

CALIFORNIA STATE PARK and RECREATION COMMISSION

Old Town Theatre, Old Town San Diego State Historic Park
4040 Twigg Street
San Diego, California

Minutes of the Meeting - Friday, December 10, 2010

COMMISSIONERS PRESENT

Lindy DeKoven
Caryl Hart, CHAIR
Alice Huffman
William "Bill" Kogerman
Paul Junger Witt

COMMISSIONERS PARTICIPATING VIA TELECONFERENCE AS PERMITTED BY CALIFORNIA GOVERNMENT CODE SECTION 11123

Maurice Johannessen

CALIFORNIA STATE PARKS STAFF

Ruth Coleman, DIRECTOR
Louis Nastro, ASSISTANT TO THE STATE PARK AND RECREATION COMMISSION
Dan Ray, CHIEF, PLANNING DIVISION
Gail Sevrens, ACTING SUPERINTENDENT, COLORADO DESERT DISTRICT
Roy Stearns, DEPUTY DIRECTOR, COMMUNICATIONS
Kathryn Tobias, SENIOR STAFF COUNSEL

SPEAKERS REGISTERED/REPRESENTING

Allen Baylis/Naturist Action Committee and Friends of San Onofre Beach
Andrew Bianchi/Self
Vic Brevard/Self
Patrick Brown/Self
Blair Brumley/Self
Howard Chadwick/Self
Steve Chaney/Self
Christina Cole/Self
David Cole/Black's Beach Bares
Bruce Coons/Save Our Heritage Organization
Christian Cullen/Self - *Registered but did not speak*
Leslie Dearing/Self
Marc Doty/Self
John Downs/Astronomy Society of San Diego and Oceanside Photo & Telescope
Jim Dueweke/Self
Albert Eddins/Southern Trails Chapter, Oregon-California Trails Association
Gene Gatewood/Self
Gregg Gatewood/Self
Claire Guggenheim/Self
David Guggenheim/Self

Lloyd Johnson/Black's Beach Bears
Terry Jorgensen/Ramona Trails Association, Backcountry Horsemen of California San Diego Unit
William Kassler/Tierra Del Sol Four Wheel Drive Club of San Diego
Claudia Kellersch/Self
John Klimaszewski/Self
Conrad Kramer/Anza-Borrego Foundation
Nilo Lins/Self
Carmen Lucas/Self
Donna McCallum/Self
Ron Mercer/Self
Robert Morton/Naturist Action Committee
Bo Neece/Tierra Del Sol Four Wheel Drive Club of San Diego
Richard Nyberg/Self
Lynne Paulson/Washoe Meadows Community
Ed Plummer/Self
Dave Prentice/San Diego 4 Wheelers
Dorys Prentice/San Diego 4 Wheelers
Erik Ruehr/Self
Deanna Spehn/State Senator Christine Kehoe
John Stewart/California Association of 4 Wheel Drive Clubs
Jeff Sykes/San Diego Gas & Electric
Charles Woller/Self
Chris Wray/Self
Greg Young/Self
Nancy Yuen/Self

CALL TO ORDER

Legal notice having been given, this meeting of the California State Park and Recreation Commission was called to order at 9:00 a.m. by Commission Chair Caryl Hart. Chair Hart introduced the commissioners and California State Parks staff who were present, as well as Commissioner Maurice Johannessen who was participating via teleconference.

AGENDA ITEM 1:

APPROVAL OF MINUTES OF THE OCTOBER 8, 2010 MEETING IN CRESCENT CITY

Chair Hart asked for a motion to approve the draft minutes of the October 8, 2010 meeting in Crescent City. Motion Commissioner Witt, second Commissioner Huffman. The commissioners voted unanimously to approve the minutes of the October 8, 2010 meeting as submitted.

AGENDA ITEM 2:

CHAIR'S REPORT, COMMISSIONER REPORTS/COMMENTS, RECOGNITIONS

Chair Hart noted that she had no items to report and asked if any of the other commissioners would like to speak. Commissioner Maurice Johannessen stated that he wished to thank California State Parks Director Ruth Coleman for providing a written copy of her Director's Report in advance of the meeting. Commissioner Johannessen noted the very serious financial situation being faced by California State Parks in the wake of the failure of Proposition 21 on the November 2010 ballot. Commissioner Johannessen cautioned against reducing access to resources at state parks and noted that California State Parks would have to work to make the recreation component of parks stronger if it hoped to remain sustainable. Chair Hart thanked Commissioner Johannessen for his comments and stated that Director Coleman would undoubtedly be discussing State Parks' budget and the failure of Proposition 21 during her Director's Report.

Recognition of Retiring California State Parks Employees

Chair Hart asked Commissioner Paul Junger Witt read the list of employees who had recently retired from careers at California State Parks. Commissioner Witt noted that he was approaching his twelfth year as a member of the State Park and Recreation Commission, and that during this time he had been continually impressed by the dedication of California State Parks staff. He then read the list of six retirees for the period of October 1 through October 30, 2010, representing over 93 years of service to the citizens of California:

Wallace Atchison, Tehachapi District	10 years, 4 months
Joan Grammer, Northern Division	36 years, 6 months
Kjersten Sahl, Inland Empire District	8 years, 7 months
Linda Schmid, Tehachapi District	16 years, 4 months
Dianne Vereschagin, Central Valley District	11 years, 6 months
Warren Wulzen, Northern Service Center	10 years, 2 months

Commissioner Witt thanked these employees for their dedicated service. Chair Hart added that she wished to reiterate Commissioner Witt’s gratitude to those retiring and to all California State Parks staff who had risen to meet the challenge of severely limited resources – reduced funding and fewer staff – that State Parks continued to face. Chair Hart thanked both the retiring employees and those who continue to work every day to make California State Parks a better place.

AGENDA ITEM 3: APPROVAL OF SPECIAL REDWOOD GROVES

Chair Hart announced that no special redwood groves had been submitted for approval at this meeting.

AGENDA ITEM 4: DIRECTOR’S REPORT

Chair Hart asked California State Parks Director Ruth Coleman to present her Director’s Report.

Director Coleman called the commissioners’ attention to the written copies of her report that had been provided in advance of the meeting. The Director noted that she would not repeat the subjects that had been included in the written report, but that she would highlight several additional items:

Creating a stronger connection between parks and good health – Director Coleman announced that on Veteran’s Day 2010, at Mount Tamalpais State Park and at park units in the department’s Orange Coast District, California State Parks launched a new effort to highlight the invaluable role parks play in keeping people healthy. The Director explained that the U.S. Department of Defense, as well as many medical professionals and the health insurance industry, were beginning to recognize that time spent outdoors was every bit as valuable as medication in treating certain illnesses, particularly Post-Traumatic Stress Disorder. She added that “nature therapy” was being prescribed by more and more doctors, and that spending time outdoors could be effective in treating illnesses that were not responsive to other treatments. Director Coleman referenced a U.K. study which concluded that even as little as five minutes experiencing nature could be as effective as the drug prozac in treating mental health disorders. The Director noted that she had met with insurance providers in an effort to develop partnerships that could make park visits as an extension of the traditional healthcare delivery system. She stated that physicians were beginning to prescribe park visits and recognizing that nature was enormously beneficial to health.

Failure of Proposition 21 – Director Coleman provided an update on California State Parks’ response to the failure of Proposition 21, the State Parks and Wildlife Conservation Trust Fund Act. The measure, which would have helped fund State Parks through an \$18.00 vehicle license fee, failed to pass on the November 2, 2010 ballot. The Director noted that the Proposition 21 campaign had generated a list of over

750 organizations which had declared their support for California State Parks. She explained that these organizations should be considered friends and allies, and that she had directed field staff to contact the organizations near their parks to develop new alliances and partnerships. Director Coleman added that the list of 750 organizations included many public health organizations, reinforcing her earlier comments related to establishing a connection between parks and good health. She also referred to the volunteer partners that played an important role during the Commission's visit to Anza-Borrego Desert State Park, pointing out that some parks could not be operated without the participation of these important partners. Director Coleman added that although Proposition 21 had failed, it did receive 3.1 million supportive votes. She reiterated that this represented the strength of those who supported parks and emphasized the importance of keeping this momentum going by forging creative partnerships to help keep parks alive.

California State Parks Budget – The Director noted that State Parks' budget for the coming fiscal year would be slightly smaller than it had been the previous year. She explained that service reductions would continue, and that since the National Park Service had stepped-in to assist State Parks with the operation of some units – particularly in Marin County – and that since this had been a one-time commitment, service reductions would increase at units that had received assistance from National Parks. Director Coleman added that efforts were being made to restrict park closures to mid-week days so that units could remain open on weekends. She stated that California State Parks was looking for revenue generating opportunities as well as considering changes to park use fees, including expanding the use of automated pay machines which could offer hourly use rates and other methods of increasing revenue. Director Coleman concluded her report and asked if there were any comments from commissioners.

Commissioner Alice Huffman stated that in her personal efforts to promote Proposition 21 she had noted that citizens often were not interested that the proposed vehicle license fee would permit them free entry to state parks. The Commissioner added that she believed that if a connection had been made between good health and parks the measure would have received additional support. Commissioner Huffman noted that it was important to make this connection as it could help to counter inner-city problems like obesity.

Director Ruth Coleman noted that studies conducted by California State Parks and others had found that people often were not aware of parks that were located near their homes. The Director referenced a new search engine available on the California State Parks web site at www.FindRecreation.parks.ca.gov, and she described how users could type in their address along with a range in miles and receive a list of all the publicly accessible spaces, whether they be city, county, or state-owned, along with directions for reaching these parks via public transit or private vehicle. Director Coleman explained how this tool could be of great value for physicians making “park prescriptions” for their patients, the project lacking only the promotional resources to increase awareness among the many citizens who could benefit from its use.

Chair Caryl Hart noted that she wished to comment on the failure of Proposition 21. Chair Hart stated that it was important to understand that the failure of Proposition 21 was not a statement of a lack of support for California State Parks. She noted that virtually every poll that had been conducted indicated strong public support for parks, and that this had been reinforced by previous public support for the purchase of additional parklands to expand the State Park System. The Chair stated that she also believed that the approach of connecting the fees related to Proposition 21 to free access to parks may have been a mistake in that the more important connection to the protection of resources may have been obscured. Chair Hart also noted that while she had been aware of the new “Find Recreation” web site she personally found it difficult to locate using common online search engines.

Director Ruth Coleman explained that there were fees associated with having the FindRecreation web site highlighted on web search pages like Google. She suggested that it could be possible for State Parks to partner with healthcare providers or with Google itself to sponsor this service.

Commissioner Alice Huffman suggested that if Proposition 21 had involved a voluntary fee to fund parks the measure would not have been branded as a tax increase and could have been successful. The Commissioner added that Proposition 21 was defeated on the basis that it increased taxes. She suggested that

future efforts of this nature be more incremental, promoting efforts like special State Parks license plates, to allow members of the public to become accustomed to the idea of supporting parks in new ways.

Chair Caryl Hart stated that she agreed with Commissioner Huffman, and added that she believed park supporters would be willing to pay additional fees even without free access to parks. She stated that she believed all ideas that could benefit parks were worthy of discussion.

Commissioner Maurice Johannessen stated that he believed the failure of Proposition 21 was related to the measure's association with increased vehicle license fees. The Commissioner noted that while the large number of vehicles in California made fee increases an attractive target, there was evidence to indicate that 20-25 percent of the 28-30 million vehicles in the state were not licensed or insured at all. He also noted that license fees were already higher in California than in many other states, effectively dooming proposals to raise fees at the start. Commissioner Johannessen also stated that he believed it was imperative that California State Parks work on developing its education and recreation opportunities, as it was this and not resource preservation that would attract new users. The Commissioner also noted that it would not be possible to rely on the federal government to support California State Parks. He added that it was important to increase opportunities for children, senior citizens, and those who were not capable of accessing park resources through traditional means like hiking.

Commissioner Bill Kogerman stated that he wished to state for the record that Proposition 21 had not been proposed or supported by the State Park and Recreation Commission, but that the measure had been created and promoted by a group of private supporters of California State Parks. The Commissioner compared the failure of Proposition 21 to the voluntary vehicle license fee program in the state of Wyoming, where 72 percent volunteer participation had been reported. Commissioner Kogerman stated that the Commission should study programs like Wyoming's and assist private-sector partners in developing innovative solutions to funding State Parks. He added that citizens should make it clear to the legislature that State Parks, as well as its multi-billion-dollar deferred maintenance backlog, should be fully funded.

Commissioner Alice Huffman requested that staff provide a definitive description of the activities that commissioners could legally participate in. The Commissioner noted that she felt her activities related to the promotion of Proposition 21 were restricted by her role as a commissioner. She asked for clarification regarding the legality of commissioners' involvement with political activities and fundraising.

A brief discussion took place during which Commission Chair Caryl Hart, Commissioner Alice Huffman, and Commissioner Maurice Johannessen expressed their opinions related to the political activities of commissioners. Chair Hart asked Director Ruth Coleman for a memo in response to Commissioner Huffman's request. Director Coleman clarified that the request was to make clear what restrictions, if any, could be imposed on commissioners participating in activities related to fundraising and the development of or support for legislation. Chair Hart confirmed that this was correct.

AGENDA ITEM 5: PUBLIC HEARING

Chair Hart opened the public hearing portion of the meeting at 9:28 a.m. The Chair explained the speaker registration process and noted that speakers would be limited to two minutes each.

ITEMS 5A-5G: Consideration and possible action on the Department of Parks and Recreation recommendation to establish and classify seven cultural preserve subunits in Anza-Borrego Desert State Park

The Chair explained that the seven cultural preserve proposals would be presented to the Commission as a group, and that at the conclusion of the presentation public testimony on all seven proposals would also be heard together as a group. She then reminded the commissioners that they each had been provided with a

copy of the single staff report describing the seven proposals. Chair Hart then proceeded to introduce Dan Ray, Chief of California State Parks' Planning Division, to make a short presentation on the seven cultural preserve proposals.

Mr. Ray provided background information on Anza-Borrego Desert State Park as well as details of each of the seven proposed cultural preserves. He also explained the purpose of the cultural preserve subclassification for units of the State Park System, and how subunits helped to provide additional protection for resources within these subunits. Mr. Ray called the commissioners' attention to the staff report that had been provided and briefly described the seven proposed cultural preserves:

Angelina Spring Cultural Preserve – Consisting of approximately 436 acres containing 26 recorded cultural resource sites.

Coyote Canyon Cultural Preserve – Approximately 29,752 acres containing 398 recorded cultural resource sites.

Culp Valley Cultural Preserve – Approximately 1,277 acres containing 26 recorded cultural resource sites.

Hawi-Vallecito Cultural Preserve – Approximately 4,383 acres, containing 27 recorded cultural resource sites.

Little Blair Valley Cultural Preserve – Approximately 4,757 acres containing 60 recorded cultural sites.

Piedras Grandes Cultural Preserve – Approximately 1,924 acres containing 44 recorded cultural sites.

Southern Overland Trail Cultural Preserve – An innovative, linear cultural preserve encompassing a historic trail and associated cultural resources. Consisting of approximately 26 trail miles protected by approximately 315 acres of designated cultural preserve.

Mr. Ray emphasized the effort that California State Parks had made to ensure that the boundaries for the proposed preserves would not adversely impact motor vehicle use, which is prohibited in cultural preserves. He explained that the establishment of the seven cultural preserves would result in a total of only 1.8 miles of road closures, with only about 1,700 feet of this being new closures, as the balance had been previously closed to motor vehicles by superintendent's order. Mr. Ray added that while being closed to motor vehicles, these trails would remain open for hiking and other non-motorized uses as appropriate.

Mr. Ray described the public involvement aspects of the process to develop the cultural preserve proposals and referenced a letter from the National Park Service endorsing the proposed cultural preserves for their role in protecting portions of the Juan Bautista de Anza National Historic Trail. Mr. Ray also explained the "open camping" policy at Anza-Borrego Desert State Park that allowed visitors to camp with their vehicles in many locations by merely pulling off the road. He described how the cultural preserve proposals had been crafted to minimize the effect on open camping.

He also described the arrangements that had been made to ensure that the establishment of the cultural preserves would not interfere with San Diego Gas & Electric's access to maintain and operate their existing facilities within the proposed boundaries of the Hawi-Vallecito and Angelina Spring Cultural Preserves. Mr. Ray explained the clarifications that had been made to the maps of these preserves and called the commissioners' attention to the staff report that had been provided. He also read a revised fifth paragraph for the Commission's resolution for the Angelina Spring Cultural Preserve as follows:

Whereas, San Diego Gas and Electric (SDG&E) has existing easements for existing transmission lines, San Diego Gas and Electric's existing right of way, as it may be adjusted in small ways from time to time, is excluded from the preserve, and the designation of a cultural preserve neither increases nor decreases the rights associated with these easements; and

Mr. Ray stated that it was his understanding that the revised maps and new resolution paragraph satisfied the needs of San Diego Gas & Electric.

Mr. Ray noted that resolutions for each of the cultural preserve proposals had been provided to the commissioners and concluded his presentation.

Chair Hart thanked Mr. Ray and asked if there were any questions from the commissioners.

Commissioner Maurice Johannessen stated that he was concerned about access, particularly for persons with disabilities, to the over five hundred documented cultural sites in the seven proposed cultural preserves. The Commissioner noted that he was particularly concerned with how access would be provided for senior visitors, those using wheelchairs, and others who could not walk to these sites.

Commissioner Bill Kogerman was recognized by Chair Hart to respond to Commissioner Johannessen's comments. Commissioner Kogerman explained that many areas of Anza-Borrego Desert State Park were already inaccessible to visitors because of the physical nature of the terrain. He emphasized that the sites visited by the Commission the previous day included terrain which was quite rugged and inaccessible.

Chair Caryl Hart asked staff to clarify whether or not approval of the seven proposed cultural preserves would impose additional restrictions on vehicular access.

Planning Division Chief Dan Ray replied that vehicular use was already prohibited in approximately 80 percent of the property proposed for designation as cultural preserve because these areas had been previously designated by the Commission as state wilderness (no vehicle use is permitted in state wilderness). Mr. Ray added that the change imposed by designation of the seven cultural preserves would result in only 1,700 feet of additional restrictions to vehicles, and that these changes were confined to only two of the seven proposed preserves. He explained that these areas newly-closed to vehicles would remain accessible to those on foot or on horseback. Mr. Ray also explained that the reason for the large number of cultural sites noted earlier was that each "site" could be as small as an individual pictograph or artifact.

Commissioner Alice Huffman asked for confirmation that San Diego Gas & Electric was satisfied with the revised language and map changes that had been provided by staff. Dan Ray replied that he would like to have San Diego Gas and Electric represent themselves in response, but that while he believed the company was neutral with regard to the specific language utilized it was his understanding that the changes he had described met San Diego Gas and Electric's needs. Commissioner Huffman referenced earlier correspondence from San Diego Gas & Electric in which they noted that the construction of a new visitor center could impact the need for access in the proposed preserves. Dan Ray replied that staff had considered this possibility when establishing the boundaries for the proposed preserves.

There being no further questions from commissioners, Chair Hart proceeded to call the fourteen speakers who had registered to comment on the Anza-Borrego Desert State Park cultural preserve proposals:

John Downs, of the Astronomy Society of San Diego and Oceanside Photo & Telescope, concerning his group's access to the park, California State Parks' accommodation of the group's requests, and his group's support for the cultural preserve proposals.

Conrad Kramer, of the Anza-Borrego Foundation, concerning the Foundation's support for the establishment of the seven cultural preserves.

Chair Hart paused to thank Conrad Kramer and the Anza-Borrego Foundation for their efforts on behalf of Anza-Borrego Desert State Park.

Chris Wray, concerning the effort to create the Southern Overland Trail Cultural Preserve and the easy access to this preserve and the trail that could be available to persons with disabilities.

Albert Eddins, of the Southern Trails Chapter, Oregon-California Trails Association, concerning his organization's support for establishment of the proposed cultural preserves.

Carmen Lucas, concerning the focus of cultural preserves, the need for recreation, her support for establishment of the preserves, and maintaining respect for the preservation of her Native American heritage.

John Stewart, of the California Association of 4 Wheel Drive Clubs, concerning the development of a proposal for cultural preserves that had taken place without a road and trail plan or camping plan, and the potential for loss of use caused by this situation.

William Kassler, of Tierra Del Sol Four Wheel Drive Club of San Diego, concerning support provided for the 2005 Anza-Borrego Desert State Park general plan and the promise that a road and trails plan and a camping plan would be forthcoming, and the closing of portions of the park to vehicular use.

Bo Neece, of Tierra Del Sol Four Wheel Drive Club of San Diego, requesting a map that analyzed the connectivity of park trails to trails on neighboring federal land, and the need for a road and trail plan for the park to ensure that the desert experience would remain available to vehicular users.

Dorys Prentice, of San Diego 4 Wheelers, concerning proper methods of off-road vehicular recreation in the desert, access to the desert by seniors and those with disabilities, and the loss of trails previously available for vehicular use.

Dave Prentice, of San Diego 4 Wheelers, concerning the limitations of road closures, widening of roads, and the desire for no changes in vehicular access.

Bruce Coons, of Save Our Heritage Organization, concerning the balance achieved in the cultural preserve proposals and his organization's support for the proposals.

Terry Jorgensen, of the Ramona Trails Association and Backcountry Horsemen of California San Diego Unit, concerning the value of visiting Anza-Borrego Desert State Park, preservation of the Vallecito Stage Station, and support for the cultural preserve proposals.

Jeff Sykes, of San Diego Gas & Electric, requesting that the Commission instruct staff to postpone action on establishing the Angelina Spring and Hawi-Vallecito Cultural Preserves until the company had more time to evaluate the changes provided by State Parks' staff.

Steve Chaney, regarding his concern that the establishment of cultural preserves without also developing a road and trails plan and backcountry camping plan was improper.

There being no further speakers Chair Caryl Hart closed public comment on agenda items 5A through 5G at 10:26 a.m. Chair Hart then asked California State Parks staff if they would like to respond to the speakers' comments.

Gail Sevrens, Acting Superintendent of State Parks' Colorado Desert District, noted that she wished to respond to the comments related to roads being closed to vehicles. The Superintendent explained that the vehicular restrictions imposed by the proposed cultural preserves had been carefully considered by California State Parks' staff. She explained that the areas proposed for closure had been documented as locations where car camping and the illegal removal of artifacts had been facilitated through the use of vehicles. The Superintendent noted that in the area previously closed by superintendent's order a marked decrease in damage and theft at sacred sites had been noted. Superintendent Sevrens also explained that motor vehicles made it possible for "pot hunters" to bring in tools and illegally remove artifacts. The Superintendent stated that in conjunction with the development of the cultural preserve proposals State Parks had identified numerous locations for camping opportunities that would not negatively impact cultural resources but would provide a similar experience to that in the areas proposed for closure to vehicles .

Commission Chair Caryl Hart asked staff to clarify the total amount of road proposed for closure to vehicles by the proposed cultural preserves. Superintendent Gail Sevrens and Planning Division Chief Dan Ray responded: Approval of the proposed preserves would make permanent a previous closure of 1.4 miles, and close an additional 1,748 feet of road to vehicular use. Mr. Ray added that even with these closures an area equal to nineteen times the average acreage of a California State Park System unit remained open to vehicular use at Anza-Borrego Desert State Park. He also noted that his review of the minutes of State Park and Recreation Commission meeting to adopt the 2005 Anza-Borrego Desert State Park general plan

revealed no commitment to complete road and trail or other management plans. Mr. Ray added that such plans were expensive to produce and were unfortunately not projects that California State Parks could afford to undertake at this time.

Commissioner Bill Kogerman requested clarification regarding whether or not approval of the proposed cultural preserves would reduce opportunities for off-road vehicle use in the park. Dan Ray and State Parks' Director Ruth Coleman responded that only "street legal" vehicle use was permitted in units with the "state park" classification like Anza-Borrego Desert State Park. This is unlike off-highway vehicle parks. The roads in Anza-Borrego Desert State Park, though many of them are unpaved, are designed to provide a route to somewhere – they are not just for recreational use as may be the situation in an off-highway vehicle park. Director Coleman stated that much of the vehicular experience so highly valued by visitors to Anza-Borrego Desert State Park was on unpaved roads: What the park provided was an off-pavement experience rather than an off-road experience.

Commissioner Alice Huffman asked if a road and trail plan would have, had one been produced, affected the proposed cultural preserves. Director Coleman replied that the existence of a road and trail plan would not have significantly affected the cultural preserve proposals. She explained that this was because the vast majority of the roads with the preserve boundaries had been omitted from the preserves. The Director further explained that with the exception of the short lengths of road proposed for closure (a total of less than 1.8 miles, including the 1.4 miles previously closed by superintendent's order) the remaining roads within the proposed preserves had been "cherry stemmed" out of the preserves, keeping the majority of roads available for vehicular use.

Commissioner Huffman requested confirmation that the cultural preserve proposals represented an optimum balance of preservation and opportunities for public use. Director Coleman replied that State Parks believed it had done as much as was possible to permit public use while protecting the resources that had been previously damaged, often unconsciously, by vehicular use. The Director added that State Parks had worked to relocate camping opportunities in the park to ensure protection of these resources.

Commissioner Lindy DeKoven asked for clarification regarding the number of acres in the park closed to motor vehicles. Planning Division Chief Dan Ray explained that approximately 78 percent of Anza-Borrego Desert State Park had been previously classified as state wilderness, and vehicles were therefore prohibited in these areas of the park. Mr. Ray added that the establishment of the proposed cultural preserves would add 7,700 acres of "roadless" area since vehicles were also prohibited in cultural preserves.

Commissioner Bill Kogerman noted that he wished to emphasize the incredible opportunities for vehicle access that were available in Anza-Borrego Desert State Park, and that approval of the seven cultural preserves would have only a very small impact on this.

Commissioner Alice Huffman requested confirmation that public meetings had been conducted and opportunities for public input been made available to all stakeholders including those in the off-highway vehicle community. Planning Division Chief Dan Ray confirmed that such meetings had been conducted and such opportunities been made available.

Chair Hart asked Senior Staff Counsel Kathryn Tobias to address the comments made by San Diego Gas & Electric's representative. Ms. Tobias explained that California State Parks staff had been working with San Diego Gas and Electric to resolve the company's concerns related to access to existing power lines within the proposed cultural preserves. She noted that staff believed the parties had agreed on the resolution language to be added to address this. Ms. Tobias noted that the most important aspect of the added language was the statement that "...the designation of (Angelina Spring Cultural) Preserve neither increases nor decreases the rights associated with these easements." She explained that technically the rights-of-way associated with these transmission lines were not easements, because these lands had been previously owned by the federal Bureau of Land Management, who had not established easements with San Diego Gas & Electric. Ms. Tobias noted that California State Parks recognized the existence of San Diego Gas

& Electric's transmission lines and the company's need to maintain these lines. She stated that California State Parks would continue to work with San Diego Gas & Electric to ensure that the company's needs could be accommodated. Ms. Tobias also noted that both California State Parks and San Diego Gas & Electric had recognized the need to relocate some of these transmission lines away from fragile cultural resources, and she suggested that further discussion could provide an opportunity to accomplish this. Ms. Tobias emphasized that it was California State Parks' intention that the establishment of the seven cultural preserves not in any way change San Diego Gas & Electric's ability to maintain their transmission lines.

Commissioner Bill Kogerman asked Kathryn Tobias to clarify that the language employed provided California State Parks with the ability to address future issues even though those issues and easements may not be clearly defined at this time. Ms. Tobias replied that this was correct. She added that none of the language associated with the establishment of the cultural preserves increased San Diego Gas & Electric's rights or their ability to access the existing transmission lines. She further stated that San Diego Gas & Electric would be required to obtain a right of entry from California State Parks to enter preserve property. Ms. Tobias reiterated that the intent of the proposed language was to not modify San Diego Gas & Electric's rights in any way. She added that any significant modification to the path of the existing transmission lines would require a change to the cultural preserve boundaries which must be approved by the State Park and Recreation Commission.

Commissioner Alice Huffman stated that she had read communications between San Diego Gas & Electric and California State Parks dating from June 2010, and that it was her understanding that any disagreements that had existed had been resolved. The Commissioner added that she believed San Diego Gas & Electric's present concern was related to their attorneys not having sufficient time to review the changes that had been made. Commissioner Huffman asked if it would be possible for the Commission to approve the cultural preserves contingent on San Diego Gas & Electric having time to consider and approve the changes to the resolution language.

Senior Staff Counsel Kathryn Tobias explained that the language stating that establishment of the cultural preserves neither increases nor decreases San Diego Gas & Electric's rights had been in the company's possession for approximately ten days, though small changes in this had been presented to their representative within the last two hours. Ms. Tobias stated that it would not be possible for the Commission to make a conditional approval of the preserve in question, and that it would not be practical to revisit the decision later as decisions related to the classification of park units must be made within one hundred miles of the nearest city called out in statute (in this case San Diego).

Commissioner Bill Kogerman stated that he believed the proposal before the Commission provided the necessary flexibility to satisfy the needs of both California State Parks and San Diego Gas & Electric. He made a motion to adopt the resolutions before the Commission to establish the seven cultural preserves.

Chair Caryl Hart asked if there was a desire for further discussion prior to consideration of a motion.

Commissioner Maurice Johannessen began to comment, but the phone connection to the Commissioner was lost. Chair Caryl Hart used a second telephone to reconnect with Commissioner Johannessen.

Commissioner Johannessen asked for confirmation that the preservation efforts that would take place with the establishment of the cultural preserves would not seriously impact public access to these areas. He also asked if the Commission could be informed of any rules related to the management of these areas that would be developed subsequent to Commission approval of the proposals. Planning Division Chief Dan Ray replied that the Commissioner's statement was correct and that staff would keep the commissioners informed of subsequent actions related to management of these areas.

Chair Hart asked Commissioner Kogerman to restate his motion; the Commissioner did so. The motion was seconded by Commissioner Lindy DeKoven.

Chair Hart asked if there would be any further discussion related to the motion.

Commissioner Alice Huffman stated that she would like her fellow commissioners to know that she attended Commission meetings to listen. The Commissioner stated that it was her hope that when the Commission took action it would be to the mutual benefit of all parties. Commissioner Huffman stated that since San Diego Gas & Electric did not address the Commission regarding the earlier discussion and the efforts to accommodate SDG&E, she wished to amend Commissioner Kogerman's motion to state that San Diego Gas & Electric be allowed to approve the changes proposed by California State Parks today or reserve the right to a later hearing to revisit the items in question.

Chair Hart asked for a second to Commissioner Huffman's amended motion. There was no second; the motion failed.

A discussion took place wherein Chair Caryl Hart, Senior Staff Counsel Kathryn Tobias, and Commissioner Alice Huffman expressed their thoughts regarding the proper procedures for taking action on the seven proposed cultural preserves. The Chair stated that in an effort to make the actions explicit she would ask for a motion, second, and call for a vote on each of the seven proposals. The Chair proceeded as follows:

Angelina Spring Cultural Preserve: Motion Commissioner Kogerman, second Commissioner DeKoven. The commissioners voted unanimously to adopt the resolution to establish the Angelina Spring Cultural Preserve in Anza-Borrego Desert State Park.

In the process of conducting a roll call vote for the Angelina Springs item it became apparent that the telephone connection with Commissioner Maurice Johannessen had again been lost. As a quorum of five commissioners was present in the meeting room Chair Hart elected to continue the process of motion, second, and vote for each of the proposed cultural preserves.

Coyote Canyon Cultural Preserve: Motion Commissioner Huffman, second Commissioner Witt. The commissioners voted unanimously to adopt the resolution to establish the Coyote Canyon Cultural Preserve in Anza-Borrego Desert State Park.

Culp Valley Cultural Preserve: Motion Commissioner Witt, second Commissioner Huffman. The commissioners voted unanimously to adopt the resolution to establish the Culp Valley Cultural Preserve in Anza-Borrego Desert State Park.

Hawi-Vallecito Cultural Preserve: Motion Commissioner DeKoven, second Commissioner Kogerman. The commissioners voted unanimously to adopt the resolution to establish the Hawi-Vallecito Cultural Preserve in Anza-Borrego Desert State Park.

Little Blair Valley Cultural Preserve: Motion Commissioner Huffman, second Commissioner Witt. The commissioners voted unanimously to adopt the resolution to establish the Little Blair Valley Cultural Preserve in Anza-Borrego Desert State Park.

Piedras Grandes Cultural Preserve: Motion Commissioner Kogerman, second Commissioner DeKoven. The commissioners voted unanimously to adopt the resolution to establish the Piedras Grandes Cultural Preserve in Anza-Borrego Desert State Park.

Southern Overland Trail Cultural Preserve: Motion Commissioner Huffman, second Commissioner Witt. The commissioners voted unanimously to adopt the resolution to establish the Southern Overland Trail Cultural Preserve in Anza-Borrego Desert State Park.

Commissioner Bill Kogerman noted as a matter of housekeeping that he was withdrawing his now superfluous original motion to adopt the seven resolutions as a group.

**AGENDA ITEM 6:
OPEN PUBLIC COMMENT**

Chair Hart explained that the purpose of this item was to provide an opportunity for the Commission to hear comments on relevant items not listed on the agenda. The Chair added that there were a large num-

ber of registered speakers and she would therefore be limiting each speaker to two minutes. Chair Hart then proceeded to call each of the speakers in the order they had registered:

Deanna Spehn, representing California State Senator Christine Kehoe, regarding the former CalTrans building near Old Town San Diego State Historic Park, the impasse related to the transfer of the building to State Parks, Senator Kehoe's support for the transfer, and the opportunities this project represented.

After the first speaker Senior Staff Counsel Kathryn Tobias noted that as many of the speakers would be commenting on the matter of "clothing optional" use of California State Parks she would now distribute to the commissioners and interested parties copies of a memo State Parks had prepared in response to correspondence that had been received regarding clothing optional areas. Ms. Tobias also explained that since the matter of clothing optional use of parks had not been agendaized for discussion at today's meeting the Commission could not consider or debate the subject but could provide direction to staff.

Once the memo had been distributed Chair Caryl Hart called 26 speakers who spoke in support of designating areas for clothing optional use in California State Parks. The speakers were called in the order they had registered:

Robert Morton, representing the Naturist Action Committee

Erik Ruehr

Ron Mercer

Howard Chadwick

Charles Woller

David Cole, representing Black's Beach Bares

Ed Plummer

Greg Young

Vic Brevard

Donna McCallum

Gene Gatewood

Gregg Gatewood

Claudia Kellersch

Marc Doty

Nilo Lins

Leslie Dearing

Christina Cole

David Guggenheim

Andrew Bianchi

Claire Guggenheim

Patrick Brown

Nancy Yuen

Lloyd Johnson, of Black's Beach Bares

Jim Dueweke

Blair Brumley

Allen Baylis, of the Naturist Action Committee and Friends of San Onofre Beach

This concluded the speakers who addressed the Commission in support of designating areas for clothing optional use at California State Parks. Chair Hart then called two additional registered speakers:

Lynne Paulson, representing the Washoe Meadows Community, regarding preserving the integrity of Washoe Meadows State Park, commercial interests dictating park plans, and the proposed golf course project at this park.

John Klimaszewski, regarding the preservation of Washoe Meadows State Park, comments on the project's environmental impact report, and the potential destruction of resources that could result from the proposed golf course project.

This concluded the speakers for open public comment. Chair Caryl Hart asked if there were any comments from commissioners or staff.

Senior Staff Counsel Kathryn Tobias noted that she wished to address comments made by the speaker who stated that California State Parks had acted to cancel the "Cahill Policy" that had previously permitted clothing optional use at some State Park units. Ms. Tobias explained that it was important to note that it was not California State Parks but a court decision that invalidated the Cahill Policy. She further explained that as what was known as the Cahill Policy had been adopted without going through the required process for establishing regulations it was deemed by the court to be an invalid "underground" regulation. Ms. Tobias stated that as such the Cahill Policy could no longer be used or enforced by California State Parks.

Chair Hart closed open public comment at 11:55 a.m.

**AGENDA ITEM 7:
ADJOURNMENT**

Chair Hart asked for a motion to adjourn. Motion Commissioner Paul Witt, second Commissioner Lindy DeKoven. Chair Hart adjourned the meeting at 11:56 a.m.

ATTEST: These minutes were approved by the California State Park and Recreation Commission on March 2, 2011, at its duly-noticed public meeting in San Jose, California.

By: ORIGINAL SIGNED BY Date: 3-2-11

Louis Nastro
Assistant to the Commission
For Ruth Coleman, Director, California Department of Parks and Recreation
Secretary to the Commission



Meeting of the
CALIFORNIA STATE PARK AND RECREATION COMMISSION
Old Town Theatre, 4040 Twiggs Street
Old Town San Diego State Historic Park, San Diego
Friday, December 10, 2010 - 9:00 a.m.

AGENDA OF THE MEETING

1. Approval of minutes of the October 8, 2010 meeting in Crescent City
2. Chair's Report, Commissioner reports/comments, Recognitions
3. Approval of Special Redwood Groves – as requested by Save the Redwoods League and Sempervirens Fund
4. Director's Report
5. Public Hearing

Consideration and possible action on the Department of Parks and Recreation recommendation to establish and classify the following cultural preserve subunits in Anza-Borrego Desert State Park:

- A. Angelina Springs Cultural Preserve
 - B. Coyote Canyon Cultural Preserve
 - C. Culp Valley Cultural Preserve
 - D. Hawi-Vallecito Cultural Preserve
 - E. Little Blair Valley Cultural Preserve
 - F. Piedras Grandes Cultural Preserve
 - G. Southern Overland Trail Cultural Preserve
6. Open Public Comment (on subjects other than the above agenda items)
 7. Adjourn

Copies of this agenda and the public notice of the meeting are available on the Internet
at www.parks.ca.gov/default.asp?page_id=936