 unlimited access; it's a number of days?

15 CGS GEOLOGIST WILL HARRIS: That's a very good
16 question.

17 For three years previous to the closure, the
18 ACEC was managed such that it was closed during the
19 hot, dry summer months and opened essentially from
20 October through May, I believe that's the time period.
21 So three years they managed it under that kind of a
22 scenario.

23 COMMISSIONER PÉREZ: Thank you.

24 COMMISSIONER LUEDER: Just a point of
25 clarification.

1 Okay. Thank you, Will.

2 DEPUTY DIR. CONLIN: What I'd like to propose
3 here is, pending the results of this, maybe we look for
4 a report on the results of this study at the Commission
5 meeting in September; if it rolls to October, in
6 October. And then we'll make that -- based on that, we
7 can look at what we want to do at the Commission level.
8 Do we do a presentation, BLM or whatever.

9 But we'll have a marker out that as soon as that
10 report is done, at the very next Commission meeting, we
11 will have it reported out.

12 COMMISSIONER VILLEGAS: Can I add something to
13 that as well?

14 I understand that we've invested, you know,
15 \$7 million into this park. So if we can delineate
16 where those investments have been made and then -- and
17 how they will be dealt with in the event there is like
18 a closure.

19 CGS GEOLOGIST WILL HARRIS: In May of 2014, if
20 you go back on the minutes for the Commission, there is
21 a very nice spreadsheet that details the expenditure,
22 and I believe Dan Canfield compiled that.

23 So thank you, Dan.

24 COMMISSIONER VILLEGAS: I just don't want us to
25 lose sight of our investment. And if there's going to

1 be -- if there can be some dialogue in terms of like a
2 next step, whether it is that we're going to look into
3 either a repayment plan or if we're going to leave it
4 as-is or what type of discussion we're going to have
5 for that.

6 CGS GEOLOGIST WILL HARRIS: And, correction, it
7 was May of 2013.

8 COMMISSIONER SLAVIK: So kind of in response to
9 that, there was a Commission meeting in Hollister to
10 address the situation, and we did a tour. And as we
11 entered the Clear Creek Management Area, we saw the
12 actual destruction of all of the equipment and
13 infrastructure that we put in there, literally
14 demolished in front of us.

15 It was kind of a situation that upset a lot of
16 people who were on the Commission at that time and a
17 lot of folks who were touring with us. It is a
18 concern. We spent money there, and, you know, do they
19 owe us, or is there some kind of a recourse that we can
20 take?

21 CHAIR CABRAL: I just want to jump in. This is
22 exactly why I think we need to have a special meeting
23 on this.

24 In the name of time, I think, Chris, your point
25 and what you want to do, I think that sounds perfect.

1 acknowledge your staff that helped to plan this event.
2 Mark, Josh, Debbie and Vicki have been wonderful to
3 work with the last few weeks; kept in touch often
4 enough so that we knew something was coming up but
5 didn't hound us and pressure us. It was a great
6 combination, and I think yesterday reflects that, so
7 thank you very much.

8 I would also like to thank many of the folks
9 behind me who came along on the tour. Everybody took a
10 day of their time. It was a great tour, but we
11 appreciate you all participating.

12 I would like to take just a minute to introduce
13 the other Forest Service folks that are here today
14 behind me. We have Nick, who is an OHV manager on the
15 Groveland Ranger District; Dusty, who you met
16 yesterday, who has been a recreation officer, is now
17 the public service staff on Groveland; and then our
18 Deputy Forest Supervisor, Scott Tangenberg.

19 At this point, I'll invite Scott up, and he's
20 going to introduce the first part of our presentation
21 this morning. Thank you.

22 USFS SUPERVISOR TANGENBERG: It's great to be
23 here, great to see you all again.

24 Thank you again for being on the tour with us
25 yesterday, and I want to echo the appreciate to the

1 staff as well for their help with making the tour so
2 successful. Also, again, like Beth said, thanks to the
3 members of the public that are here to participate with
4 us in discussing how we manage your public lands.

5 My name is Scott Tangenberg, and I'm the deputy
6 forest supervisor for the Stanislaus National Forest.

7 And what we're about to show you is a product
8 that came out of much of what you saw yesterday. So in
9 August 13, the forest was heavily impacted by the Rim
10 Fire along with the adjacent national park and lots of
11 private land, timberland and municipal facilities. And
12 very much what we were interested in getting out of
13 that catastrophe was some education and some lessons
14 learned.

15 And so with that in mind, we have the pleasure
16 of receiving and seeing a film that was put together by
17 filmmakers, Steven Most and Kevin White. They
18 presented this at a couple of different places. It's
19 available for automatic download on video, YouTube,
20 et cetera. But this film discusses what happened over
21 the course of the Rim Fire and the conditions that are
22 in place that can allow for the next Rim Fire to occur.

23 I want to particularly thank the other
24 participants of the video, members of our local
25 collaborative group, the Yosemite/Stanislaus Solution.

1 There are a member or two of them here today, as well
2 as a member or two that were on the tour yesterday.
3 It's with their participation and acknowledgement that
4 these are consequences that none of us want to see that
5 we can help educate more and more people about the ways
6 that we can hopefully try to prevent this kind of thing
7 from happening again.

8 So with that, I will turn it over to the AV
9 folks and let you see *The Fire Next Time*.

10 (Viewed video.)

11 USFS MS. MARTINEZ: Well, that is a pretty
12 telling story, pretty tough act to follow. I keep
13 trying to tell myself they were professional
14 filmmakers.

15 Again, Beth Martinez. For those of you who I
16 didn't have a chance to meet one-on-one and talk to a
17 little bit yesterday, I've been here on the forest for
18 a number of years, much of that time on the Mi-Wok
19 Ranger District; came down to the Supervisor's office
20 about seven years ago as the lands officer; and then
21 last fall, about seven months ago, permanently moved
22 into the public service staff officer position.

23 About seven weeks ago, when my predecessor, Sue
24 Warren, retired, I took over the leadership of the
25 OSV/OHV Program. Ten days in from that, I heard from

1 Mark and here we are. I think what I'm trying to say
2 is thank you for the opportunity to learn by fire and
3 wrap my arms around our current program, what we have
4 going, be with you here today, and I look forward to
5 the opportunities to lead this program for the forest
6 into the future.

7 Where I'm going to take you is a few minutes of
8 kind of an overview of our program. Some of this will
9 complement what we saw yesterday; some will be new.
10 For the poor folks in my vehicle, it's probably all a
11 repeat. I'm sorry for that.

12 And I just want to correct Commissioner Pérez.
13 My recollection of yesterday is I was only able to
14 answer 93 of the 100 questions. I told her I was
15 pretty sure some of the numbers would be here today, so
16 hopefully I can meet that.

17 We are going to talk a little bit about special
18 places, special people and special projects on the
19 forest, and then I'll wrap up speaking to some of our
20 current challenges, but also opportunities that we feel
21 that we have, to work with you folks into the future.

22 With that, Al, make it as dark as you can.
23 Okay. So, again, just an overview of the program here
24 on the Stanislaus National Forest.

25 As everybody I think recognizes, we are located

1 here in the Central Sierra Nevada Mountains. To the
2 north of us, we have the busy Tahoe region and to the
3 south, Sequoia National Park, roughly 900,000 acres in
4 the forest. We lie within four different counties.
5 From the visitation standpoint, we are three hours from
6 the Bay Area, an hour and a half from the Central
7 Valley, a couple of hours from the Sacramento region,
8 so we get a lot of visitors.

9 The programs we have are located on four ranger
10 districts. North of the forest, Calaveras Ranger
11 District, which you didn't get to see yesterday, on the
12 Highway 108 corridor; up high Summit Ranger District,
13 again, not an opportunity to visit; down on the south
14 end here, Mi-Wok District; and then the Groveland
15 Ranger District. And this was the area of our tour
16 yesterday, as you recognize, all along major high
17 corridors.

18 Within the Forest Service, oftentimes our
19 budgets come out based -- in the recreation arena based
20 on recreation use. And as you can imagine, of the 122
21 forests across the nation, people count people
22 differently.

23 So several years ago, as an agency we started
24 using what we call our Visitor Use Monitoring, a very
25 formalized system. Every forest gets visited by

1 contractors, other entities -- it's to study the
2 visitors -- about every four to five years. While it
3 may not be totally precise, at least we're talking
4 apples and apples, and everybody is doing the
5 monitoring the same so we get a feel for visitation.

6 Here in California, there are 18 national
7 forests. The Stanislaus National Forest is in the top
8 five in terms of total annual recreation visitor use.
9 And that's about 1.5 million people. We're top three,
10 or number three, in terms of folks who come to the
11 forest who specifically engage in OHV and OSV
12 opportunities.

13 If we narrow that a little bit more to the
14 western slope of the Sierras, the Eldorado, Stanislaus,
15 Sierra, Sequoia, we're the top forest in terms of
16 visitation in terms of both of those categories, so we
17 are busy.

18 In terms of the existing OHV opportunities
19 that's on the forest, again of that 900,000 acres about
20 539,000 are lands that are available for road and trail
21 opportunities. Our designated routes right now include
22 just under 1400 miles of high clearance Level II roads,
23 about 129 miles of trails open to all vehicles,
24 39 miles of high-clearance four-wheel drive designated
25 trails, 58 miles of ATV trails, 70 miles of motorcycle

1 trails, and an additional 700 miles of roads that are
2 available to street-legal vehicles as well.

3 On the OSV side, we have three snow parks,
4 73 miles of signed groomed routes, 755 miles of
5 unsigned, un-groomed routes, and 182,000 acres of land
6 available when the snow that's adequate for
7 cross-country OSV use. We also have 60 miles of
8 wheeled over-snow routes. We are currently going
9 through an OSV EIS planning effort at this time as
10 well.

11 In terms of our partnership with the Division
12 and folks, longer than 25 years now. But this just
13 kind of gives you a glimpse of what's occurred on the
14 forest in the last five years.

15 Looking here at the grant cycle year, this has
16 been our actual grants awards over the last five years,
17 our agency match. And so you get a feel for the totals
18 here. Here in FY '16, which is your grant year '14,
19 this is what we've applied to in this current cycle.

20 In a typical cycle, we will apply for a law
21 enforcement forest-wide grant, a ground operations
22 grant, one to two development grants, one to two
23 restoration grants and recently an OHV visitor
24 education and safety grant.

25 Now, one of the questions that I couldn't answer

1 yesterday was taking those numbers and breaking it down
2 a little more in terms of the different categories. So
3 looking at the same five years, about 55 percent of our
4 grant funds have gone to the ground operations to keep
5 our trails and conditions going, roughly 16 percent to
6 law enforcement, 5 percent to development of new
7 opportunity and about 23 percent to restoration. And
8 I'll come back and talk to each of those in a minute.

9 From a ground operations standpoint, of course,
10 that's providing ongoing maintenance and operations for
11 not only our snow parks but five OHV recreation areas.
12 Some example of that is the Hull Creek area that we
13 visited yesterday where the user can come, stay at a
14 developed site, leave right from that site to enjoy
15 their opportunity.

16 We have eight or nine popular OHV riding areas:
17 Mi-Wok District, Crandall Creek, Deer Creek area west
18 of Highway 108; Hull Creek, Trout Creek, which you
19 visited yesterday; and then on the south end the Mi-Wok
20 Hull Creek. Over on the Calaveras side, we have Black
21 Springs and Interface White Pines area. Up on the
22 Summit Ranger District, Eagle Meadow and Niagara Creek,
23 and then some of the areas you saw yesterday on
24 Groveland, the Ferritti Buck Meadow areas and the
25 Jawbone Pass Ridge areas.

1 presence through patrolling, whether it be with our law
2 enforcement officers, which are actual trained peace
3 officers; our FPOs, which are forest protection
4 officers, which most people in the field have some
5 training; our fire prevention technicians, some of whom
6 you met yesterday; and then, of course, volunteers.

7 We attempt to provide adequate information
8 through updated signing and information at kiosks so
9 folks know where they can and cannot go and even the
10 reasons why in places where they can't necessarily
11 ride.

12 Maps, again, available. Those are at kiosks in
13 the field and our ranger district offices, along with a
14 lot of services in the community, the chambers of
15 commerce, different businesses on the highway corridors
16 that work with us to get our information out there. We
17 heard some exciting information about some of the new
18 technologies and how folks can download these maps,
19 et cetera, yesterday on our tour. So that's kind of
20 our next emphasis, if you will.

21 Just a sample of some of our signing, again,
22 both on the winter side and for summer use, but pretty
23 detailed signing on our snow parks; on our trailheads;
24 and then at each route, you know, what type of vehicle
25 can be there, the difficulty level, the sticker from

1 the OHV state that we're in partnership here; see just
2 a variety of information provided.

3 Where we've had to close routes or we need to
4 mitigate, we try and explain why we're doing that, to
5 protect sensitive resources. Down here you'll
6 recognize that we are now doing signing in a couple of
7 different languages. And, again, over here where we're
8 having to close stuff, we're trying to explain and not
9 just close stuff and walk away from it.

10 We heard yesterday that some of those trail
11 numbers are pretty difficult, long numbers. So out in
12 the riding areas where we have areas where we might
13 have 15 or 20 trails, we will number them differently
14 on the map and with the signs to make it much easier
15 for the user. It's a lot easier than knowing trail
16 number 17ETV dot, dot, dot, dot.

17 This is our motorcycle use map. This map came
18 out of our 2009 Travel Management Decision. We had one
19 of these maps for each our ranger districts, which
20 shows what's open for riding and use, et cetera. This
21 is published on newspaper-type paper, which is pretty
22 economical. The reason we've done it that way is that
23 because we're constantly having to change things.
24 Depending on opportunity or the Rim Fire, it allows us
25 to basically republish this map year after year after

1 year and keep updated information for the users.

2 From a training perspective, we train our
3 personnel as well as volunteers, appropriate
4 certifications, for using the equipment, et cetera.
5 And then this is equipment that is used during our OHV
6 trail repair, monitoring, general patrol in a number of
7 ways.

8 Switching gears for a minute to the people side
9 of this, we can't do this alone. And we've had
10 tremendous support certainly over the years from the
11 California State OHV Division; the Commissioners, you
12 folks and all of your staff; Sixto Fernandez has been
13 around I think as long as I have as the grants
14 manager -- we've all changed positions but met each
15 other years ago; Walt, our current grants
16 administrator.

17 On the Forest Service side, it also takes an
18 army of folks. From the regional office, Kathy Mick
19 and Garrett, who I know you have worked with a lot and
20 weren't able to be here this meeting; Jeanne Higgins,
21 our new forest supervisor; Scott, our deputy -- really
22 our entire leadership team have to support the efforts
23 that we put into this. I mentioned Sue Warren. She
24 retired a few weeks ago, after 15 years in the public
25 service position. You heard Chuck's name a number of

1 times yesterday, not able to be with us this week, but
2 he's done a terrific job over the years of getting the
3 program established on Mi-Wok and really forest-wide
4 taking the lead on the grant administration side.

5 Budget folks, you met most of our OHV folks, but
6 we do have people changing often. So Brendan Keller,
7 the Summit OHV manager, left the forest recently, so we
8 have a hole there. And I'll talk a little bit about
9 that later as one of our challenges, a number of
10 temporary employees and volunteers, and then our
11 prevention folks and law enforcement officers.

12 And kind of the third wave of our success really
13 relies on the organized clubs, groups and individuals.
14 This is not by any means a full list, but these are
15 folks who have been part of our efforts for years on
16 the forest: Merced Dirt Riders, (Inaudible), ATV Rock
17 Crawlers, Four-By-Four Motion and a whole number of
18 folks from the user side. Central Sierra Environmental
19 Resource Center, we had John Buckley with us yesterday.
20 That group is critical to some of our restoration
21 needs.

22 Chuck has gone a great job, as well as other
23 members of the forest, using local crews. We had the
24 Baseline Conservation Crews, CCC crews. With AB 109,
25 we now have the Tuolumne County Sheriff's Department

1 afterwards. But the key to that is from a resource
2 perspective, archaeological resource, et cetera. We
3 have areas really strong in those resources, and we
4 don't want to disturb the earth either.

5 In terms of some of our restoration projects,
6 again, we saw some of this area yesterday, the Twomile
7 restoration projects. What we're doing in most of
8 these projects is trying to help the land heal from
9 unauthorized use.

10 I was realizing last night that I don't think it
11 came up in any of the discussion, but the Twomile
12 Slavey Trout Creek area is designated as a Critical
13 Aquatic Refuge Area on the Stanislaus National Forest,
14 and there's only a couple of areas in the Sierras that
15 have that designation. But those CARs, if you will,
16 provide habitat for native fish assemblies, amphibians,
17 aquatics and vertebras and are in pretty good
18 condition. They have been noted for that, so we've
19 taken extra measures to make sure that that continues.
20 So it's not that we're trying to eliminate use in these
21 areas. We're trying to provide use in a responsible
22 way to protect those resources.

23 Just some before-and-after photos: So we didn't
24 stop at Trout Creek yesterday, but what we're trying to
25 do is restore some unauthorized routes, especially on

1 hillsides above Trout Creek, Clavey River, some of
2 those watersheds, to protect not only the natural
3 resources but the watersheds as well.

4 Helping hill climbs. Hills happen, but I have
5 to say the number of hill climbs in the last, you know,
6 five to eight years that we've had to restore is
7 definitely on the decline, but before-and-after photos
8 of hill climbs on the Calaveras District. Sometimes
9 we're able to do this work with hand crews; sometimes
10 it needs a little bit more with the equipment,
11 et cetera.

12 But we're not just, you know, closing things.
13 We're restoring them, adding a lot of drainage
14 features, doing things the right way so we can protect
15 the resources and creeks below.

16 Cedar Creek or Cedar Ridge area is on the Mi-Wok
17 District. This is one of those backyard communities
18 where people get on their bikes and go right out their
19 door. It's been a long struggle off and on over the
20 years. As bad as that rut is on the left, I've
21 actually seen ruts out there three- to four-feet deep.

22 You can't just come in and work with equipment
23 and smooth out the route and put in water drainage
24 because to some OHV riders now that's just a jump and a
25 different opportunity. So having to apply rice straw

1 implementation, which this is where most of our OHV
2 folks work, and then the closeout.

3 A couple of key points is that, you know, we
4 have people on both sides, I think, working on each of
5 these columns at different steps, and I think
6 oftentimes they fail to recognize some things are
7 necessary over here. It really upsets the whole thing.

8 And then the other thing I want to point out is
9 some of these steps just cause lots and lots of back
10 and forth. I'm always looking for ways to not have to
11 go back and forth so much.

12 But even in the Forest Service, we are changing
13 how we look at budgets and looking more at outputs.
14 And maybe that's something to consider where, you know,
15 if we've committed to constructing ten miles of new
16 trail, folks are accountable for building ten miles of
17 new trail and not get hung up in minutia of that should
18 have been built by a GS-7 temporary or a volunteer or
19 exactly how we got there. So maybe an opportunity
20 there.

21 As far as climate change, again, we need to
22 consider the opportunities now, and where there is
23 climate change or recovery after fire, building more
24 sustainable trails that can withstand some of the
25 weather and stuff we're seeing a little bit

1 Stanislaus, we've had a difficult time spending all of
2 the money by the time the grant period expires. There
3 are a number of reasons for that, but some of those
4 thoughts might be available to look at in future
5 legislation to help us both on both sides.

6 Wrapping up here, planning ahead, yesterday at
7 the Camp Clavey site, I mentioned that no-dig barriers
8 and the new child youth route was all done by this
9 young man on the left, a local high school student, as
10 his Eagle Scout project. So not only did he learn
11 about the environment, how to plan a project, he
12 brought 30 of his best friends and family to do the
13 project. So we're getting some of the important
14 messages to the youth.

15 I mentioned earlier our Summer of Success
16 Program. This is a very local program. We're going
17 into our 14th year, but we have a three-year
18 partnership between the Forest Service, the
19 Superintendent of Schools Office and Mother Lode Job
20 Training, which is an agency that connects people with
21 jobs. Mother Lode actually hires these students, but
22 they come with funds and can work for us.

23 And the resource area in the Forest Service on
24 the Stanislaus, who has really supported this for the
25 last 14 years, has been our recreation and OHV staff.

1 These students come to us and work for the six to eight
2 weeks in the summer. There is always way more
3 applicants than jobs. They apply. They write an
4 essay. They have to have letters of reference. They
5 interview. It's real life. It's giving them real life
6 skills, and then they come work for us.

7 Some of the students who first came are some of
8 the students who used to ride out their back doors, do
9 the hill climbs, et cetera. Once you put them on the
10 other end, teach them how to ride responsibly and
11 engage them and make repairs, they are the best
12 reminders to folks out there, especially their peer
13 groups, of how to do things right.

14 Both this young man on the left, Sean, and Joe,
15 who was really soft-spoken yesterday at the Mi-Wok
16 stop, came through our Summer of Success Program. Many
17 of them now are coming back. The ones that came
18 through originally are now temporary seasonal employees
19 for us, and some of them are pursuing natural resource
20 degrees.

21 If there is any opportunity to identify a new
22 category that focuses on youth, that would be a great
23 thing. Through education, partners, jobs, the youth of
24 today, they're recreationists today. They're users,
25 visitors, but they're leaders, and they are our land

1 stewards of the future.

2 In wrapping up -- which I'm sure you thought I
3 never would do -- again, 25-plus years of partnership
4 between the Forest Service, you folks, the Commission,
5 the public, recreating public we serve, many who are
6 our partners. This is where we all want to be, strive
7 to be, certainly the greatest zone of influence,
8 knowledge, opportunity and success if we all work
9 together.

10 With that, we're grateful for the opportunity to
11 partner with you, look forward to the years ahead, and
12 I would open up to any question you have for Scott.

13 COMMISSIONER MURPHY: You mentioned two items
14 that would make your job easier being the extension, if
15 you need more time, and then maybe some changes as far
16 as what's required as far as who did the work and that
17 sort of thing.

18 What other things can you maybe suggest that
19 would make the job easier? Not that we can promise
20 anything right now, of course, but this is a good time
21 to maybe cover that.

22 USFS MS. MARTINEZ: Sure. And I would also
23 invite Dusty to chime in, too, if I don't cover a
24 couple of things.

25 But certainly, you know, this one is kind of a

1 double-edged sword. Having more than a year, even on
2 the ground ops, law enforcement would be very helpful.
3 Really by the time the paperwork gets in place, even
4 though the dates are retroactive to the project
5 agreement date, the year is practically gone.

6 If we can't simplify the processes, then having
7 a couple of years to get through the process and focus
8 on implementation in a year of that two years would
9 make our lives a lot easier. There's a lot of things
10 we can do to make our lives easier, too.

11 The key things -- I think the things that hold
12 us back so much are -- not hold us back, but we spend a
13 lot of time in the nitty-gritty and the documentation,
14 and the process of it being a little complex if we want
15 to make a change midpoint in the grant cycle. So if
16 some of those things were changed, that would make life
17 a little less difficult.

18 I know I'm just speaking here from the heart,
19 but we'd be happy to help summarize those ideas and
20 submit them and do whatever we can as a partner.

21 CHAIR CABRAL: Actually, I wanted to kind of
22 speak to that a little bit, is that, you know, we do
23 have the sunset clause coming up, and there is going to
24 need to be some work to be done to kind of craft some
25 future ideas.

1 very effective in my experience with grants.

2 COMMISSIONER PÉREZ: Thank you for answering 94
3 of my questions.

4 USFS MR. MARTINEZ: I had to leave a couple of
5 for your next visit.

6 Thank you.

7 CHAIR CABRAL: Okay. Now, the other thing is I
8 want to talk about two quick little management things,
9 and then I have something for you.

10 The two management things is that amphibian
11 habitat. That's an issue that's in a lot different
12 areas, different forests and stuff, and I've kind of
13 tried to dive into that as much as possible.

14 And in Sonoma County where I'm from, we've had
15 issues with amphibians and with the tiger salamander.
16 And on public roads, they've used amphibian tunnels and
17 stuff, and they've worked out extremely well.

18 And I was hoping that that could be looked at as
19 a management practice on OHV roads and trails as far as
20 ways to be able to improve the habitat for the
21 amphibians and also still have the access for the OHV
22 enthusiasts.

23 The tunnels that they've used on these public
24 roads have actually had -- because of the mortality
25 rate going down of them, because they're high traffic

1 roads, that the population of the amphibians went up
2 significantly. So to see that to be brought into these
3 areas instead of just closed, that would be really
4 something that I personally would appreciate, and I'm
5 sure most of the OHV community would.

6 And then the last one is -- you touched on this
7 yesterday -- was the moisture, soil moisture content,
8 instead of these fixed calendar closures. You get
9 years like this year where we have had very low snow
10 and rain, but it might -- we will have -- so you would
11 have more options to ride during the winter. And then
12 on the other hand -- this is when you have a really wet
13 year -- just by the calendar, you could be running into
14 some trail damage issues if it was -- you know, if you
15 were out there riding when the soil moisture was too
16 dense.

17 So with that, the electronic data that's
18 available -- I know there is always the problem with
19 someone vandalizing that type of stuff -- but the
20 remote sensors like Davis Industries makes, that are a
21 small weather station with a soil moisture probe --
22 they came out of the agricultural world -- but that
23 would be something that could be real beneficial.

24 So maybe that could be -- as that stuff starts
25 coming forward, maybe you guys can look at -- since you

1 have such a robust program -- is being on the test
2 clock with doing that type of thing.

3 USFS MS. MARTINEZ: Sure.

4 CHAIR CABRAL: And then, lastly, we have a coin,
5 a commemorative coin, that you will be receiving. It's
6 because you did a great job. It's for excellence.

7 (Audience applause.)

8 CHAIR CABRAL: But apparently this makes it so
9 any after-hours things you have with your Forest
10 Service partners, you never have to buy a drink again.

11 We're right at noon. So with that, I think we
12 can do our BLM report and then we can see.

13 The public comment may get kind of mish-mashed
14 like I was thinking it may. So I want to be clear on
15 this, is that, these green sheets here are for agenda
16 items, okay?

17 At 1:30 we're going to do non-agenda items, and
18 you need to have a blue sheet filled out, and it needs
19 to be up here for me after lunch. So I would suggest
20 people to fill them out as soon as we -- right when we
21 take the break or sometime now if they would do
22 non-agenda items.

23 **AGENDA ITEM VI (C) - PROGRAM REPORTS - BLM**

24 CHAIR CABRAL: So with that, we are ready to do
25 our BLM report.

1 we're looking at facilities and response and fire
2 management, and there's just so many aspects. So my
3 managers were trying to think of how do they want to
4 approach this.

5 And my background, I've worked most of my career
6 for Forest Service, BLM and U.S. Fish and Wildlife
7 Service. And in each of those agencies, I've worked as
8 a biologist. I've worked in communications and public
9 affairs, and I've also worked in fire management and
10 all hazard. In the last ten years or so, I have been
11 working in these collaborative strategic all hazards
12 planning.

13 So that mental picture kind of gives you an
14 idea, kind of brings it all together, is: How do we
15 bring together these local partners and local
16 governments and look at how are these changes affecting
17 the environment. What does it mean to you? What are
18 the values we're protecting when we do?

19 That situation there, I'm talking to village
20 leaders on the island of Yap in Micronesia, and that
21 was one of my highlight experiences.

22 So it's been kind of fun dealing with all
23 hazards, but that's very much kind of how we're looking
24 at climate change, is larger, organizationally how
25 we're doing. It's not just the science aspect. So

1 many ways we're looking at interfacing and integrating
2 that. So that's a lot of what I'm looking at the first
3 year is how are we going to try to integrate these
4 programs and leverage and not re-create something
5 that's redundant.

6 And so basically we're looking at a lot of
7 enhancing our organizational capacity, kind of
8 evaluating where are we. The Forest Service has kind
9 of already done this with the checklist they have of
10 where is the forest, what are they doing, how
11 up-to-speed, how knowledgeable are people. We're kind
12 of going through this process, looking at our skills
13 and abilities, to deal with climate change.

14 Looking at our partnerships who are already
15 doing climate change; who do we need to work with?
16 Sustainable operations, that's something that's been
17 ongoing but building.

18 There is a new Executive Order that came out
19 about month or two ago -- that came out of the federal
20 government. Significant changes on how much we have to
21 reduce our carbon footprint, how much renewable energy
22 we have to use through our facilities, so just dramatic
23 changes. But it's pretty widespread.

24 And then obviously integrating the science and
25 tools and adaptive decision-making, we're looking at

1 how we build that into our decision documents, our
2 planning documents, and then how do we get it on to the
3 ground for things that really make a difference.

4 So I don't want to go into a lot of the science
5 about what is climate change. I'm sure everybody here
6 kind of has an idea about it. We saw that great video
7 that they showed, and we see ways that it connects with
8 us.

9 But really for climate change, we're looking at
10 these long-term trends of -- mostly we're looking at
11 precipitation and temperature. And we've had all of
12 those historical records and the trends of what our
13 seasons are and what the peaks of these different
14 temperatures and things are. So we're looking at how
15 are those changing significantly.

16 And what I really want to make note of here is
17 that all of these science models and things that we're
18 using, there is a lot of uncertainty. It's pretty
19 confusing. You see the public and a lot of people get
20 frustrated because we're running a lot of different
21 scenarios, different possible futures, of what might we
22 expect. And people can kind of pick different parts of
23 that, and these peak temperatures, this different
24 information in their probable future, but there's a lot
25 of uncertainty. So it makes it really difficult to

1 lot of stepping down from the big trends down to the
2 landscape.

3 And some of the interesting models that are
4 going to be helpful for our planning and really getting
5 stuff down on the ground and what we can do is -- these
6 models were used in the Desert Renewable Energy
7 Conservation Plan. A lot of these, they call it
8 velocity models.

9 But you're looking at those temperatures and
10 precipitation changes and how they overlay with those
11 topographic, mineral, vegetation, precipitation, all of
12 those different conditions on that specific landscape,
13 and where are they going to be hit the hardest. So you
14 can actually kind of see on the piece of land, these
15 areas are most vulnerable and most at risk, so here are
16 areas where we should have some high concerns and
17 really start thinking about.

18 There are also some areas where you're going to
19 have slower change, and they call that climate refugia,
20 and those are going to be important places when you're
21 thinking ahead to where are areas where plant
22 communities may need to move to or maybe wildlife go to
23 because it's seeing less change. So those are the kind
24 of areas you might look to protect.

25 But you're looking at some areas of slower

1 change, and you're looking at the areas most vulnerable
2 and at risk. It's kind of important as managers and
3 resource users to think about laying out your values
4 and what you're doing on the landscape and maybe where
5 they fall into these changes based on climate.

6 So for BLM, how do we take these big scales and
7 these models and these futures and think about where do
8 we really start seeing it hit the ground. And the most
9 dramatic impacts are going to be to our disturbance
10 regime, like you saw on the Forest Service, in that
11 great video. The obvious one is fire, and that fire
12 regime is tremendously impacted by temperature changes,
13 precipitation changes.

14 So that's where we're really going to get our
15 arms around where climate change is hitting us on the
16 ground. We're looking at disturbance regimes, also
17 looking at ecosystem services. And it's kind of maybe
18 differentiating what we typically do, because
19 biologists, resource specialists have been thinking
20 climate change, and they are doing things at their
21 level from a climate programmed scale.

22 We're trying to look more at these larger pieces
23 and looking at these larger ecosystem services. So in
24 trying to pull that together, it's almost a triage, in
25 a way, of what's the basic function that we need to

1 protect that will sustain the most value and the most
2 things. So that's really a big focus for us.

3 You are not really going to be able to see this,
4 and that's just kind of a crosswalk, in a way, between
5 talking those larger environmental down to -- all the
6 way down to the species and what might affect them.
7 They're going to have changes in where they move,
8 changes in seasonal use of area and breeding.

9 What I really wanted to talk to this group is:
10 We're not just looking at these environmental
11 conditions and these resources, we're looking at the
12 uses on the land and those values. And that's very
13 important, and there are actually national committees
14 and these other groups that are looking at things like
15 traditional ecological knowledge. We have tribal uses.
16 And so it is very important and very relevant.

17 I'm sure you've heard in the news all of these
18 disparities between poor communities and how they are
19 impacted by climate change around the globe. So there
20 is a lot of social information. It's not just
21 environmental. So looking at that value system, be it
22 recreation or something else, that is very important,
23 that recreation, and what your values are for that
24 landscape. Because it's not just being on the ground
25 doing recreation. There are landscape values of: Is

1 there a certain vegetation, certain topographic
2 features. There's a lot to look at, so how do we think
3 about protecting and planning for that.

4 I don't know if people here are familiar with
5 what's called the Landscape Conservation Cooperatives,
6 and they're focused around climate change. And they're
7 kind of this in-between hub between managers and people
8 on the ground and the scientists and NASA and what's
9 going on and how do you get the right information.
10 Because we have needs and information gaps, and what
11 scientists are doing may not always match up.

12 We call them the LCCs. There are that hub, and
13 they have funding sources and grants, and they help get
14 involved with a lot of policies locally. But they kind
15 of offer that climate change perspective integrated
16 with getting stuff on the ground. And they have
17 significant free workshops and trainings on their
18 website. You could probably on a weekly basis catch an
19 hour webinar on all different aspects of climate
20 change. So they are a really interesting resource. We
21 have four of them that are in California.

22 And so my role is working with these different
23 LCCs and trying to get the BLM values and concerns and
24 to see what kind of science and information is coming
25 down, which funding and research is available and might

1 help us. And that's definitely a place where I could
2 see us interfacing with you, is what are some of the
3 concerns and values and how do we put that forward and
4 make sure the right research is happening that's going
5 to help us protect certain values and certain
6 resources.

7 Through some of these larger landscape
8 eco-regions -- because those are established as a
9 eco-region, a way to try to refine the information if
10 you're looking at a landscape. And the greater
11 sage-grouse, the Great Basin area, there's been a lot
12 of news recently about sage-grouse.

13 And BLM has a new policy that just came out.
14 It's mostly focused in fire prevention and operations,
15 but there's a whole lot more involved, but looking at
16 that landscape, the climate change and what do we do
17 across this huge cross-jurisdictional large area
18 related to climate change and species and fire
19 management. So there's some interesting new policy out
20 there related to sage-grouse, BLM and fire management.

21 BLM in particular -- I guess it's been two to
22 three years -- has been developing these rapid
23 eco-regional assessment areas. You can see California
24 is kind of left out. We have a few pieces of these
25 other eco-regional areas already of set up. That's the

1 synthesis of the latest climate information, kind of
2 revolving around some of the biggest BLM management
3 questions of what do we need to know to manage the
4 land. So those are in place. We can utilize them
5 where they overlap.

6 And we're also looking at them elsewhere, across
7 the state, where do we come up with the information we
8 need to assess our values and risks. And we've been
9 working with a lot of different partners.

10 I'm sure people know BLM has actually 22,000
11 off-shore rocks and islands along the coast. So we're
12 being impacted by sea-level rise and those changes. So
13 we're working with NOAA and some other partners on
14 climate vulnerability assessments along the coast and
15 some of our properties there.

16 We just partnered recently with the U.S. Forest
17 Service to do a Northern California Climate
18 Vulnerability Assessment. That is going to help feed
19 into our -- we have a Redding Field Office area and
20 Arcata Field Office area, and I think there are three
21 forests that were all kind of around in there and
22 looking at how this climate information can support
23 revisions in our management plans. So we're just
24 probably this fall going to roll into the workshops and
25 how do we come up with this information to be most

1 effective in building this new science into our
2 resource management plans.

3 And I threw this in here to kind of remind
4 myself, some of the -- I did a presentation like this
5 to the Desert Advisory Committee, and they brought
6 up -- and it's a question with a lot of BLM staff and a
7 lot of other people -- is: How are we going to be on
8 the ground actually "truthing" a lot of these potential
9 changes and impacts.

10 There is a lot of modeling. There is so much
11 monitoring that has to happen. This is a huge weak
12 point for us to get out there over all of this
13 landscape and monitor it.

14 We do try to work with a lot of youth groups.
15 The Forest Service mentioned the value of that, hugely
16 important. It's also been brought up -- and it's
17 really important to have this citizen science.

18 So that's another area we'd really loved to see
19 built and leveraged and enhanced for us to not only
20 educate and build these partnerships but to help us do
21 this monitoring and get this information from on the
22 ground, because that's going to be a huge, huge effort
23 that we're really limited in right now.

24 And there's been a lot of conversation so far
25 about this map here. You see that's the Desert

1 Renewable Energy Conservation Plan area. We've had --
2 BLM has had a regional mitigation policy.

3 And this is such a perfect example of one of the
4 ways that BLM and interagency partners on a piece of
5 landscape can start planning and looking at climate
6 change, because it's a huge driver of what this plan
7 was, renewable energy sources, obviously something
8 we're looking at for climate change and reducing our
9 carbon footprint and supporting that, reducing
10 greenhouse gas emissions.

11 But the conservation in that plan, they looked
12 at -- they did the modeling for climate refugia and the
13 velocity of where you're going to see the changes the
14 soonest and biggest impacts. So that's being built
15 into the conservation values and things we're trying to
16 protect and how you do that ahead of time. So that's a
17 great example of building in climate change into our
18 planning. So that's a great kind of larger
19 conservation area to look at that.

20 Another big angle, very important, carbon
21 stewardship and sequestration. That's taking -- I
22 think the Forest Service talked about that in their
23 presentation, how vegetation takes the CO₂ out of the
24 air. Because we have all of these emissions and things
25 adding to global warming, but then we have this other

1 side of it where it's pulling it in there. It's not
2 just vegetation. There's soil that also has a lot of
3 carbon storage.

4 So it's very important now on the landscape to
5 think about not just reducing these greenhouse gasses
6 as our way to reduce our impact to global warming, but
7 how do we protect and manage the vegetation and
8 landscape.

9 At a state level, we have the Forest Climate
10 Action Teams, which is state and federal agencies
11 looking at exactly this. They're coming out with a
12 strategy on protecting and managing carbon forests.
13 It's kind of this cap and trade program.

14 How do we get involved with that, we're hoping
15 to see how we can leverage those state-level efforts
16 and pull that down into our Northern California Climate
17 Vulnerability Assessment Adaptation Strategy.

18 And it's a huge level, but for BLM, we're really
19 trying to leverage and, in a way, hold on to the tail
20 of everybody else who is moving so fast. We are kind
21 of slow to this game, but these are really important
22 areas that we are just starting to get involved in.

23 And for me in my job right here, a big part of
24 what we're trying to do in our planning decision
25 documents, in our National Environmental Policy Act,

1 how do we take this really complicated global warming
2 kind of impacts and step down to activity level, be it
3 an activity or project, a wildfire. What are we trying
4 to track and what information does it provide us and
5 how does it help us in our decision-making? So that is
6 the complicated thing we are kind of going through.

7 I hate having a lot of bullets here. I want to
8 kind of mention in this area, the CEQ, which is the
9 Council on Environmental Quality. They're the
10 governing body that develops the federal government's
11 National Environment Policy Act guidance. And they
12 came out with new draft guidance on how we're supposed
13 to address climate change in our planning decision
14 documents.

15 And they specifically -- and we have in the past
16 had to deal with our greenhouse gas emissions, of what
17 kind of emissions are we putting off, but we also have
18 to make sure we're looking at our impacts to carbon
19 sequestration, so those impacts on the ground. Are we
20 reducing our ability to store carbon? So that's one
21 side that we're looking at.

22 We're also looking at climate change impacting
23 those resources. In order for us to evaluate these
24 cumulative effects, we have to know: Is this baseline
25 condition going to change significantly? That when you

1 have these other impacts, what is that going to mean?

2 So we look at that.

3 And then another important aspect is to look at
4 the resilience of our different project alternatives,
5 like was mentioned was a trail. If you're putting up a
6 trail right along the coast, are you going to lose that
7 trail in a short period of time or how resilient will
8 it be, those impacts. Is it a good investment of
9 funding. So we have to weigh that out and explain that
10 in your NEPA documents.

11 And, lastly, kind of looking at -- it's sort of
12 a part of all of those things. But climate adaptation:
13 Are the project alternatives, project activities going
14 to impact our ability to implement climate adaptation
15 in the future. So that -- say that climate refugia,
16 maybe we don't need to do anything with that in the
17 future, but if we put a permanent facility there, then
18 if it is needed, we now have limited options to deal
19 with climate change.

20 So how do we kind of take the most probable
21 future situations and science and overlay that with the
22 impacts and what we plan to do and see how that fits
23 with our ability to develop climate adaptation
24 strategies.

25 I'm just going to kind of -- I know we're

1 rolling into lunch. And I really wanted us to be a bit
2 little more about just kind of seeding you guys with
3 the thought of climate change and what it means to the
4 resource values for OHV use and thinking about -- I
5 think it's a bigger conversation, bigger presentation
6 to really get into the details.

7 But I think looking at what are the view sheds,
8 the landscapes, the areas that people -- the impacts.
9 Because it's -- there's a balance of looking at the
10 landscape, looking at the restoration.

11 And then also a huge part would be our safety
12 issues, because we're looking at changes in -- you've
13 seen intensities of fires, but there's also going to be
14 cases where we are going to have higher flood risks and
15 within certain areas where you may not have seen them
16 before, certain seasons where maybe you haven't.

17 So there is a national health assessment on
18 climate change that's in draft. That should be
19 finalized soon, and it has very interesting information
20 about health impacts to people out in the field and
21 what that means.

22 So I think for users out on the ground, really
23 looking at what does that mean for long-term
24 strategies; with partners on the landscape, what are
25 the values; how do we get that research and science

1 going to support our decisions and make sure that that
2 interest is considered when we move forward.

3 So I'd like to just kind of leave you with that,
4 and see if you have any questions or anything that I
5 can kind of take forward.

6 CHAIR CABRAL: Okay. We have about five minutes
7 until lunch break, but I wanted to point that out to
8 our Commissioners. I do have a couple of concerns and
9 things I'd like to ask.

10 First off, citizen science, that's
11 controversial. Because if citizen science is not
12 monitored properly, it can be swayed science. So
13 that's something that I know has come up in the
14 Planning 2.0 and other areas and also with Forest
15 Service stuff. Because I know you guys need to spread
16 your dollars as much as possible, and that's -- it
17 makes sense to do that, but also if those people aren't
18 monitored properly, they could be swayed.

19 And then with it, how much of this information
20 is going to be used in the Planning 2.0 process? Do
21 you have any idea how much of the climate change
22 information is going to go into that?

23 BLM MS. MORRILL: A tremendous amount. Planning
24 2.0 is our new way of kind of moving everything forward
25 with a lot more collaboration and information. And

1 climate science is critical for us to build that in
2 there, so it's got to be integrated. It's part of it.

3 CHAIR CABRAL: Okay. With that, it's like the
4 planning documents currently aren't very flexible on --
5 it doesn't matter what government, it could be state
6 level, it could be go anywhere from city, county, state
7 on up to federal government. They're not very
8 flexible.

9 And I think one thing that is definitely
10 important as we move forward is climate change is
11 unknown. You guys are trying to predict the unknown.
12 We haven't even got halfway decent in predicting the
13 weather until recently. So it's like there are
14 controversies on each side of where we're at in the
15 warming period. When we started taking measurements as
16 human beings, where were we at really at that point
17 because everything prior to that is a guess.

18 So it's kind of like the situation is -- I'll
19 just use an instance. If you're at, say, 5,000 feet
20 now and what the temperature is like and when a meadow
21 appears in the summer and there are some amphibians
22 there, that scenario, what may happen is there could be
23 that same amphibian is going to have to move up 500
24 feet and then around to a northern exposure area to get
25 it the same kind of habitat 15 or 20 years from now.

1 So as the crow flies, it might only move half a mile,
2 but on the ground, it could be significantly more. But
3 that can affect all kinds of management things.

4 And right now, if you have -- well, there's
5 amphibians in this meadow and this meadow needs to be
6 managed and protected this way, it's not flexible.
7 Because the area that could be -- so then when you say
8 the whole area, then it gets to be like -- then it
9 starts to be used as a way to just lock out all forms
10 of recreation, not just OHV, but everything.

11 And it could be -- and I want to be blunt here.
12 There's a lot of organizations out there that need to
13 stir the pot and need to create controversy to create
14 income on their, quote, nonprofit organizations and
15 such.

16 So when this comes around, you tie up -- I'm
17 going to tie this all together. You get your citizen
18 science. Those people up there swaying, and you have
19 these organizations that are trying to work this whole
20 thing, there is a way for them using climate change as
21 a way to further extend their agenda.

22 So as this is moving forward, I think it's
23 important to guard against that and to be fact-based
24 and to know that this form of recreation, OHV
25 recreation, we're very environmentally responsible, and

1 we take excellent care of these areas, and we make it
2 so we can travel -- like inclusive trails.

3 I personally have MS, so I can't go working
4 for -- to walk the Pacific Crest Trail. But to get and
5 view and do the things I like, I have to ride a
6 motorcycle or take a jeep or do something along those
7 lines.

8 So I think it's important that these inclusive
9 types of recreation are still going to be heavily
10 influenced in the process because we can't have
11 disabled people being disadvantaged.

12 And also climate change-wise, the impact of
13 someone that may be hiking -- to drive from the
14 San Francisco Bay Area, where I live, to the Sierra in
15 their car and then hike around and then get in their
16 car and drive back to the Bay Area, that's a
17 significant impact also. So it's not a non-impactual
18 type of recreation.

19 So I know I went off a little bit on a tangent
20 there, but I just know that -- I think it needs to be
21 said that there's lot of ways of looking at that, and I
22 just wanted to go that direction.

23 BLM MS. MORRILL: Thank you very much, and I
24 think that's huge. That's kind of why I brought that
25 up. That's a huge concern for all of us, on how do we

1 get the right science and how do we use that for our
2 decisions and what's relevant.

3 Right now there is nothing that is like a
4 threshold trigger on: This is going to trigger some
5 kind of environmental compliance issue. It's just in
6 the disclosure of what we think is going to happen and
7 kind of looking at that at the larger cumulative and
8 strategic level at this point.

9 CHAIR CABRAL: Okay. Do we have any comments,
10 questions here before we go? I can probably do another
11 couple minutes.

12 COMMISSIONER HAFKENSCHIEL: I'll go ahead now.

13 Thank you, Miriam, so much for coming and giving
14 this presentation. I really appreciated it and enjoyed
15 it.

16 And I definitely commend the BLM for these new
17 positions around climate change. It sounds like there
18 were three new hires, the national one, California and
19 in Nevada. It sounds like you have your work cut out
20 for you then, and hopefully there will be more in other
21 states that are coming online as well.

22 I just want to respond to a couple of Ted's
23 comments. I think definitely understand his concerns
24 about citizen science. As I'm sure you're aware,
25 there's good ways to do it and there's bad ways to do

1 it. In some of the areas where it's really
2 technical -- professionally, I do a lot of work around
3 air quality and air monitoring. There is definitely
4 concerns with community air monitoring.

5 On the flip side of that, Audubon, probably one
6 of the most famous citizen science programs where their
7 members have been helping monitor bird populations.
8 And a 100 years of their citizen science has allowed
9 them to see birds are actually migrating to different
10 areas because of climate change.

11 And Audubon is one of the more conservative
12 wildlife conservation groups that have come out with a
13 brand new climate program because of that citizen
14 science. So I think it's important to obviously be
15 aware of the concerns and opportunities with that
16 citizen science program.

17 And I just sort of also wanted to respond to
18 Ted's comments about flexibility being important, and I
19 do agree with that. But I think at the same -- what
20 Miriam was sharing with us is -- I don't necessarily
21 think the BLM is trying to predict what the impacts are
22 going to be. That's extremely hard to do.

23 But as much as you can be improving resilience
24 of BLM lands and also looking for opportunities of
25 mitigation, I think that's important, and it's possible

1 to do with maintaining flexibility.

2 BLM MS. MORRILL: Thank you.

3 COMMISSIONER MURPHY: I wanted to just reiterate
4 some of what Erin had to say.

5 I just want to caution that this doesn't
6 transition into a way of minimizing or limiting or not
7 allowing OHV recreation. So that's the only thing I
8 want to say, is just to caution against a rush towards
9 something that might not be based in fact. That's all
10 I wanted to just reiterate.

11 BLM MS. MORRILL: Thank you.

12 CHAIR CABRAL: Okay. So I think at this point I
13 would like to thank you for your presentation. It was
14 very thorough, and maybe there might be some few
15 questions. I don't know if you're planning to hang
16 around for lunch or you're going to take off.

17 BLM MS. MORRILL: I'll stay.

18 CHAIR CABRAL: Okay. That would be great.

19 So now we're going to take a lunch break, and
20 we'll be back here at 1:30.

21 (Returned at 1:32 from a break starting at 12:33 p.m.)

22 CHAIR CABRAL: We'll bring this meeting back to
23 order.

24 **PUBLIC COMMENT - NON-AGENDA ITEMS**

25 CHAIR CABRAL: And I'm going to run through

1 these non-agenda public comment cards a couple of times
2 because there may be still some people straggling in
3 from lunch. That may be a possibility.

4 So I've got Dave and Barb Harrell. Would you
5 like to public comment?

6 BARB HARRELL: First of all, thank you for
7 hearing us.

8 COMMISSIONER MURPHY: If you would state your
9 name for the record, please.

10 BARB HARRELL: Barb Harrell.

11 DAVE HARRELL: And Dave Harrell.

12 BARB HARRELL: Due to travel management in the
13 Stanislaus National Forest, our single-track trail
14 system opportunities have been decreased significantly.
15 There aren't enough trails to satisfy the riders in the
16 area. In Groveland, all of the trails are closed.

17 All of the forest personnel have reached out to
18 us with a similar understanding of the problem. So far
19 we have been unable to proceed on a course to create
20 more trails in a timely manner.

21 In the Groveland area, due to travel management,
22 all trails and some of the dirt roads had been closed
23 down. These trails have been there for years, but
24 because they were not included in the travel
25 management, they closed them all. We had over 100

1 but we need more action to make these ideas reality.
2 We are in the process of forming an organization of
3 riders who want to help. We've got a small army ready
4 to pitch in when we can work things out with the local
5 districts and accept those volunteers.

6 We think the answer to this is to move winter
7 closure out of some of those areas, put in more trails,
8 open the closed ones, find out why they got closed, try
9 to reopen. This will stop a lot of the over usage.
10 Like I said, we have the manpower to accomplish this,
11 and we don't believe that closure is management.

12 One second to go.

13 CHAIR CABRAL: Thank you. I appreciate it. I
14 hope you guys continue to develop a relationship with
15 the Forest Service in that area and that ranger
16 district. And it sounded like they were interested in
17 putting a program together, and I think your input
18 would be valuable as local enthusiasts to be able to
19 organize a group like that. So thank you.

20 COMMISSIONER SLAVIK: Would you restate your
21 name, please?

22 DAVE HARRELL: My name is Dave Harrell.

23 CHAIR CABRAL: Doug Varner followed by Amy
24 Granat.

25 DOUG VARNER: Good afternoon. My name is Doug

1 Varner. I am from the Kern Recreational Land
2 Association.

3 First of all, I want to thank Commissioner
4 Cabral for coming out to our area and getting a
5 firsthand view of the land area, the Pacific Crest
6 Trail, and the ability to talk to a few hikers.

7 This past Memorial Day weekend, we were out
8 camping on our property, and we had 60 Pacific Crest
9 Trail hikers in our camp that we hosted. Again, they
10 ate everything we had and then some. My wife, being
11 the angel that she is, she brought ice cream out for
12 everybody. I was out riding my dirt bike in the area,
13 saw two Pacific Crest Trail hikers on the trail. I
14 went over to them. They said, "Are you Doug?" I said,
15 "Yes, I am." They said, "Your wife is a saint. She
16 made us the best chicken salad sandwiches."

17 What I'm trying to demonstrate is that the
18 problem is not between the off-road vehicle community
19 and the Pacific Crest Trail hikers. When the hikers
20 come into the desert, they realize that this
21 environment is conducive for off-road vehicle riding.
22 They expect to see off-road vehicle riders. Never have
23 I had a complaint about off-road vehicles with a
24 Pacific Crest Trail hiker.

25 I had a meeting with Beth Boyst, who is for the

1 U.S. Forest Service in charge of the 2600 miles of
2 trail. She admitted reluctantly that she has never had
3 a complaint about an off-road vehicle with a Pacific
4 Crest Trail hiker, never.

5 I would like to invite any or all of the
6 Commissioners to come out to my property on Memorial
7 Day weekend and talk, themselves, to the Pacific Crest
8 Trail hikers. Please do. We're at about the 530 mile
9 mark of the Pacific Crest Trail. The Memorial Day
10 weekend is generally when you get a lot of them. Don't
11 take my word for it. Come out to my property and talk
12 to the hikers yourself.

13 Thank you very much.

14 COMMISSIONER SLAVIK: Wasn't Memorial Day
15 weekend last weekend?

16 DOUG VARNER: Next year, in 2016, although they
17 have -- they're letting about 50 hikers a day come off
18 of the Mexican border so they don't bunch up. So you
19 want to come out next weekend, please, I'll be there.
20 Thank you.

21 CHAIR CABRAL: Thank you.

22 Can we get the portable microphone for Amy
23 Granat, please.

24 AMY GRANAT: Amy Granat, California Off-Road
25 Vehicle Association.

1 think I've kind of figured out why, I think the
2 Commissioners as well. We sort of got a clue the other
3 day as to why it was changing, but that doesn't comply
4 with historic use. We need to remember the
5 stakeholders and historic use.

6 There are a couple of collaborative efforts that
7 are going on. I think the OHV voice is being heard.
8 The Dinkey Collaborative, along with John Stewart and
9 Jeff Blewett, we go there. It is really a good
10 collaborative. We're talking about issues, about fire,
11 about everything. It isn't specifically about OHV, but
12 OHV voices are part of the conversation, and that's
13 what we need to do.

14 Also, Jeff and I go to the Sierra Nevada
15 Conservancy Healthy Forests Initiative Regional
16 Community Council -- getting all of that out is one
17 thing. But, again, we're in a forum that OHV voices
18 are rarely heard. But it's very important because
19 they're dealing with the effects of fire and water
20 shortages on the ground. We're there. We contribute
21 when we can. Sometimes we're learning more than we're
22 contributing, but it's part of the equation. So I
23 encourage everybody to get involved in these processes.

24 And just yesterday or the day before I heard
25 from the Forest Service about -- we've been dealing

1 with frog and toad issues. I don't have to tell all of
2 you, (Inaudible) threatened to close trails. But we're
3 working with the Eldorado National Forest now in
4 actually a site-specific way to measure the snow depth
5 and temperature so that trail closures can be based on
6 actual conditions. I know this sounds like a really
7 big thing. It's very unusual. So it won't be a
8 blanket closure like we have with wet weather
9 management, but it will be a closure based on
10 conditions to allow the frog and toads to mate and then
11 get out of the area where we want to be. That's a huge
12 step forward as the Forest Service. Everybody, that
13 came as a collaborative. Jeff and I were on that tour
14 with a bunch of other enthusiasts, and I'm really
15 thrilled.

16 We're beginning with Fish and Wildlife -- again,
17 we're going to cross our fingers. But that's a big
18 step forward with the Forest Service. So I want to
19 commend them on looking at that.

20 The next step: Wet weather management.

21 Thank you.

22 CHAIR CABRAL: Thank you. And I did want to say
23 one thing. On the over-snow management, I've talked to
24 the Deputy Director about us having a meeting specific
25 to that sometime in the future, and that would be

1 great, but it would be nice to have snow. We're
2 hoping, fingers crossed, that this winter we'll get
3 some snow activity, and then we can plan a meeting
4 based around that.

5 AMY GRANAT: There is a big issue in Plumas
6 National Forest, and they're really -- for
7 snowmobilers, they're up in arms. Snowmobilers tend to
8 be a little bit more quiet about their being up in
9 arms.

10 CHAIR CABRAL: It's on the radar, so it's
11 something that will be coming.

12 AMY GRANAT: That's great. Thank you.

13 CHAIR CABRAL: Next, Don Amador.

14 DON AMADOR: Mr. Chairman, Commissioners, Don
15 Amador, Blue Ribbon Coalition and Quiet Warrior Racing
16 Consulting.

17 Just a couple of items, FYI, Blue Ribbon has a
18 new executive director, Martin Hackworth. He's a
19 professor in the Idaho university system and especially
20 in climate and atmospheric science. So we talked a lot
21 about climate change today, so that's his specialty.

22 I wanted to continue to urge the Commission to
23 push for special use permit reform. We know there is a
24 lot of inconsistencies there, cost prohibitive in many
25 cases, so urge you to continue working on that.

1 weather windows for working on trails is very short,
2 sometimes only a week or two.

3 And so I feel it's important for Region 5 to
4 look at taking the lead and develop a federal hotshot
5 crew that can take the master performers to insert them
6 in different forests so they can work the trail when
7 the moisture content is right in the soil. So
8 that's -- we ask, how does climate change, what can we
9 do. That's something on the ground that affects our
10 program.

11 So, anyway, thanks for the great tour, and we
12 will look forward to working with you. Thanks.

13 CHAIR CABRAL: Thank you, Don.

14 Dave Pickett.

15 DAVE PICKETT: Dave Pickett, District 36. This
16 is non-agenda, correct?

17 How about something happy? Hangtown. Hangtown
18 was awesome. As most of you know, Prairie City SVRA is
19 the host of Dirt Diggers North MC. As you mentioned in
20 your opening statement earlier this morning, the
21 weather was perfect, light breeze, racing was awesome.
22 Everybody seemed to have a good time.

23 We had quite a few special guests there this
24 year: One congressman, one state senator, two brand
25 new state assemblymen, one from the Los Angeles area

1 came up. We also had an unusually large amount of
2 Sacramento County and Sacramento City folks at the
3 higher levels of management. They were taking a look
4 around. They were having a good time.

5 I'd like to say kudos for Chris Real, DPS
6 Technical. He hosted the tour you all went on a couple
7 of years ago of the factory rigs. We had folks from
8 the California Air Resources Board. They called me and
9 wanted to come back. So I thought that was pretty
10 cool. So three of them showed up, and that was
11 awesome. We also had a few chiefs of staff, one of
12 notice is David Reade with Senator Nielsen, who is a
13 big friend with OHV and been around a long, long time.

14 I don't know the total body count of guests that
15 came, paying guests, but overall it was a smashing
16 success. And from law enforcement, I didn't hear of
17 one incident that took place, but I haven't seen the
18 after action, so that's it to date.

19 And the last thing I'll button up with is is
20 there a way that we can ask State Parks Department, the
21 new director, if we can get a public service
22 announcement out about small engines and spark
23 arrestors: Make sure your spark arrestor is working
24 good, especially this year with the fire danger.

25 Thank you.

1 CHAIR CABRAL: Thank you.

2 John Stewart.

3 JOHN STEWART: Good afternoon, Commissioners.

4 John Stewart, California Association of Four-Wheel
5 Drive Clubs.

6 I've mentioned this before to the Commission,
7 and this is in reference to the Clay Pit OHV area or
8 the SVRA, and that SVRA came about a lot because of the
9 dedications of Don Klusman, who was with Cal 4-Wheel
10 for many years and a big proponent for youth recreation
11 and making sure training issues were encompassed.

12 Training is a component of that SVRA, and we --
13 you know, the association is requesting that the
14 Division consider naming the training area after Don
15 Klusman, the Don Klusman Memorial Training Area.

16 And also another issue that keeps cropping up
17 with the number of BLM planning efforts over the last
18 few months, from DRECP to WEMO and LUPAs and all of
19 these other strange acronyms, one common factor within
20 those is an increase in ACECs, or the Area of Critical
21 Environmental Concern.

22 And I think that is a very little understood
23 concept of how BLM is using strange acronyms to
24 designate planning options and sideboards that are
25 actually quite restrictive in their nature for OHV

1 recreation opportunities.

2 We heard from the geologist this morning about
3 the ACEC for Clear Creek. That's one type of an ACEC
4 throughout the DRECP, the renewable energy conservation
5 plan. There are numerous others that are added in and
6 growing.

7 And some of these in there singularly may not
8 have an impact, but I'm beginning to become concerned
9 about the growing use of this type of a land-use
10 designation along with the National Landscape
11 Conservation System Lands from the Bureau of Land
12 Management and the cumulative impact those will have on
13 seemingly disjointed concepts and plans.

14 So it's something that I would encourage the
15 Commission to put on as an agenda item for sometime in
16 the future to ask for a full briefing from the Bureau
17 on those definitions. Thank you.

18 CHAIR CABRAL: Thank you.

19 Next would be Jerry Fouts.

20 JERRY FOUTS: Commissioners, Chair, I'm Jerry
21 Fouts. I'm normally here with District 36 and AMA, but
22 today I represent YSS, Yosemite/Stanislaus Solutions.
23 And, again, we've gone a long way with YSS. I'd just
24 like to read you a presentation I put together, a
25 little canned PowerPoint, and it's strictly reading, so

1 here we go:

2 "You can do something even
3 Congress can't do. That's right.
4 You have the power to do something
5 really great. It's called
6 collaboration. It literally means to
7 work together.

8 "As a volunteer member with YSS,
9 Yosemite/Stanislaus Solutions, I've
10 seen some incredible collaboration
11 between members and groups that have
12 traditionally been at odds with each
13 other, to put it mildly. Think of
14 it, the Sierra Club, logging
15 companies, hunters, the Tuolumne
16 River Trust, four-wheel drive clubs,
17 off-road motorcycles and the Audubon
18 Society, all in the same room not
19 throwing things at each other.

20 "Not only are they not throwing
21 things at one another, but they are
22 changing the world one forest at a
23 time. That's right. They've put
24 their individual agendas and
25 prejudices aside to address the

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issues that are so important to the welfare and the future of the Stanislaus Forest, their forest.

"YSS members have taken ownership of public lands to a new level. YSS has realized that their success and credibility with both the national Forest Service and the courts is in the diversity of their agendas. There is a legal weight in the number of committed stakeholders they bring to a bigger agenda and the health of their forest.

"There is something about sitting down at the table with committed people just like yourself. Even though you don't see eye to eye with some members of the collaborative and what they stand for, you have to be impressed, though, with their passion and their dedication to the large picture, even if not all of their individual needs or desires are met.

"This is truly what makes a

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collaborative work, and it does work.
This takes courage and trust. But
the consequences of not being
successful are apocalyptic.

"That being said, the Rim Fire
happens to be an apocalyptic
consequence of an individual agenda
that was so different, so diverse and
so demanding that none of them came
to the aid of a very needy forest.
The result was an unhealthy forest
turned into a devastating loss for
all.

"So here is a lesson for
Congress and for all of us:
Consensus is possible if you care
enough. If the issue is important
enough to demand success, then there
is an answer. That answer is to
collaborate.

"Taking it from YSS, we are
changing our world -- or at least our
forest. So demand -- maybe agree to
disagree. That's the important part.
Eye-to-eye contact, respect, trust

1 New Mexico and West Texas, plus ten states in Mexico.

2 We just had a meeting from that LCC last week,
3 and myself and a lot of other individuals kind of began
4 parting ways and drawing differences between what
5 picture that the BLM representative painted about the
6 dire prediction from the various models. And it seems
7 that the data recorded is not following the models.

8 1979 was a pivotal year. That's when the
9 Landsat satellites were launched, and they began
10 mapping and looking at the polar icecaps. That is
11 where the baseline data for the polar icecap
12 dissipation began. That's also when the United Nations
13 began their climate model predictions.

14 Beginning in the 1995 or '96 time frame, the
15 climate models began to show a rapid increasing
16 temperature worldwide as predicted model temperatures,
17 and yet the Landsat satellite data and the weather
18 balloon data remained less than a .1 degree Fahrenheit
19 variance over that 20-year period. So in reality the
20 models are flawed, deeply flawed. And yet this is what
21 the projections and policies are being used and
22 balanced against.

23 It's something that should be considered in
24 looking at reality and the fact that science is a
25 never-ending quest for knowledge, and that there is

1 never subtle science, especially when there is so much
2 unknown about the ever-changing weather patterns and
3 why the patterns are changing. And they do change on a
4 cyclic fashion.

5 Overall, the concepts of how man's human impact
6 on climate change, they're finding that is negligible,
7 cannot be proven, cannot be shown. And scientists are
8 falling beside the way and falling all over themselves
9 still predicting dire consequences and yet the data
10 does not support it.

11 Thank you.

12 CHAIR CABRAL: Thank you.

13 Jerry Fouts, do you have anything further?

14 Okay.

15 Bruce Brazil, this is on the agenda items we
16 spoke about earlier, yes. Thank you.

17 Amy Granat?

18 Okay. Dave Pickett?

19 DAVE PICKETT: Dave Pickett, District 36.

20 On the CCMA report, I really appreciate the
21 update. On the U.S. Forest Service report, that was an
22 excellent PowerPoint, and I appreciate the effort that
23 went into that.

24 Now I want to change to Dave Pickett,
25 individual, okay?

1 **AGENDA ITEM D - Deputy Director's Report**

2 CHAIR CABRAL: Next step would be we're going to
3 do the Deputy Director's report.

4 DEPUTY DIR. CONLIN: Okay. Thank you, thank you
5 very much.

6 A couple of things: First off, I want to just
7 endorse what Jerry came up and said. That was a
8 beautifully, well-stated opinion on how important
9 collaboration is. And I think you're exactly right,
10 Jerry.

11 And we've had several examples. Don talked
12 about it a little bit. We've had some good examples
13 yesterday when we out with the Forest Service. These
14 collaborative efforts always wind up paying off. In
15 other various venues and other places, I've done the
16 same. And believe me, when you can sit toe to toe, eye
17 to eye with people and you can start horse trading a
18 little bit, and a little give and a little get, you
19 usually wind up going where you want to get to. That's
20 just the way it is.

21 We talked about that last time with DRECP, and I
22 know Randy brought it up when he was giving his brief
23 on the Feinstein bill. The truth is land is no longer
24 the wild, wild west and undeveloped. All of it is
25 getting in some way, shape or form committed. So at

1 this point, we're going to have to do some horse
2 trading to be able to get anything, to keep things.
3 It's just kind of the way of the world. But I
4 appreciate that, Jerry. That was very well said.
5 Thank you.

6 I have to say, I'm a little disappointed at the
7 public comment and discourse that nobody has commented
8 on how good Don Amador looks today. I'll tell you
9 what, you clean up well. Somebody had to identify for
10 me who you were when you walked in this morning.

11 I was asked by Commissioner Villegas to give
12 just a quick summary on drought, and what that's doing
13 to us. I know we're talking on the climate change, but
14 drought is here now. It's indisputable. It's here.

15 So what's going on with that. As you know, the
16 Governor has put out several emergency declarations.
17 There have been some emergency legislative actions that
18 have been accomplished here recently.

19 What's going on with your SVRAs. Well, as was
20 discussed actually in the BLM climate change brief, the
21 drought is causing some dramatic changes to the
22 habitat, to the wildlife, and also to the conditions
23 within the SVRAs. It's all throughout California. You
24 heard that even in the forest brief. So we are trying
25 to adapt to that. We're trying to keep things up and

1 running, but there are some realities along with that.

2 The good news is that, particularly in the case
3 of State Vehicle Recreational Areas, we were asked for
4 reductions. We've been asked for reductions over the
5 years. We are at about 34 percent reduction of water,
6 which is off the page. That's really, really good.

7 Now, not everybody is at 34 percent. There were
8 some who were more successful than others. I think
9 Oceano Dunes got a 40 percent reduction. They did some
10 amazing stuff there. We also had some significant
11 reductions in some of the other parks.

12 Some places like Ocotillo Wells, I mean how do
13 you reduce from a desert? You really can't and given
14 that, you know, the places that are affected most that
15 have the least to begin with. You know, you don't see
16 much effect on Ocotillo Wells with the drought because
17 it's naturally dry. In fact, they've probably had a
18 wetter winter than they normally do.

19 In places like Hollister and Hungry Valley,
20 you're starting to see some dramatic effects. You're
21 actually changing the ecosystem by what's going on.
22 You're seeing diminishment of some plants and species,
23 and that's a modification.

24 The world goes through climate changes. The
25 world goes through droughts. Just because within our

1 memory we haven't done that, the world and nature knows
2 how to do that. But it's a matter of being agile and
3 trying to adjust to that and see how that's going on.

4 How is that affecting the users? In some cases,
5 we've had to do reduction of things like watering
6 tracks. So that's just the way it is. To do the
7 reductions we had to do, we had to take a serious look
8 at that. We're not doing anything that's unsafe, but
9 you will see in some cases where we have reduced
10 watering.

11 For some special events, we've gone to the
12 special events organizers -- a good example is Tierra
13 Del Sol down in Ocotillo Wells -- and said: Hey, guys,
14 we can't give you our water, but if you want to the
15 bring in water, you can do additional watering.

16 And that's what they did, and that worked out
17 very well. We've had to do those compromises back and
18 forth to make things work.

19 Services at the parks, we're going to talk a
20 little bit about Prairie City General Plan. But in
21 Prairie City, all of the restrooms are closed.
22 Basically they are using Porta-Potties out there. That
23 was the compromise. We couldn't do both at the same
24 time and still keep things up and running. So you're
25 going to have some of those things going on.

1 seriously. Okay? So just that quick orientation.

2 **AGENDA ITEM D (1) - Deputy Director's Report - Budget**

3 **Update**

4 DEP. DIRECTOR CONLIN: So with that, we're going
5 to go to budget. Maria is going to give us our quick
6 prompt.

7 CHIEF MOWRY: Good afternoon, Commissioners,
8 public. Thank you for coming today. My name is Maria
9 Mowrey. I'm the administrative chief for the OHMVR
10 Division.

11 I have just a quick update on the May revise of
12 the 2015/'16 Governor's budget. The budget was -- a
13 copy of that report can be found behind Tab 9 if you're
14 looking for it.

15 The revise was released on May 14th, and since
16 January, when the January proposed budget came out,
17 revenues in the state have increased and strengthened
18 mostly due to capital gains and other high-wage
19 earners. While there's more revenue, the Governor
20 still wants to continue having a balanced budget just
21 in case there are any future economic downturns.

22 So, therefore, in this budget, because of
23 Proposition 2, capital gains will be used to save money
24 for any more downturns and to pay down the debt. The
25 wall of debt, which the OHV Trust Fund, which is a

1 special fund, they're all supposed to be due and paid
2 back by 2018.

3 Overall there was a \$6.7 billion increase in
4 revenue since January. Currently, the current
5 outstanding debt to the Special Funds, not including
6 ours, is about \$3 billion. This year he plans on
7 spending \$537 million to pay back the special loans
8 from the increased revenue.

9 Other things that were mentioned in the
10 Governor's May revise is he's planning on addressing
11 the current civil service system, making the system
12 faster and more agile, which will help our ability to
13 hire the best staff in a timely manner.

14 And just a few things, just part of the sheets
15 that are in the report regarding the loans. Last year
16 we received a loan payment of \$10 million in '14/'15.
17 And this year there is a plan of \$11 million coming
18 back into the OHV Trust Fund.

19 So that concludes my report.

20 CHAIR CABRAL: Yes, question.

21 COMMISSIONER SLAVIK: So we've talked about this
22 before, and I'm wondering if we need to put this on the
23 table, the lack of funding into the Trust Fund due to
24 the increased [sic] gas mileage corporate -- not
25 corporate but overall gas mileage receipts coming into

1 the Trust Fund. So are we at a point where we need to
2 really seriously get down to figuring out a way to keep
3 this thing floating, the program?

4 DEPUTY DIR. CONLIN: I think -- and we're not
5 going to include it as part of our legislative
6 discussion here today. But if you look, there are some
7 bills in front of the Legislature right now, and
8 they're looking at that. They're looking at funding
9 the gas tax mostly with concern for Caltrans because
10 they're seeing a reduction overall. I mean there is
11 discussions of another 10-cents-a-gallon addition onto
12 the gas tax just to provide that. So it is being seen
13 across the board.

14 Yes, I think we need to think about it. I think
15 we need to really examine that part for the 2018 revise
16 when we go through our next situation. I don't think
17 we're going to get any traction right now trying to
18 make a major modification. But the good news is with
19 the loan paybacks, we should be able to get through to
20 2018 okay.

21 But for the future we really have to consider
22 it. I mean you're getting more low-emission vehicles
23 on the road, more diesel vehicles on the road. The
24 picture is changing. And basically the only reason why
25 it probably hasn't changed more rapidly was because of

1 the drop in the oil prices, and that sent everybody
2 trading in their electric vehicles for SUVs for a
3 little bit, but that will only last so long. The gas
4 prices will come back up again, so people will start
5 looking again at those low-emission vehicles.

6 It's something that we really have to consider
7 strongly and decide what our financial model is going
8 to be for the future so that we are not going to wind
9 up attaching yourself to a fund that may be over time
10 diminishing.

11 CHAIR CABRAL: Any other Commissioners?
12 Anything?

13 Okay. I just want to briefly jeopardize my
14 position, but I'm not going to put lipstick on a pig
15 here, and that is that the \$10 million that's being --
16 that was legislatively removed as being removed from
17 our fund, that's what's paying us back. You can look
18 at this budget. It's not hard. It's not very
19 transparent. And I've been elected by my peers up here
20 to front this, and I have a difficulty morally fronting
21 that.

22 So with that, it is a legislative issue, and I
23 would recommend that anybody in here that's
24 considered -- would like to, you know, contact our
25 local representatives and let them know how you feel

1 about this. And I think if you would like to have the
2 situation changed, it's going to have to be that route.
3 And we'll have to see if anything materializes in the
4 near future on it and then do what's necessary to
5 support it.

6 That's all I have to say.

7 COMMISSIONER VILLEGAS: I understand. I read
8 the report as well. I didn't have any -- I had some
9 questions.

10 I just wanted to caution how we approach this
11 with other legislators and not take it in a
12 confrontational approach even if -- you know, we are at
13 a place where we want this other monies to be given to
14 us. I know there are so many other things that we have
15 in play for either this legislative year or the
16 following legislative year in terms of our extension
17 for our sunset, and I don't want to get anybody angry
18 at the Division if we're hanging on somebody like not
19 in the best manner.

20 And so I understand it's a concern, but I just
21 caution on the approach and just keep it very
22 professional.

23 CHAIR CABRAL: Thank you.

24 **AGENDA ITEM D (1) - Deputy Director's Report - Grants**
25 **Program**

1 CHAIR CABRAL: Okay. Next we have the grants.

2 OHMVR STAFF MacDOUGAL: Good afternoon,
3 Commissioners. George MacDougal, OHMVR Division Grants
4 administrator.

5 I'm here to give you an update on the Grants
6 Program. The grants update sheet with a breakdown
7 table is located under Tab 10 in the binders. It's
8 also on the outside table for the public.

9 Since the last Commission meeting, we received
10 215 final applications for this year's Grants Program.
11 The grant staff has been working diligently reviewing
12 those applications up to the point when the I left
13 Sacramento. There was a total of 38.3 million in
14 requests and a projected 26 million available in
15 funding, depending on the Governor's budget and
16 legislative action to adopt that budget.

17 The public and Division comment period ended on
18 April 6th. Division had previously sent their comments
19 to each of the applicants and give them a chance to
20 respond and modify their application as such.

21 Our intent to award will be posted this coming
22 Monday on the website. After a 30-day appeal period,
23 the final awards will be posted on the website
24 Wednesday, July 2nd, assuming there are no appeals.

25 That concludes my report. Are there any

1 questions?

2 CHAIR CABRAL: Questions? Commissioners.

3 No. Thank you, George.

4 **AGENDA ITEM D (3) - Deputy Director's Report - SVRA**

5 **General Plans**

6 CHAIR CABRAL: We're moving along here, so the
7 SVRA general plans.

8 OHMVR MANAGER CANFIELD: Hello, Commissioners.
9 Dan Canfield, OHMVR Division Planning Manager, visiting
10 the report on the status of the SVRA general plans.

11 You have a report in your binder behind Tab
12 No. 11, also available to the public on the sign-in
13 table.

14 The general plan is the primary guiding planning
15 document for a unit of the State Parks system, like
16 Rail Town, which is right around here, or Columbia
17 State Historic Park, which is up the road, or our
18 SVRAs. They all have these general plans.

19 And what they do is they provide a purpose and a
20 vision statement for the park unit as well as detailed
21 goals and guidelines that direct future management,
22 future management of recreation, like where do trails
23 go, where do visitor facilities go, resource
24 conservation efforts, restoration efforts, interpretive
25 programs, pretty much everything that it takes to run a

1 Ocotillo Wells SVRA in March of 2015. The picture you
2 see over here is of the planning workshop at Ocotillo
3 Wells.

4 The State Parks General Plan Team SVRA and the
5 Bureau of Land Management are doing a joint planning
6 effort to manage the lands. There's checkerboard kind
7 of land at Ocotillo Wells. So the workshops inform
8 participants about the draft Preferred Alternative
9 Proposed Action for the General Plan Update and for the
10 BLM, the Recreation Area Management Plan and Land Use
11 Plan Amendment to the California Desert Conservation
12 Area and the Environmental Impact Report, Environmental
13 Impact Statement scoping process.

14 So these workshops were put forth in a series of
15 five, and people were able to provide comments on the
16 website, at the meetings and by mail or through e-mail.
17 The recent workshops were conducted in a modified
18 open-house format and consisted of an orientation table
19 and four subject-matter stations. So people were able
20 to come in and check in with both BLM and State Parks
21 staff and go get introduced to the area and then go to
22 the stations of interest to them.

23 We had 43 people come to the Temecula workshop,
24 which was in the evening. And we had over 100 people
25 come to the Ocotillo Wells workshop, which was in the

1 afternoon. It was a wonderful place to have -- get
2 input from people who actually recreate at the park.
3 So that was a great success, and we received a lot of
4 comments about how much they appreciated that
5 particular format.

6 So the workshop generated and then the comment
7 period generated over 264 written and e-mailed, website
8 comments. And a summary of public comments will be
9 posted in late spring 2015, and it will be released for
10 public review, the Preliminary General Plan. And the
11 BLM efforts will be released -- anticipate to be
12 released for public review in the winter of 2015/2016.

13 Thank you.

14 OHMVR MANAGER CANFIELD: We'll bring Katie back
15 up if there are questions about Ocotillo Wells before
16 that.

17 Regarding the SVRAs, the Preliminary General
18 Plan and Draft Environmental Impact Report was
19 published just last month on April 23rd. I have a
20 couple of desk copies available out on the sign-in
21 table if anyone wants to go through and take a look at
22 it. It's a very impressive document.

23 This is a very exciting milestone for the
24 planning team. The Draft General Plan and Draft EIR
25 are the product of a multiyear effort with substantial

1 public and stakeholder input, which is nothing new to
2 the Commission, because I've been up here talking about
3 it for the last two years.

4 The documents -- besides the two desk copies on
5 the table, the documents can be reviewed and downloaded
6 at the project website, which is
7 CarnegieGeneralPlan.com. And I think a nice feature --
8 the project website, in addition to these two
9 documents, the website also has all of the documents
10 leading to up these. So say a person hasn't been
11 engaged in the general planning process until someone
12 told them: Hey, you need to go take a look at this.
13 They can go to that website, and they can go look at
14 what happened at the first workshop back in 2012. They
15 can look at the same boards the people saw that came to
16 that workshop. You can see a summary of the input they
17 received. So the idea is you can see the work that
18 went into these documents. So that's very important.
19 Obviously things weren't created in a vacuum, just
20 massive amounts of public input.

21 The project website is also the main way that
22 folks can provide comments on those documents. There
23 is a feature that you can -- when you're on the website
24 looking at these documents and you think of a comment,
25 you can send it right through the website. You can

1 also send an e-mail or use the United States Postal
2 Service. We accept all types.

3 The planning team encourages all of the
4 interested parties to review the documents and provide
5 written documents. We're asking for comments to come
6 in by June 29th. That would be the due date for all
7 comments.

8 After that the planning team will respond to all
9 of those comments. Part of the final general plan, the
10 final EIR is a written response to the comments we
11 receive and also identifying any changes we make as a
12 result of the public or agency stakeholder input.

13 Once that process is completed, that would lead
14 up to the publication of a final general plan, and a
15 final EIR that would be coming back to this Commission
16 for consideration. That is my comments on Carnegie.

17 I know Prairie City SVRA is also in the process
18 of updating their general plan. In the process,
19 they're kind of right behind Carnegie. For Prairie
20 City SVRA, the administrative general plan, so
21 basically the rough cut of these documents, are
22 currently at the Division being edited, meaning the
23 folks that edit them are the same folks that help put
24 these Commission meetings together. So that's one of
25 our main tasks right now and over the summer is getting

1 the Prairie City General Plan -- Preliminary General
2 Plan and the Draft EIR ready.

3 So I hope at the next Commission meeting,
4 regardless of where it's located, I'll be up here
5 giving the same talk about the Prairie City General
6 Plan and imploring folks to go to that project website
7 to provide comment.

8 But for now we need folks to read Carnegie's
9 Draft General Plan and the Draft EIR and provide
10 written technical comments are most preferred.

11 That was all I had on the general plans.

12 COMMISSIONER LUEDER: Thanks, Dan.

13 I had a question regarding the Prairie City
14 General Plan. So I recently went to Hangtown, noticed
15 a brand new nice City of Folsom parkway put in right up
16 to the front of Prairie City SVRA, which caused me
17 great concern. Because cities just don't build giant
18 parkways for no apparent reason. Then I find out
19 they're planning 30,000 homes, plus or minus, in the
20 area.

21 So I'm just wondering as part of the general
22 plan process and also just being good stewards of our
23 park, what is the conversation with the City of Folsom
24 regarding those homes and how they might impact our
25 park versus our park impacting them? Because we were

1 there first.

2 OHMVR MANAGER CANFIELD: Very complex issue.
3 I'll do my best to kind of address it. I'll address it
4 in regards to the general plan. Let me back up a
5 little bit.

6 My initial comments are: The way I look at it,
7 Prairie City is being squeezed on three sides, the City
8 of Folsom from the north with its plans to build houses
9 and retail space. It's being squeezed from the west by
10 the City of Rancho Cordova that has equal desires to
11 expand residential housing, as that's the lifeblood of
12 local communities, to build the fees and tax base.

13 I guess one positive thing, to the south of
14 Prairie City SVRA, there are no homes being planned,
15 but there is long-range plans for the development of
16 aggregate mining. So we have lots -- the land is
17 encumbered south of SVRA with various easements to
18 allow aggregate to travel from the spot where it's
19 extracted from the earth to the market. So that's kind
20 of the restraint. And then on the east side, we have
21 an historic byway, Scott Road. So, you know, I painted
22 the picture. Prairie City is being squeezed from at
23 least three directions.

24 From a general plan perspective, whether you're
25 planning for a city, park unit or any type of thing,

1 kind of the big-level premise is you first identify
2 what the existing condition is and then you take a look
3 at what are some of the issues and challenges that's
4 facing your development of the city or general plan,
5 and then you develop goals and guidelines that try to
6 get you from the existing conditions to your desired
7 condition while addressing those issues.

8 So to answer your question, when you take a look
9 at that Draft Prairie City General Plan, chapter three
10 is issues and analysis. So there will be a discussion
11 of urban encroachment, probably more detailed than what
12 I just said.

13 And then it will lead into chapter four of the
14 general plan, where we set forth some guidelines as to
15 how we go about trying to continue to operate an SVRA
16 in the future with residential development encroaching.

17 I'm not sure what those answers are right now.
18 That's why we go through this process. We put it out
19 there, and we get feedback. The City of Folsom will
20 get a personal call from me asking them to take a look
21 at that. The SVRA staff was involved in their planning
22 efforts, the Folsom of Sphere of Influence Plan that's
23 bringing all of those houses to us. Oddly enough, the
24 contractor on that was AECOM, the same contractor who
25 is working on the SVRA general plan. That's good and

1 bad.

2 So I think there will need to be a detailed
3 discussion of it, but it's frustrating sometimes in
4 that the SVRA staff who were involved, they went to
5 those meetings, and they provided input in the city
6 planning effort. They went to the county
7 transportation folks widening the road and told them:
8 Hey, we operate an SVRA here. We need to get people in
9 and out. Sometimes, like for Hangtown, we need to get
10 20,000 people in and out.

11 And not always are what ends up on the ground
12 being what our desired condition was, and oftentimes --
13 and this would be a good example of it -- we were
14 pretty far off from what our desired condition was,
15 which would be to not have houses built next to an
16 SVRA, not having a six-lane expressway come through
17 that creates a hazard for people wanting to turn left
18 off of White Rock Road into Prairie City.

19 So we are continuing to work. I think the
20 general plan is going to be our opportunity to be on
21 the other end of it, not the ones providing the input
22 but the one setting the long-term goals and guidelines.

23 I will say there is a very vibrant collaborative
24 effort between the folks planning the housing
25 development and the road expansion and the Division and

1 the SVRA. It's just I can't look into my crystal ball
2 and see what's going to turn out. We just know we've
3 got to continue to do that good work and make sure the
4 SVRA is open to the public for generations to come.

5 COMMISSIONER LUEDER: Okay. One follow-up to
6 that.

7 So as part of the planning process for those
8 residential communities, will Division staff be
9 submitting comments and suggesting buffer zones between
10 our SVRA and the nearest homes be dedicated so that we
11 don't run into as many problems? It's a fairly common
12 thing to request when there's public resources to
13 protect.

14 OHMVR MANAGER CANFIELD: Absolutely. Yes is the
15 answer. Keeping in mind that the main Environmental
16 Impact Report for the housing development is closed.
17 It was done some time back. And now they're getting
18 around to start thinking about building these houses,
19 so to whatever extent there are project-level actions.

20 The road expansion will have a project-level
21 environmental document. I don't know if that's going
22 to be an EIR or Mitigated Neg Dec. I'm not the lead on
23 those, but, yes, each one of those we will participate
24 in it.

25 District Superintendent Michael Fehling is very

1 in tune with this issue, is kind of leading our charge
2 with our collaboration with those folks. But I will
3 say there is an incredible push to build residential
4 development in that area, and it benefits local
5 government, businesses. It is a formidable movement.
6 We just have to struggle, as you're saying, to stay
7 relevant and not get steamrolled over.

8 COMMISSIONER SLAVIK: So thinking about this, we
9 know that developers are required to have open space
10 when they put in a new neighborhood, so a little park
11 or whatever for the kiddies. It would seem to me that
12 maybe we could bring to the table a soccer field on the
13 periphery, a park for the neighborhood, somehow go into
14 this collaborative mode again and be part of the
15 solution rather than maybe part of the problem. I
16 might put that on the table.

17 OHMVR MANAGER CANFIELD: Okay.

18 DEPUTY DIR. CONLIN: And I think, just to allay
19 any concerns, that's absolutely what's going on with
20 the staff at Prairie City. Dan gets involved at kind
21 of the 10,000-foot level, but they are making all of
22 those communications. And Mike Fehling, the district
23 superintendent, is doing a good job of talking to them
24 about that.

25 But as we all know, a lot of these places are

1 ruled by the dollar. And if they can put in 40 more
2 houses and they think that's profitable, they'll do it.
3 They are also under the requirements -- we have made
4 those comments and we have made our presence known, and
5 they know that there is an off-road vehicle area there.
6 They should be putting disclaimers in all of those
7 houses that, hey, you need to understand there is an
8 off-highway vehicle park down the street from you,
9 you're going to hear noise from time to time. You're
10 going to get dust from time to time. It's incumbent
11 upon them to do that.

12 It's not what happened -- as we understand the
13 best effect out at Oceano Dunes and Nipomo Dunes, some
14 of the communities did put in disclaimers, some did
15 not. In this case, though, in the modern day, they run
16 a liability if they don't do that. We're trying to
17 make that known, make everybody understand we are
18 there.

19 But we're going to go celebrate the fact that
20 Prairie City is an urban park. Part of being urban is
21 that you're surrounded by people, and that's just kind
22 of the way it is. So it's going to wind up happening
23 that way.

24 CHAIR CABRAL: Dan, I had a couple of questions
25 for you.

1 lands, some of them, have their own planning document
2 tiered off the California desert plan. Some of them
3 were unplanned. No one -- they had never gotten around
4 to setting up a plan for it. Some of the BLM lands
5 were limited-use lands typically in the East Pole Line
6 area.

7 That's what drove the MOU and the management,
8 that east of Pole Line Road was stay on the trails,
9 because that's a preponderance of BLM land over there,
10 that the most current planning document for the BLM
11 showed up as limited use. And then on the west side of
12 Pole Line, there were some BLM squares that had been
13 designated as open, and then at some point in the last
14 20 years they were switched to limited.

15 And so what we found is we had a mishmash. I
16 think the MOU and the way the land was being managed
17 was kind of that best attempt to bring all of those
18 things together. So now -- and we've been running it
19 now for a few years.

20 Now, this general plan/resource management plan
21 will fix that. That's the -- but it makes it so much
22 more complicated. Now it's four documents, you know,
23 and you have -- when I go to a planning meeting, it's
24 now we have BLM at the table, and they're great to work
25 with. So it just complicates it.

1 discussing this issue, and I just wanted to maybe
2 clarify what power they may have on the decision-making
3 process on the general plan and how their input could
4 affect the process?

5 COUNSEL TOBIAS: Well, the other -- no local
6 agency has any power over the State. So when the
7 jurisdiction does a general plan and they put a
8 designation of open space or they put a designation of
9 commercial or whatever they want to put on it and it's
10 on State property, it actually has no effect. So they
11 still do that, and they do that all the time, but in
12 effect they really have no power over that.

13 So their power more is in, you know, having
14 citizens who object or who try to affect
15 decision-making, but basically the State is not subject
16 to any kind of local control.

17 CHAIR CABRAL: Okay. So with that, so the final
18 decision that would lay on that general plan would be
19 with this Commission.

20 COUNSEL TOBIAS: It is, and it does.

21 The other tract they have is the Legislature,
22 and I think that's one other area that they may be
23 pursuing is to go in and try to convince their
24 legislators that that land should not be used for
25 off-road vehicle riding.

1 COMMISSIONER SLAVIK: What about the appeal
2 process? Could they appeal the plan?

3 COUNSEL TOBIAS: No.

4 What are you thinking of?

5 COMMISSIONER SLAVIK: If we approve the plan,
6 can that be appealed at that local level?

7 COUNSEL TOBIAS: No.

8 OHMVR MANAGER CANFIELD: That's unique to NEPA.

9 COMMISSIONER SLAVIK: So general plans cannot be
10 appealed?

11 OHMVR MANAGER CANFIELD: A person would have to
12 lawyer up.

13 COUNSEL TOBIAS: This Commission has the final
14 say on the general plan.

15 They could still sue on the CEQA aspect in
16 California, but that's really a finding that the
17 Environmental Impact Report is deficient. It's not --
18 they can't sue on the fact that the general plan itself
19 is deficient. Because the general plan guidelines are
20 pretty loose, they're pretty open-ended.

21 There have been a few general plan lawsuits over
22 the years at the local level. I'm not aware of any
23 State Parks GP that has ever been challenged, per se.
24 That's highly unlikely they would prevail on a general
25 plan lawsuit.

1 and read the document thoroughly and be able to make a
2 quality decision.

3 COMMISSIONER PÉREZ: I wanted to say I actually
4 did read most of it. I thought it was very well done.

5 And reading through it -- it is kind of a
6 follow-up question to Deputy Director Conlin's short
7 presentation on the water issue -- but I noticed here
8 at the Carnegie SVRA that approximately 5.9 million
9 gallons of water, potable water, is being used per
10 year, and then non-potable, 8.4 million, to suppress
11 dust.

12 And so I was a little concerned about the
13 alternative methods of dust suppression that is noted
14 in this book because it doesn't say specifically if
15 there needed to be alternative measures to deal with
16 the water what other options might be if we continue in
17 this drought. It seems like there is a lot of water
18 needed to suppress dust, and I'm not sure in the future
19 this isn't going to be a concern.

20 DEPUTY DIR. CONLIN: In the case of Carnegie,
21 there is a lot of water that's used. They're on a
22 well. They get a lot of water from the ground. That's
23 how they're able to do it, so a lot of the water that
24 does get used goes back into the water table. They're
25 also co-located with the Hetch Hetchy Aqueduct that

1 comes on through. So water ironically is less of an
2 issue for Carnegie than it is for some of our other
3 parks.

4 Having said that, they've done a massive amount
5 of water reduction there. And what they experienced
6 using is soil stabilizers on all of their trails, and
7 that has worked fairly effectively. Where they really
8 get into a bind is on the hill climbs. The hill
9 climbs, you're not going to make it with soil
10 stabilizers. You really have to do something liquid,
11 with water.

12 So they are looking at other options on that
13 trying to come up with a way to use other water
14 sources. In some cases that might be a special event,
15 again where I said you're getting them to get their own
16 private water and bring it on in and maintain.

17 Also the other challenge, quite honestly, that
18 Carnegie has is Carnegie is trying to restore a lot of
19 the vegetation out there. It was for a while just an
20 open riding area. They've now gone to primary trails
21 and hill climbs. That restoration uses a lot of water,
22 but it's frustration of natural vegetations. The hope
23 is it's all native. Once they get that established,
24 they can do more water reductions. Because to maintain
25 it, you just simply let it sit in the weather. But

1 short-term, to get it established, they have to use a
2 significant amount of water.

3 COMMISSIONER PÉREZ: Thank you.

4 CHAIR CABRAL: Commissioner.

5 COMMISSIONER HAFKENSCHIEL: Thank you.

6 Just following up on the water question, you
7 mentioned that a couple of the SVRAs are relying on
8 wells and so have a little bit more, I guess,
9 sustainability right now in terms of their access to
10 water. But they're likely going to be impacted by the
11 new ground water legislation.

12 DEPUTY DIR. CONLIN: We're looking at that.
13 We're trying to see what impact that they have on us.
14 You're right.

15 COMMISSIONER HAFKENSCHIEL: And then just
16 another comment back on the Prairie City situation, do
17 you have a sense whether the new developments in Folsom
18 and Rancho Cordova are part of the SCOG RTP sustainable
19 community strategy? The Sacramento Council of
20 Governments, and then it's their RTP and STP, which is
21 their regional transportation plan and sustainable
22 community strategy.

23 OHMVR MANAGER CANFIELD: I'm sorry. I do not
24 know.

25 COMMISSIONER HAFKENSCHIEL: That would be

1 something worth looking into because I know there are a
2 lot of communities --

3 COUNSEL TOBIAS: They are part of that.

4 COMMISSIONER HAFKENSCHIEL: Oh, they are.

5 COUNSEL TOBIAS: Yes, but there is still going
6 to be a lot of conflict out there. It will take them
7 quite a while to get those houses built. It's a huge
8 community, and my understanding is that it's all built
9 to current, you know, standards. But once you get
10 houses really close to an OHV area, then, you know, all
11 bets are off.

12 So we're -- if they have put the restrictions in
13 the deeds, we should be in good shape. But at Oceano
14 at certain points, once you get to health standards
15 with the air quality and things like that, there's
16 just -- the burden kind of shifts to show why we should
17 still be there instead of wondering why they built
18 houses around us in the first place.

19 So we actually did some research conveniently
20 because of Oceano, and there is really not even much
21 left of what used to be called "Coming to the Nuance
22 Theory," which was a theory that if you had a type of
23 land use that did have issues with dust or noxious
24 odors or things like that, that if people located next
25 to you it would be their problem.

1 up near Oroville, recently did the general plan that
2 was approved by the Commission there in 2012. That was
3 a little over half a million dollars.

4 COMMISSIONER SLAVIK: For that document?

5 OHMVR MANAGER CANFIELD: Two documents, the
6 general plan and the associated environmental document.
7 Those costs are almost exclusively borne through a
8 contract agreement.

9 COMMISSIONER SLAVIK: So would this be ten times
10 that amount?

11 OHMVR MANAGER CANFIELD: No.

12 COMMISSIONER SLAVIK: Five times.

13 OHMVR MANAGER CANFIELD: No.

14 COMMISSIONER SLAVIK: Obviously we want to be
15 transparent. People are going to ask us questions.
16 It's a wonderful document. "Wonderful" is probably not
17 a good word. Very intensely researched document. I
18 tried to read it.

19 OHMVR MANAGER CANFIELD: Payments to the
20 contractor are public records. They submit bills,
21 which get reviewed. There is an administrative process
22 they go through to cut a check. All of those records
23 are via public record.

24 COMMISSIONER SLAVIK: How much of the staff
25 contribute to that, to the process as well? Is that

1 also documented?

2 OHMVR MANAGER CANFIELD: A considerable amount
3 of it wouldn't be physically documented. The Division
4 has two full-time planning staff, myself and Katie.

5 But the general plan is an incredible workload
6 on the SVRA staff, and they don't get extra positions.
7 Sometimes they're not real happy to do general plans,
8 as you might imagine, because they have the same staff
9 they have to run the SVRA. And then I come and talk to
10 the district superintendent and say: Congratulations,
11 you're going to be the next one doing a general plan.
12 You're not getting any more staff, but your staff is
13 going to be very involved.

14 COMMISSIONER SLAVIK: I would ask that there be
15 some kind of a documentation or transparency into what
16 these general plans actually cost, you know, the user
17 group. When it really comes down to it, they're paying
18 for it. I would like to see something on -- if
19 somebody can something.

20 OHMVR MANAGER CANFIELD: Something beyond the
21 bills the contractor submits?

22 COMMISSIONER SLAVIK: Oh, yeah, for sure. I
23 know there is a lot of associated costs.

24 DEPUTY DIR. CONLIN: Yes, if the Commission
25 Chair wants that, we can do some breakdowns on it.

1 for 30 years if people are still on motorcycles.

2 CHAIR CABRAL: Okay. With that, thank you, Dan.

3 And the other person that is priceless would be
4 Cheryl, and she needs a break.

5 (Returned at 3:01 from a break starting at 2:52 p.m.)

6 (Break taken in proceedings.)

7 CHAIR CABRAL: Let's get the meeting back going.

8 Two things: We have a couple of Commissioners
9 that need to get on the road and we also have a Deputy
10 Director that needs to get to his daughter's
11 graduation. And so with that, I hope we're going to be
12 efficient.

13 **AGENDA ITEM D (4) - Deputy Director's Report -**

14 **Legislation**

15 DEP. DIRECTOR CONLIN: Okay. Legislative
16 update. Thank you, Tina.

17 OHMVR STAFF WILLIAMS: Tina Williams, OHV
18 Division office. Before I start, I want to thank Randy
19 Banis for doing such an excellent job on the California
20 Desert Conservation and Recreation Act. He basically
21 reported half of my report.

22 My report is located behind Tab No. 12, and I'm
23 going to start with the California legislative update.

24 Starting with the Assembly Bill 56, the unmanned
25 or drone aircraft systems, this bill is directly

1 related to public agencies and how they would use
2 drones. It's in the Assembly. It's active, and it
3 will probably go through another amendment.

4 Next up we have Senate Bill 206. This is the
5 vehicle information systems bill which would prohibit
6 the State Air Resources Department from collecting
7 specific data on the vehicles, like the speed data or
8 any data you can get from your smog check. Currently
9 this bill, in its current form, will have little impact
10 on OHV use.

11 Turning the page, starting with Senate Bill 742,
12 this is the solid waste diversions bill. Currently
13 State agencies are required to divert at least
14 50 percent of their solid waste. This would increase
15 that to 60 percent.

16 The next bill, which is pretty popular with our
17 OHV Division, it's a concurrent resolution to designate
18 a portion of State Highway 193 in El Dorado County as
19 the Gene Chappie Memorial Highway. As many of you
20 know, Mr. Chappie served as one of our Off-Highway
21 Motor Vehicle Commissioners.

22 Moving on to the federal legislation update, the
23 next one is HR 792, the no net increase for public
24 lands under the jurisdiction of BLM, National Parks,
25 Fish and Wildlife and other Forest Services. It's

1 still -- its latest major action was back in March.

2 The next bill, HR 999, has a related bill, which
3 is on the opposite page as Senate Bill 1040. That bill
4 would direct the Consumer Public Safety Committee and
5 the National Academy of Sciences to study vehicle
6 handling before imposing any restrictions or standards.

7 That completes my report unless there are any
8 questions.

9 CHAIR CABRAL: Commissioners, any questions?

10 COMMISSIONER HAFKENSCHIEL: Tina, on the SB 206,
11 Gaines' vehicle information system, would the
12 prohibition also include vehicle miles traveled or no?

13 OHMVR STAFF WILLIAMS: I don't have that
14 specific information. It was changed recently to just
15 read locational data and vehicle speed. So the bill is
16 located in the back, and it's gone through, like I
17 said, several amendments.

18 COMMISSIONER HAFKENSCHIEL: Kathryn, do you have
19 a sense of whether you would be able to include BMT in
20 that, the way it's currently written?

21 COUNSEL TOBIAS: I would look that up
22 specifically, but we could sure look at it.

23 COMMISSIONER HAFKENSCHIEL: Because just
24 thinking about the gas tax, I know BMT is something
25 people are thinking as a potential replacement for

1 that. So if there is a bill that means that we can't
2 record BMT, that would potentially impact.

3 OHMVR STAFF WILLIAMS: This bill specifically
4 speaks to the Air Resources Board.

5 COMMISSIONER HAFKENSCHIEL: Right, but that
6 would make sense that the Air Resources Board would be
7 in charge of collecting the BMT data. So just
8 something to think about.

9 DEPUTY DIR. CONLIN: Thank you.

10 CHAIR CABRAL: Thank you.

11 **AGENDA ITEM D (5) - Deputy Director's Report -**

12 **Legislation**

13 CHAIR CABRAL: Okay. Next up.

14 OHMVR STAFF HADA: Good afternoon,
15 Commissioners. Mark Hada, Visitor Services, OHMVR
16 Division.

17 I'm going to give to you the law enforcement
18 public safety report. I believe that's Tab 13.

19 The site visit team for the law enforcement side
20 of the grants has been really busy during the past five
21 months. They've hit 11 sites, and the goal is to get
22 to each law enforcement grant recipient once within a
23 two-year cycle so working hard on that.

24 Recently there have been -- in and around the
25 State Vehicular Recreation Areas, there have been a lot

1 of sightings of ROVs, recreation off-highway vehicles,
2 with street-licensed plates on them. We've got one
3 right up over there. They've blocked out the plate
4 number.

5 In the case of those who are running with
6 California plates, they've been issued by error. And
7 in the case of Arizona plates, people coming to use our
8 facilities and then wanting to drive into town and grab
9 a pizza, they have a legal program there where you can
10 get a license plate from that state that allows you to
11 drive around under certain conditions in Arizona.

12 We brought this up to the attention of the
13 Department of Motor Vehicles and the Highway Patrol,
14 and they've come to the conclusion that, no, we will
15 not honor them on our public highway and streets.

16 In the case of California, if you have a
17 street-licensed vehicle, it was issued in error. So
18 law enforcement people -- in this case it's mostly in
19 and around the SVRA -- will notify the person driving
20 the vehicle that it's not legal for them to do that.
21 They'll get the information on the plate -- and
22 pictures are good -- and the driver and send it into
23 DMV. DMV in turn will generate a letter telling them
24 they have to return or surrender that particular plate
25 and get it re-licensed immediately.

1 It's something that may get replicated throughout the
2 rest of the state, so I don't think it's a bad idea to
3 go out there right now.

4 We were at one point hoping that Carnegie would
5 be ripe for a meeting, but I don't know that we're
6 going to see that in September, 50/50. So I think a
7 betting guy would probably say let's hold off on that
8 and do it in a different location. And then when we're
9 at 100 percent, 90 percent, we can pick Carnegie for a
10 future meeting.

11 CHAIR CABRAL: I would think that would be a
12 great plan because that's the last one we would want to
13 rush into.

14 DEPUTY DIR. CONLIN: Yes, right, a lot of things
15 surrounding that.

16 COMMISSIONER VILLEGAS: I just have a quick
17 question. So I'm not familiar with Bishop or the
18 projects that we've done there, but we have
19 substantial -- did we pay for these eight trails?

20 DEPUTY DIR. CONLIN: We had grants that had been
21 used out there.

22 And what the Adventure Trails are is it was
23 something that we supported and helped them with, but
24 the local county has voted to allow limited operation
25 of off-highway vehicles on some of the roads so that

1 people can go and -- let's say they're driving on a
2 recreational trail and they want to go into town and
3 get groceries or whatever, they can do that. And it's
4 at low speed, but they're allowed to drive in and out
5 of town.

6 This is the sort of thing -- and, Paul, correct
7 me if I'm wrong -- that, for instance, West Virginia
8 did I think on their big trail network, and it worked
9 very well. Basically what it did was boosted the
10 economics. Because now instead of the person riding
11 around on the trail and then they had to go into a car
12 and go get something, then they've got to load stuff up
13 on the back or they risk the fact that the bike gets
14 stolen, they can just drive it on in. So it's an
15 economic booster usually for the local community.

16 COMMISSIONER SLAVIK: I think it's a little more
17 to it than that, as well. It's an opportunity for
18 people to use off-highway vehicles if they're elderly,
19 disabled or whatever to get around in areas. Prior to
20 that they had to get in the car to do it, and people
21 weren't really out there doing that.

22 So they're trying to use this as an economic
23 development tool for rural communities, like
24 Highway 395 where people are just driving through it,
25 going north or south to wherever they're going. They

1 want them to stop, so look at it as an economic engine.

2 CHAIR CABRAL: And this could be a small model
3 of what part of the Statewide Motorized Trail could
4 look like as far as how it could have access points and
5 stop at small rural communities that would be able to
6 serve not only recreationalists but also the
7 communities with economic development. So it would be
8 a win/win for each side.

9 So it would be a good concept to look at, and
10 then see as a Commission if it's worth us moving
11 forward on the Statewide Motorized Trail program,
12 because that program could be a rather large
13 undertaking, and it might require additional staff.
14 And I don't know how that would work and stuff like
15 that. So this would be a good time to take a look at
16 it.

17 COMMISSIONER SLAVIK: Just one final comment,
18 the Piute Trail in Utah and the Hatfield/McCoy in West
19 Virginia are both very successful examples of that same
20 kind of business model.

21 CHAIR CABRAL: Okay. So now I guess the next
22 thing we'll do then is go into the public comment, and
23 then we will be adjourning the meeting if we have a
24 motion.

25 DEPUTY DIR. CONLIN: And then let me turn my

1 brain over there to the other side of the room.

2 Vicki, what are the dates for that meeting in
3 September? We'll get the dates here in a minute.
4 We'll probably go to public comment.

5 **Public Comment on Deputy Director's Reports**

6 CHAIR CABRAL: Okay. Public comment.

7 First person up would be Nick Haris.

8 NICK HARIS: Nick Haris, American Motorcyclist
9 Association.

10 Since we've heard a lot of topics, I don't want
11 to take a lot of time. I will mention that you want to
12 see the fuel tax future, look at Oregon. They're doing
13 their BMT pilot program right now. We've been hearing
14 a lot from members about it. Some of their concerns
15 are not founded as of yet.

16 The BMT issue is coming, and we'll see a lot of
17 states starting to use that model and the Feds. As you
18 know we have cars that are getting -- some people have
19 cars that don't need gas anymore, go home and run your
20 extension cord across the lawn and you're good to go.

21 I do want, on a serious note, to mention I did
22 go to the Carnegie meeting held in Livermore and
23 Hayward and really, really thought they were
24 interesting. There were some very passionate people.
25 There were some ill-informed people there. There was a

1 lot of stuff to be heard.

2 I thought Dan came down and gave a really,
3 really nice presentation and helped diffuse some of
4 that misinformation. Unfortunately he wasn't at the
5 first one, but at the second one he did a really nice
6 job. And it was a very emotional evening, but it was
7 also a great turnout from the OHV community as well as
8 from the local community. I think there was a lot of
9 good discussion.

10 I also wanted to mention I really support the
11 Don Klusman idea at Clay Pit. I know it's been
12 mentioned before, and I just wanted to bring that to
13 the Commission.

14 The law enforcement one I haven't heard of. I
15 think if the person is an Arizona resident, as long as
16 they're not in California for more than 21 days -- but
17 it might be 30 days -- I don't see them being able to
18 stop those vehicles. I'm not really taking a position
19 whether they should be not, but I think that would be
20 very hard to do.

21 I've seen that in other states. I was actually
22 at a meeting in Nevada where they were having similar
23 issues with out-of-state residents bringing vehicles in
24 and the locals wanted to be able to do the same thing.
25 Arizona was allowing something that Nevada wasn't. The

1 answer was you can't do that as a resident of this
2 state. So thank for your time.

3 CHAIR CABRAL: Thank you.

4 John Stewart.

5 JOHN STEWART: Good afternoon, Commissioners.
6 John Stewart, California Association of Four-Wheel
7 Drive Clubs.

8 Thank you, Deputy Director Conlin, for the
9 information about the water usage and the water
10 distribution. And that tells just a small sliver of
11 the story.

12 In reality, the drought issues are much bigger
13 than just California. By some means, you know, the
14 popular news articles, California is in the four or
15 five years' worth of drought. In reality, the West,
16 being the entire -- I'll use the entire Colorado River
17 drainage system has been in a 15-year drought cycle.
18 In fact, the 20th Century has recorded three of the
19 wettest years -- drought or wettest years within the
20 last 1200-plus years of geological history or
21 information that they can determine from tree-ring
22 data.

23 So drought is nothing new to the West. There
24 are two excellent books that deal with water issues
25 throughout the West and how it has come about. Number

1 CHAIR CABRAL: Thank you.

2 Jerry Fouts.

3 JERRY FOUTS: Good afternoon, Commissioners. I,
4 too, was at the Carnegie meeting at the Livermore City
5 Council, and I would like, again, to thank Dan for the
6 great job he attempted to do there. It was a weird
7 meeting for me. That whole meeting was stacked against
8 us before we even got there. We knew it.

9 There is a powerful force at play there in a
10 local family that's politically connected that
11 legislatively is going to come find us, trust me on
12 this. We've had to fight off two of their efforts so
13 far in committee on the last day. They're good.
14 They're very, very good.

15 And I would also ask the Division to consider
16 doing this -- I have to fight the misinformation of all
17 of these people. There is a lot of disinformation out
18 there. One sheet -- and I know you can't do it now
19 because the general plan is in the works and there is
20 only so much State Parks can do to defend itself. I
21 get it. I would be willing to do it if I had the
22 information.

23 But a short one-page of facts that explains the
24 level of environmental bar -- the environmental bar
25 that the State has to take. Legislatively, OHMVR has

1 the highest environmental bar of anybody, State Parks,
2 national, anybody. Nobody knows that. Nobody has been
3 told that. We can read it in a document this thick if
4 you get through it.

5 But we need a one-page summary that has a lot of
6 critical information on it for the general public.
7 That's an incredible thing that we can fight back with.

8 An explanation of how OHMVR has to protect
9 archaeological sites. And who better than to partner
10 with local agencies than State Parks to preserve
11 archaeological stuff? I'm looking forward to seeing
12 the mines of Tesla fixed up, made something that's
13 special. I really am, but information isn't getting
14 out there.

15 Explanation of how Carnegie has met with the
16 water quality board requirements. They've done a great
17 job. They are above and beyond. They have the permit.
18 They're doing good. They beat the lawsuit, but nobody
19 knows that. It's not condensed in a form that
20 everybody can understand and show to people to fight
21 back the misinformation.

22 How many scientists reside at Carnegie and are
23 available immediately to take care of environmental
24 concerns, water quality, air quality concerns? You
25 guys have a ton of people to be there, let's tell

1 somebody that. It might be a little late in the game
2 but maybe not. We need to get an information sheet out
3 there.

4 The statement that the park is still recovering
5 from years of unregulated riding, but it's healing at
6 an ever-increase speed. Okay. We're getting comments
7 from people talking about Carnegie from 40 years ago.
8 We're fixing damage from 40 years ago. But you know
9 what, we're doing it really fast and we're doing a
10 really good job. It took a long time, but that's why.
11 It's getting better.

12 So there is a concerted effort to misinform the
13 average citizen who will not read the entire general
14 plan as working. I would say if you don't give people
15 the information they want, they'll make up their own,
16 and they're doing it that way. So a little help would
17 go a long way to making that happen.

18 So, again, not a cap on State Parks. You guys
19 are doing a great job. I'm just looking for a tool for
20 us to fight back on this misinformation.

21 Thank you.

22 CHAIR CABRAL: Thank you.

23 Bruce Brazil.

24 COMMISSIONER MURPHY: Can I comment on that real
25 quick?

1 two meetings out of one location, one meeting, and
2 somewhere where it all kinds of fit in.

3 So before the meeting is adjourned, maybe the
4 Commission could discuss amongst themselves that
5 possibility.

6 CHAIR CABRAL: Thank you.

7 Actually, I'll address that. I'm pretty sure on
8 both of those issues we could spend, if we allowed it
9 to happen, two to three days on each one individually.
10 And because of the sensitive nature of each, I think
11 it's important that we address those issues on their
12 standalone, on their own, and in the appropriate areas
13 close to the communities where they're at.

14 So with that, would be probably Livermore or
15 Tracy for the Carnegie SVRA, and then somewhere in the
16 South Bay towards Hollister and towards going down into
17 San Benito County, but you start losing larger
18 communities, but something like that for Clear Creek.
19 That's probably what we would be looking at.

20 I understand where you're coming from. It's
21 always nice for the public to say, hey, look, let's try
22 to save money, whatever we can do to try to consolidate
23 things. But those are both large issues and deserve
24 our undivided attention.

25 BRUCE BRAZIL: For the Clear Creek, rather than

1 down so far, like Hollister, I think you've got a
2 greater contingency of riders that would be in the San
3 Jose area. So it may be more convenient for that.

4 And like my final thing was: If you can kind of
5 get some sort of date, general time frame, as to when
6 you would do these meetings, that would be great.

7 CHAIR CABRAL: I would say that based off of
8 what I know at this point, the Carnegie is probably
9 going to be sometime around after the new year, right
10 in that time frame, or the December meeting, in that
11 period of time. Because we have a specific meeting
12 already set up for October based upon the NOHVCC
13 25th Anniversary Conference at Prairie City.

14 And the Clear Creek is going to be dependent
15 upon the results of the testing that we'll be seeing at
16 the next meeting and also where the BLM is at with
17 their travel management for the areas outside of the
18 ACEC. So we have to combine those two components. And
19 at that point we can make a decision on the time.

20 So that one is going to be a little bit down the
21 road. I would guess probably sometime in the spring.

22 BRUCE BRAZIL: So I can get back to our
23 constituents on that.

24 CHAIR CABRAL: I understand totally. And also
25 you can contact me any time, and I can coordinate with

1 the Commission.

2 BRUCE BRAZIL: I thought it might be something
3 that the Commission needed to discuss ahead of time.

4 CHAIR CABRAL: I'm sorry.

5 Amy Grant, you're up next.

6 AMY GRANAT: I wanted to nominate the staff at
7 Carnegie and Dan, including Randy, for sainthood.
8 They've been incredible.

9 Otherwise, I pass.

10 CHAIR CABRAL: Dave Pickett, you are next.

11 DAVE PICKETT: Dave Pickett, District 36. I am
12 speaking for District 36.

13 Okay. On the Prairie City, there was some
14 discussion on that, Folsom on the Sphere of Influence.
15 Myself and representatives of the Dirt Diggers
16 Motorcycle Club attended the first initial four
17 meetings over a decade ago. We did bring up CC&Rs. We
18 did bring up the airport syndrome, dust and water, so
19 it's on the record. So we should get copies of those
20 so we have something when we get pushed into a corner.

21 And Nick Hari made a comment about the local
22 regional parks. We did help pay for Deer Creek Hills,
23 which as they say is just 500 feet on this side of the
24 fence line.

25 And a water rights question: Erin mentioned

1 something about ground water legislation. I think we
2 should pay attention to that because so many of our
3 SVRAs have their own wells, such as Prairie City has a
4 well, a huge, huge monster aquifer that's on it. We
5 pull the water out. We water the ground. Whatever
6 comes out of that evaporation goes right back into the
7 ground. So I have a real problem with closing our
8 restrooms at a state park when we have adequate water;
9 Carnegie, ditto.

10 The Alameda Historical meeting for Carnegie as
11 well as the city of Livermore was pathetic,
12 unprofessional, to the point that certain members in
13 this room did file violations of the Brown Act and has
14 submitted it and did receive a response.

15 Maria Mowrey I know is the bean counter and
16 trying to review that budget. From what I see, are we
17 going into the red for 2016/'17? Darn, because if we
18 go into the red, a lawsuit is triggered, and we get
19 50 million back. So figure out a way to go into the
20 red.

21 And that's what I've got. Thank you very much.
22 Nice job, everybody.

23 CHAIR CABRAL: Don Amador.

24 DON AMADOR: In the interest of getting
25 Commissioner Pérez home at a decent hour, I'm going to

1 pass.

2 CHAIR CABRAL: That would be the end of the
3 public comment and the end of our agenda. So at this
4 point --

5 DEPUTY DIR. CONLIN: Next meeting is 24, 25 of
6 September. See everybody there. It's going to be a
7 good one, Bishop.

8 CHAIR CABRAL: So with that, would anyone on
9 this Commission like to make a motion to adjourn this
10 meeting?

11 COMMISSIONER LUEDER: I'll make a motion to
12 adjourn immediately.

13 COMMISSIONER PATROVSKY: Second.

14 CHAIR CABRAL: Is there a second for the
15 adjournment immediately?

16 COMMISSIONER PATROVSKY: Second.

17 CHAIR CABRAL: All in favor, aye.

18 (Simultaneous voice vote by Commissioners.)

19 CHAIR CABRAL: Thank you.

20 (Meeting concluded at 3:34 p.m.)

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REPORTER'S CERTIFICATE

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STATE OF CALIFORNIA) ss.
)
COUNTY OF SACRAMENTO)

I, CHERYL L. KYLE, a Certified Shorthand Reporter in and for the State of California, duly commissioned and a disinterested person, certify:

That the foregoing transcript was taken before me at the time and place herein set forth;

That the statements of all parties made at the time of the proceeding were recorded stenographically by me to the best of my ability and were thereafter transcribed into typewriting;

That the foregoing transcript is a record of the statements of all parties made at the time of the proceeding.

IN WITNESS WHEREOF, I subscribe my name on this 13th day of July, 2015.

Cheryl L. Kyle, CSR No. 7014
Certified Shorthand Reporter
In and for the
County of Sacramento,
State of California

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