

**STATE OF CALIFORNIA  
OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION**

**MEETING MINUTES**

December 1, 2012  
9:00 to 3:52 p.m.

San Benito County Board of Supervisors Chambers  
481 Fourth Street, Floor 1  
Hollister, CA 95023

**OHMVR COMMISSIONERS PRESENT**

Paul Slavik, Chair  
Breene Kerr, Vice Chair  
Diana Perez  
Stan Van Velsor  
M. Teresa Villegas  
Gary Willard

**OHMVR DIVISION STAFF PRESENT**

Maria Mowrey, Acting Chief  
Kathryn Tobias, Legal Counsel, OHMVR Division  
Superintendent Jeff Gaffney, Hollister Hills SVRA

**AGENDA ITEM I - Call to Order – 9:02 a.m.**

- (A) Pledge of Allegiance led by Commissioner Villegas
- (B) Roll Call - Six OHMVR Commission members present at time of roll call

**AGENDA ITEM II - Approval of Agenda**

- Motion to approve the agenda made by Commissioner Kerr and seconded by Commissioner Willard. Motion carried.
- After a request by Acting Chief Mowrey, a motion to move the Hollister Hills SVRA report before the Division Report was made by Commissioner Willard and seconded by Chair Slavik. Motion carried.

**AGENDA ITEM III (A) - Approval of 9-15-12 Summary Minutes**

- After brief Commission discussion, a motion to move approval of the minutes from the September meeting to the next meeting for approval was made by Commissioner Kerr and seconded by Commissioner Villegas. Motion carried.

**AGENDA ITEM IV - REPORTS**

**AGENDA ITEM IV (A) - Commissioners' Reports**

Commissioner Willard reported that his second term expires next month, and this would be his last meeting. He shared his appreciation for his experience as a Commissioner, the staff, and others who helped him and have participated on the OHMVR Commission. He acknowledged the off-highway vehicle (OHV) community and the dedication of those

participants at Commission meetings and in OHV recreation. He shared his concerns regarding the raiding of the Trust Fund, the attacks that seem to be directed at the OHMVR Division, and that the OHV Program might dwindle away if rolled into the Parks system. He was glad that under his tenure the Grants Program was revamped to become a merit-based system. He was proud to be directly involved in the general planning processes, strategic plan, policies and procedures, and the Triennial Report. He stated that the OHMVR Division benefitted under the tremendous stewardship of Deputy Director Daphne Greene and Chief Phil Jenkins, and he is proud to see the program evolve to become a benchmark for the 21<sup>st</sup> Century.

Commissioner Villegas reported that she and Commissioner Perez participated in two conference calls with Commissioner Caryl Hart. The purpose was to foster communication among and work with the State Park and Recreation (SPR) Commission on overlapping issues brought to the attention of both Commissions.

Commissioner Perez reported on the following:

- She concurred with Commissioner Villegas regarding the conference call and added that Commissioner Hart encouraged having meetings on a regular basis and also invited the Commissioners to SPR Commission meetings.
- She also reported on a California Coastal Commission (CCC) meeting held at Oceano Dunes SVRA. Along with District Superintendent Andy Zilke, staff had a positive meeting with Executive Director Dr. Charles Lester from the CCC. Assemblymember Katcho Achadjian also attended the meeting. Her understanding was that Oceano Dunes District would be submitting its documentation for the Pismo Beach Visitor Center and hopes to have a response by April 2013.

Commissioner Kerr reported that he attended the Carnegie Visitor Appreciation Day and was impressed by the facilities and the large amount of people it serves. He hopes things can be worked out with East Bay Regional Park District to continue to improve and expand the SVRA.

Chair Slavik reported on the following:

- The Friends of El Mirage had all of their donations for Toys for Tots stolen from their trailer; fortunately, different off-highway groups replenished the supply of toys.
- He met with Janelle Beland, Acting Director of State Parks at the time, who knows the OHV sport well having grown up riding OHVs in Pismo and Ocotillo Wells.
- He welcomed the announcement of Major General Anthony Jackson as the new Director of State Parks.
- As a Governor appointee, Chair Slavik has to go through a vetting process with the Senate Rules Committee. The vote will come up in January 2013.
- He thanked Commissioner Willard for his leadership in the Commission.

## **AGENDA ITEM IV (B) - DIVISION REPORTS**

### **AGENDA ITEM IV (F) – Hollister Hills SVRA Report**

District Superintendent Jeff Gaffney provided an informational update with slides and reported the following:

- He thanked Supervisors Jerry Muenzer and Margie Barrios, who attended the meeting, for the use of the county's facilities, and also thanked the Hollister Hills Off-

Road Association for the refreshments that were supplied for the meeting. He also thanked Commissioner Willard for his service on the Commission and expressed the importance of the Commissioners being a conduit for information.

- He expressed his disappointment of having to cancel the tour due to inclement weather.
- He presented a slideshow on Hollister Hills SVRA and the following ensued:
  - Currently, the annual average visitation at Hollister Hills SVRA is 200,000.
  - Hollister Hills was designated as California's first SVRA in 1976. Known for the hunting club that gathered in the area during the 1940s, Howard Harris then ran the area as a privately managed OHV park until the land was sold to California State Parks. In the late '80s, the Renz and Hudner parcels were purchased, expanding the SVRA by 3,000 acres. Understanding the importance of environmental protection, and learning from past management efforts, the OHMVR Division implemented more thoughtful approaches necessary to protect the SVRA's resources. Recognizing the importance of being more collaborative with the community, neighbors, and all stakeholders, this approach contributes to the successful outcome currently experienced at Hollister Hills SVRA.
  - He introduced Dan Dungy, Jared Ashton, and Tim Garcia and explained the significant contributions each has made to what is currently being enjoyed at Hollister Hills.
  - In response to Commission inquiry, he gave a few examples of some of the best management practices being used such as temporary trail closures when they are appropriate, trail location and design, and three levels of trail maintenance and monitoring.
  - District Superintendent Gaffney stated that less than one-half of one percent of the SVRA has trails built on it.

Commissioner Kerr commented that Hollister Hills SVRA is a textbook case for OHV recreation. Given the scenic qualities of the park, and the thoughtfulness of route designations, Hollister Hills provides a wonderful recreational opportunity; this is proven given its high annual visitation.

Commissioner Perez expressed her appreciation of Hollister Hills being a perfect example of what an SVRA can be and commended everyone involved in the extensive work and planning.

Commissioner Willard stated that he watched Hollister develop into what it is today. He provided an example of the commitment shown by Hollister Hills' staff throughout the process. He recalled meeting a state biologist, who was knee deep in a pond, diligently collecting species samples to further understand the biological diversity in the area. This proves to be an instance of the detailed science and studies that went into the development of the park, and is another example of the OHMVR Division's commitment to its mandate.

In response to Commission inquiry, Supt. Gaffney described some of the capital outlay projects involving sewer and water systems, and the construction of an ADA restroom.

Chair Slavik commented that Hollister Hills SVRA may be the best park of this caliber in the world.

Geologist Will Harris gave a brief description of the San Andreas Fault that runs through the SVRA creating the distinctions in topography and soils.

San Benito Supervisor Jerry Muenzer thanked the Commission for coming to Hollister Hills. He requested that the Commissioners advocate for changing Pinnacles National Monument to Pinnacles National Park with Senators Boxer and Feinstein. He expressed appreciation for the collaboration between Hollister Hills and County Parks and the economic driver that the SVRA is for San Benito County.

San Benito Supervisor Margie Barrios also thanked the Commission for coming to Hollister Hills, and for being an asset to her community. She commended District Superintendent Gaffney for the partnerships he has built with San Benito County. In response to Commission inquiry, she welcomed the opportunity to work with OHMVR Division to highlight to East Bay Regional Park District, the positive experiences enjoyed by San Benito County in working with the State.

#### **AGENDA ITEM IV B (1) - General Program Update**

- Acting Chief Mowrey informed the Commission that Acting Deputy Chief Jenkins had to leave this morning due to a family emergency.
- Superintendent Brian Robertson informed the Commission of the death of Supervising Park Ranger Tim Guardino from ALS disease in October 2012. He is survived by his wife and three daughters. Acting Chief Mowrey informed the Commission that Supervising Ranger Guardino received a resolution from the California State Assembly. The Division is seeking a Director's Award for Innovation to acknowledge him, and is considering creating a special OHV award for customer service given annually in his name.
- Jared Ashton, the OHMVR Division Trails Team Lead, informed the Commission that the team went to Mendocino National Forest where approximately 80 percent of the OHV area was burnt last July in the Mill Fire. They assisted the Mendocino staff with forest fire burn rehabilitation needed to rebuild the trails. He thanked Don Amador for his assistance.
- Acting Chief Mowrey informed the Commission of staffing changes in State Parks. The Governor appointed Major General Anthony Jackson, retired U.S. Marine Corps, as the State Parks Director; Chief Counsel, Claire Priestley LeFlore; and Chief Deputy Director, Aaron Robertson. Staffing changes at the Division level include Tina Williams returning to the Division; Christopher Huitt as the new Environmental Program Manager; Natalie Lohi as the Division Volunteer Coordinator; Chief Ranger Brent Marshall as the Acting District Superintendent of Oceano Dunes, replacing Superintendent Andy Zilke who retired in November; Randy Caldera is now the Acting Sector Superintendent at Carnegie, replacing Sector Superintendent Joe Ramos who retired in September; and Kent Gresham was appointed Acting District Superintendent at Ocotillo Wells.

In response to Commission inquiry, Acting Chief Mowrey stated that the process to full-time office positions takes three to four months.

## **AGENDA ITEM IV B (2) - Grants Program Update**

OHMVR Staff member Kelly Long provided an informational update on the Grants Program.

- Mr. Long reported that this year the Grants Program has \$10 million in funding, which is a reduction of \$11 million from last year.
- He reminded the Commissioners that the funding distribution is set by law, which is, 50 percent for operations and maintenance, 25 percent for restoration, 20 percent for law enforcement, and the remaining five percent is available for education and safety projects.
- He stated the grant cycle will be kicking off in January 2013, the final applications are due in May, and final funding recommendations will be made in July.

In response to Commission inquiry, brief discussion was held concerning the alleged State Parks hidden funds, and the preliminary findings. Acting Chief Mowrey responded that it may have been an accounting issue, but we will have to wait for the release of the AG's report before giving a full report to the Commission.

In response to Commission inquiry, Mr. Long stated that previously funded Grantees will not receive allocations this year due to the reduction of funds in the Grants Program.

In response to Commission inquiry, Mr. Long stated the U.S. Forest Service is very concerned with the decrease in funding; and that it will lead to dramatic changes in services due to staff reduction. The inability to provide adequate management could lead to closures.

## **AGENDA ITEM IV B (3) - Recreational Trails Program (RTP)**

Kelly Long provided an update stating that \$1.5 million, funded through Federal Highway Administration, is available for motorized projects in California. The deadline to submit RTP grant applications is January 9, 2013. The OHMVR Division expects to make award recommendations to Federal Highways in the summer of 2013.

In response to Commission inquiry, Mr. Long stated eligible agencies include state, federal agencies, local governments, and nonprofit organizations. The application is very extensive with about 16 components. Once the evaluation criteria component is submitted, it cannot be changed and drives the scoring for the project. There is opportunity to provide documentation if non-scored items are overlooked. Further explanatory discussion ensued.

Break taken in meeting from 10:31 to 10:50.

## **AGENDA ITEM IV B (4) - Update on Eastern Kern County Acquisition (EKCA)**

Peter Jones, Park and Recreation Specialist, provided an update on EKCA since the last Commission meeting. On September 26, 2012, a Notice of Preparation was released, and the comment period closed on November 13, 2012. In October 2012, two well-attended Environmental Impact Report (EIR) scoping meetings were held: one in Ridgecrest, and the second in Lancaster. The meetings provided an open forum for members of the public to share their knowledge of the resources within the region, and current land uses. Their written and oral comments were collected to ensure a complete EIR analysis of the project site. To ensure transparency, a website has been created where members of the public can review all comments and documents related to the EKCA project. Public concerns raised

during the meeting included OHV recreation, hunting, cattle grazing, rock hounding, wildlife, nature viewing; whether or not all of these activities would continue; and how the area would be managed by the OHMVR Division and BLM.

The anticipated release date for the draft EIR is early 2013.

In response to Commission inquiry, Acting Chief Mowrey stated that the OHMVR Division will be requesting a year extension of funding from the Department of Finance for this project since the 2010/11 appropriation expires on June 30, 2013.

In response to Commission inquiry regarding the checkerboard ownership of the land, Mr. Jones responded that a Memorandum of Understanding (MOU) with BLM and other agencies in the area would be planned and coordinated, and the site would be managed as one continuous piece of land.

In response to Commission inquiry regarding total acreage of the site, Supt. Gaffney responded that the total acreage, including the EKCA purchase and the checkerboard BLM land within it is 60,000 acres. As far as the sphere of influence, there are over 400,000 acres that are protected for wildlife corridor protection and recreation management through this whole area.

Discussion was held regarding a mandatory hearing that could be held at the same time as a Commission meeting, and possibly scheduling a Commission meeting at the site.

#### **11:06 AGENDA ITEM - Public Comment Period on Non-agenda items**

Comments were heard regarding items not on the agenda from the following individuals:

- Don Amador, Blue Ribbon Coalition
- Dave Pickett, AMA District 36
- Dean Stanford, design engineer at Tesla Motors
  - Extensive Commission discussion ensued regarding informing the City of San Jose that the Commission may want to submit comments on the draft EIR for redevelopment around the water treatment control plant at the south end of San Francisco Bay. The Commission's comments may suggest consideration of a zero emission OHV park. Commissioner Kerr agreed to send a letter as an individual expressing the interest the Commission would have in such a development.
- Ann-Marie Sayers, Tribal Chairperson of Indian Canyon Nation

#### **AGENDA ITEM IV B (5) Public Safety Update**

OHMVR Supervising Ranger Kevin Pearce provided an informational update and PowerPoint presentation on SB 1595 and AB 1266 regarding defining recreational off-highway vehicles (ROVs) and safety laws taking effect January 2013. He responded to Commission questions seeking clarification on the new laws.

#### **AGENDA ITEM IV B (6) OHMVR Volunteer Coordinators**

OHMVR Supervising Ranger Natalie Lohi provided a report on the OHMVR Volunteer Program. State Parks' Volunteers in Parks Program Guidelines defines two categories of

volunteers: short-term or long-term. A District volunteer coordinator is designated at every District to manage volunteers and their activities. In 2011, Division volunteers contributed over 41,000 service hours valued at over \$900,000. Most volunteers are established local residents who can provide a consistent presence at our SVRAs. Department policy allows for a lead volunteer position, which can provide help to retain institutional knowledge, grow the volunteer program at a minimal cost, and ensure smoother transitions in the event of staff turnover.

#### **AGENDA ITEM IV - Public Comment re: Commissioners' and Division's reports.**

Comments were heard from the following individuals:

- Diana Mead, California Off-Road Vehicle Association
- Amy Granat, California Trail Users Coalition
- Dave Pickett, AMA District 36, Motorcycle Sports Committee
- Bruce Brazil, California Enduro Riders Association

#### **AGENDA ITEM V (A) – Closed Session**

Commission adjourned at 11:58 to closed session regarding Friends of Oceano v. San Luis Obispo Air Pollution Control District, San Luis Obispo Superior Court Case No. CV120013.

**Commission returned at 1:05 from lunch break**

#### **AGENDA ITEM IV (C) - Bureau of Land Management (BLM) Report**

Jane Arteaga, the new BLM OHV Transportation Program Lead, provided a BLM update. Ms. Arteaga acts as the primary liaison between the OHMVR Commission and BLM, and is responsible for coordinating and managing state programs for BLM, and overall program management of OHV trails and transportation planning.

Ms. Arteaga informed the Commission that the 2012 draft business plan for Imperial Sand Dunes includes a proposal to increase fees in order to maintain safety standards.

Two field office management positions were filled: Katrina Symons (Barstow Field Office) and Carl Symons (Ridgecrest Field Office).

BLM is currently working with the Marine Corps to reach a consensus point on a joint proposal to Congress that will accommodate military training objectives while protecting public land resources and providing continued recreational opportunities, including OHV use, within Johnson Valley.

In response to Commission request, Ms. Arteaga, agreed to submit written reports prior to the next Commission meeting.

In response to Commission inquiry regarding loss of revenue, Ms. Arteaga stated BLM is currently in a Continued Resolution, which means only part of allocated dollars can be spent. In addition, they received a 10 percent cut since they don't have a budget yet under federally fiscal dollars. If the Fiscal Cliff happens, they're looking at probably 20 to 30 percent cut over the 10 percent cut. New state director Kenna is encouraging BLM to develop their partners and think outside of the box to create other partnerships with businesses and the public.

**Public Comment re: BLM report.**

Comments were heard from the following individuals:

- Dave Pickett, AMA District 36, Motorcycle Sports Committee
- Amy Granat, California Trail Users Coalition

**AGENDA ITEM IV (D) - U.S. Forest Service (USFS) Report**

No report was submitted. No one from USFS appeared to make a report. Commissioner discussion ensued regarding the lack of participation of the USFS.

Motion was made by Chair Slavik to have Commissioner Kerr and Phil Jenkins set up a meeting with the Forest Service to discuss our concerns about their lack of representation at the Commission meetings. After discussion, motion was withdrawn.

Chair Slavik directed staff to set up a meeting with USFS to include Commissioner Kerr and Phil Jenkins or his designee to discuss the importance of the USFS participation at the Commission meetings.

**AGENDA ITEM IV (E) - Reports – SVRA Habitat Management Systems 2<sup>nd</sup> Generation (HMS2)**

Dan Canfield presented background information on HMS2. In the late 1980s, OHMVR program managers and stakeholders agreed on the need to balance OHV opportunities and resources conservation to ensure the success of sustainable OHV recreation at the SVRAs. These systems are a way to monitor and measure the habitat health of the SVRAs. After requesting a peer review of the original HMS in 2007, the OHMVR Division accepted the recommendations given by UC Davis. In 2009, the Division agreed to implement the peer review recommendations and update the original system.

Mr. Canfield introduced Dr. Bob Meese from UC Davis to provide an update on the status of the HMS2 implementation. Dr. Meese provided a comprehensive overview with a PowerPoint presentation of the transition from the HMS to the HMS2.

For the first time, the habitat management system will implement a very robust Data Management System (DMS). A major output from this entire effort will be the enhancement of in-house capacity for Environmental Scientists (ES) working at the SVRAs. This enhancement allows staff to perform analysis and interpret the results without having to rely on outside assistance.

Since implementation, the ESs are now able to use time more efficiently, and the quality and scientific credibility of data collected has improved. Further, nomenclature standards have been created to ensure consistency in identifying plants and animals. In addition, a web-based data entry system for recording real time observations into the DMS will also be created. The final goals of HMS2 are testing the methods to ensure it works, and training the ESs on data analysis and interpretation.

In response to Commission inquiry, Dr. Meese stated the DMS will be deployed in 2013. A training course will be developed over the next few months and training will occur during 2013.



In response to Commission inquiry, Dr. Meese stated the older data sets gathered before the HMS2 will be analyzed on a case-by-case basis as to whether the historical data is credible and can be used.

In response to Commission inquiry on whether a process exists that ensures that the data collected will be used in management decision making, Dr. Meese explained that there is no scientifically defensible point that determines when an action should be taken; only recommendations can be made in regards to potential impacts. Dr. Meese expressed his delight in the on-the-ground changes he has already seen based on data collected by the ESs – proof that without a process in place, data is being used to implement environmentally sound decisions by management. He explained that these decisions could not have been implemented by the ESs alone, but had to be done by their supervisors, and so he is encouraged that management staff listens and empowers their scientific staff to provide recommendations that will be used in the decision-making process.

In response to Commission inquiry regarding applying HMS2 to the grants process, Mr. Canfield responded that the HMS2 program is an SVRA operational expense funded through the Division's budget.

In response to Commission inquiry, Dr. Meese stated that he has received a request to transfer to BLM and representatives from USFS exactly the same type of both analysis and interpretation abilities shown within the HMS2 project.

#### **Public Comment re: HMS2**

Comments were heard from the following individual:

- Nick Harris, American Motorcycle Association

#### **AGENDA ITEM VI (A) – Business Items – Calendar**

After lengthy discussion to coordinate all Commissioners' calendars, Commissioner Kerr moved and Commissioner Villegas seconded to adopt the following dates for the upcoming year:

- February 1-2, 2013
- March 22-23, 2013
- May 17-18, 2013
- September 20-21, 2013
- November 15-16, 2013

Motion carried.

#### **AGENDA ITEM VI (B) – Business Items – Annual and Triennial OHMVR Program Reports**

##### **Triennial Report**

Dan Canfield provided an update on the Triennial report. The OHMVR Commission has the responsibility of reporting to the Governor and the Legislature on the status of California's OHMVR program every three years. The next Triennial Report is due January 1st, 2014. The Division provides staff support to accomplish this task, and the contents of the Triennial Report identified in law include strategic plan achievements, restoration program

achievements, accomplishments from grants-funded projects, and resource conservation efforts at the SVRAs, among other items.

The contents of Triennial Report have to be discussed at a minimum of two Commission meetings.

After Commission discussion, Chair Slavik appointed himself and Commissioner Perez to be on the subcommittee that will be working on the Triennial Report.

### **Annual Report**

The Division is preparing a 2012 Annual Report, which will potentially be presented at the February 1-2, 2013 Commission meeting. This report highlights the Division's efforts toward achieving the Strategic Plan goals and objectives.

There was agreement with the Commission suggestion that BLM and USFS be contacted early and given a clear set of criteria as to what is expected from them as it relates to that information.

### **AGENDA ITEM VI (C) – Business Items – Special License Plate Program**

OHMVR staff Tom Bernardo provided a detailed verbal as well as written update for Commission action. After the September 2012 meeting, the Division formed a team to research the special license plate program and to respond to Commissioners' request for a cost analysis proposal. The Commission can, without any approval from the agency, apply to DMV for a special-interest license plate. Mr. Bernardo presented the detailed rules of DMV's procedures. The DMV's formal application process includes a detailed financial plan explaining how the money would be spent and how it forwards the agency's mission, the submittal of monthly progress reports, a database and a separate account to be maintained. 7,500 paid applications are needed within a two-year time frame before DMV will start the program. A contractor would be needed to handle online orders. Once DMV starts the program, it takes approximately nine months for the first plates to be issued. If successful, revenue would be generated two years after the start of the program. If the 7500 minimum of applications is not met, the expense of refunding money would need to be considered. A new law, SB 1018 allows State Parks to issue a special interest license plate with a redwood on it, which could be a bit of competition with an OHV plate.

Commissioner Kerr added that the Commission might consider a plate for the Rubicon Trail. Commissioners expressed concerned regarding staff time and the timeliness of starting this project in light of the economy and success of other plates.

### **Public Comment re: Special License Plate**

Comments were heard from the following individuals:

- Bruce Brazil, California Enduro Riders Association
- Don Amador, Blue Ribbon Coalition
- Dave Pickett, AMA District 36, Motorcycle Sports Committee

After lengthy Commission discussion, the item was tabled.

## **AGENDA ITEM VI (D) – Business Items – East Bay Regional Park District (EBRPD) Response**

Dan Canfield provided a verbal as well as written report for Commission action. Chair Slavik sent the letter to EBRPD as directed by the Commission at the September 2012 meeting to reiterate concerns regarding EBRPD's acquisition map showing the Tesla parcel as land they are interested in acquiring as part of their parkland. Acting Deputy Director Jenkins also sent a letter to EBRPD voicing the same concern. A response was not received from EBRPD, but a response was received from California Assemblymember Joan Buchanan, 15<sup>th</sup> District.

Commission discussion ensued regarding the difference between a general program EIR and a project-level EIR. Concern was raised to address inaccuracies in the Assemblymember's response.

Motion was made by Commissioner Willard and seconded by Commissioner Perez to have Chair Slavik work with Division staff to craft a letter that responds to some of the misinformation that was contained in Assemblymember Buchanan's letter and invite them to a meeting to discuss the issues.

Motion carried.

### **Public Comment re: EBRPD**

Comments were heard from the following individuals:

- Don Amador, Blue Ribbon Coalition
- Dave Pickett, AMA District 36, Motorcycle Sports Committee

Motion to adjourn at 3:52 made by Commissioner Willard and seconded by Commissioner Kerr.

Motion carried.