

CALIFORNIA STATE PARK and RECREATION COMMISSION

Auditorium of the Natural Resources Building
1416 9th Street
Sacramento, California

Minutes of the Meeting - Friday, July 8, 2011

COMMISSIONERS PRESENT

Caryl Hart, CHAIR
Maurice Johannessen
William "Bill" Kogerman, VICE CHAIR
Paul Junger Witt
Elva Yanez

COMMISSIONERS ABSENT

Alice Huffman

CALIFORNIA STATE PARKS STAFF

Ruth Coleman, DIRECTOR
Cathy Taylor, SUPERINTENDENT, CAPITAL DISTRICT
Ann Malcolm, CHIEF COUNSEL
Louis Nastro, ASSISTANT TO THE STATE PARK AND RECREATION COMMISSION
Dan Ray, CHIEF, PLANNING DIVISION
Roy Stearns, DEPUTY DIRECTOR, COMMUNICATIONS
Kathryn Tobias, SENIOR STAFF COUNSEL

SPEAKERS REGISTERED/REPRESENTING

Allen Baylis/Naturist Action Committee
Lynne Paulson/Washoe Meadows Community
Cindi Alvitre/California Indian Heritage Foundation (not registered)
Frank Lupina (not registered)
Don Reynolds (not registered)
Donald Stanton/Self
Robert Wood/Native American Heritage Commission

CALL TO ORDER

Legal notice having been given, Commission Chair Caryl Hart called this meeting of the California State Park and Recreation Commission to order at 9:03 a.m. The Chair introduced the commissioners and California State Parks staff who were present.

POSTPONEMENT OF AGENDA ITEM 5C - CONSIDERATION AND POSSIBLE ACTION TO ADOPT A REVISED COMMISSION POLICY ON ALCOHOLIC BEVERAGES

Chair Caryl Hart noted that Commissioner Bill Kogerman of the Commission's Concessions, Enterprise, & Fiscal Committee had requested that consideration of this item be postponed until a later date, given that the Committee was not yet prepared to make a recommendation to the Commission on the revised alcohol policy. Chair Hart conferred with legal counsel and obtained concurrence from the commissioners that this

item would be postponed until it could be considered on the agenda of a future Commission meeting.

AGENDA ITEM 1:

APPROVAL OF MINUTES OF THE MARCH 2, 2011 MEETING IN SAN JOSE

Chair Hart explained that on the recommendation of California State Parks legal counsel the Commission would henceforth be employing a revised process for the approval of meeting minutes: It would not be necessary for the commissioners to vote on approval of the minutes unless changes or corrections to the minutes were desired. The Chair added that since no requests for changes or corrections had been made to the minutes of the March 2, 2011 meeting in San Jose, those minutes were therefore approved.

AGENDA ITEM 2:

CHAIR'S REPORT, COMMISSIONER REPORTS/COMMENTS, RECOGNITIONS

Chair Hart explained that this agenda item provided an opportunity for commissioners to comment on matters of interest to the body. The Chair recognized Commissioner Maurice Johannessen.

Commissioner Johannessen stated that he had recently visited several California State Park System units on the park closure list that included museums. The Commissioner avowed that it should be obvious that such units could not be closed without causing irreparable damage to the precious artifacts they house. Commissioner Johannessen added that a method must be identified to keep these park units open so that their historical value can be maintained for future generations.

Addressing budget reductions and park closures – Chair Caryl Hart asked California State Parks Director Ruth Coleman if it would be appropriate to discuss the budget situation and the park closure list at this time given that the Director had undoubtedly planned to address these subjects during her Director's Report later in the meeting. Chair Hart continued that the Commission was interested in being involved in assisting California State Parks with the challenge of facing park closures wherever possible.

California State Parks Director Ruth Coleman stated that she would discuss the subject and would start by addressing the good news of increased revenue opportunities before discussing the more challenging subject of park closures. The Director continued that California State Parks had recently opened the Moro Campground and Moro Canyon Day Use area at Crystal Cove State Park in Orange County, the first new coastal campground to be opened in more than 20 years. Campsite reservations at the new campground were already fully booked through August 2011 and that this popular campground would likely be filled to capacity year-round. Director Coleman also spoke of several successful corporate initiatives California State Parks had instituted for 2011. She noted that \$700,000.00 had been raised through the Coca-Cola Company and Stater Bros. Markets to benefit State Park System units in six southern California counties, and that a new partnership with CleanFlame Campfire Logs resulted in a commitment of \$300,000.00 to help State Parks. Other recent partnerships included Farmer John hot dogs, which would be providing \$50,000.00 in fire ring construction and campfire equipment for parks, Vons/Safeway Markets' contest that would award a total of \$50,000.00 to the top three southern California beaches voted "best" by Vons customers, and the just-announced "NickelAid" program at northern California Raleys markets that would donate 5 cents – up to \$100,000.00 per year – for every reusable shopping bag customers provide when shopping at Raleys, Bel Air, and Nob Hill markets. Director Coleman added that most of these funds were being provided with no restrictions on their use, and all of the partnerships were consistent with California State Parks values. She also noted that it was her hope that these successful programs could generate seed capital that would encourage other companies and organizations to partner with State Parks. The California State Parks Foundation played an instrumental role in many of these programs.

The Director also reported the "bad news" of the closing of McGrath State Beach because of the lack of funding to address decaying infrastructure at this park.

Director Coleman then provided an update on the park closure situation. The Director explained that

budget reductions required the department to eliminate the positions of about 250 employees, though layoffs would only take place once the Department had completed the slow and deliberative process prescribed by the state Department of Personnel Administration. She added that the layoff process would take about 18 months to complete, and that it could not have begun until the list of park closures had been made public on May 13, 2011. The Director added that implementation of layoffs would consume a considerable amount of time for field staff as the Department worked to address the budget reduction of \$11 million for the current year along with the ongoing reduction of \$22 million for each future year.

The Director explained that State Parks was working to develop alternative operating scenarios for the 70 parks destined for closure, adding that Deputy Director for Legislation Bill Herms was managing the task of tracking partner organizations that wished to assist in the operation of parks. She explained that staff must perform a constant balancing act of generating and receiving new ideas and assessing which proposals could be successfully implemented, while still making time to address tasks related to downsizing.

Director Coleman referred the commissioners to a spreadsheet she provided that listed interest groups that were – at this time – working with California State Parks to assist in maintaining the 70 parks on the closure list. She added that many of the 70 parks already had potential partners, an encouraging situation given that only about 45 days had passed since negotiations had begun. Director Coleman noted that State Parks hoped to identify partners for each of the 70 parks on the closure list.

She also explained that Commission Chair Caryl Hart, in her role as Director of Sonoma County Parks, was working to spearhead an alliance with Sonoma County to help maintain the State Park System units there. Director Coleman explained that partnerships with counties, local non-profits, other state agencies, private campground operators, and the National Park Service held promise for the continued operation of many of the parks slated for closure, though some parks on the list had not received any interest. She added that each park was unique, which required all inquiries to be addressed on a park-specific basis.

The Director also explained that some unique parks would have their cultural artifacts removed and stored to ensure that these precious items would be protected, as the potential for vandalism in closed parks was high. She added that it was always preferable to have some level of public access to closed parks, through volunteer corps or cooperating associations, to help protect these units' irreplaceable resources.

Director Coleman stated that the Department would be actively pursuing partnerships until July 2012, at which time park closures would be implemented. She added that Assembly Bill 42, if passed, would provide additional mechanisms for keeping parks open, if only for a day or two each week.

Commissioner Maurice Johannessen stated that he disagreed that removing artifacts from museum units like Weaverville Joss House State Historic Park would be practical and cost-effective, and that he hoped that cooperating associations or other partnership arrangements could be developed to prevent this from being necessary. Director Coleman replied that the removal of artifacts would be a last resort, and that at Weaverville Joss House a team of interns from San Francisco would be working to raise money in the Chinese community to ensure the future of this unique park. She added that the plight of state parks had inspired many Californians to work towards keeping these "California Cathedrals" open. Commissioner Johannessen added that he planned to approach Pacific Gas & Electric (PG&E) with a request that the company donate the utilities necessary to keep Weaverville Joss House open.

Commissioner Elva Yanez asked about the closure of Pio Pico State Park and requested information concerning the general structure of park alliances. Director Coleman noted that Pio Pico had a cooperating association that was interested in helping to operate the park, and that the Department was working with Los Angeles County and the City of Whittier to maintain this park. She noted that joint powers authorities (JPAs) could be formed to address some park closure needs. The Director added that at this time little in the way of specifics was available concerning the process of developing park alliances, as the basis for these partnerships was still being formed.

Commissioner Bill Kogerman asked Director Coleman to provide information regarding the geographic

distribution of the units on the park closure list. He also asked about how layoffs would be prioritized, and about State Parks' relationship with local law enforcement in the matter of park closures. Commissioner Kogerman also asked if the Director could provide information on the cost of the work required to keep McGrath State Beach open.

Director Coleman explained that geography had not been a factor in developing the park closure list. She noted that parks that had been included on the 1928 "Olmstead list" of iconic California landscapes were not considered for closure, and that likewise parks that told iconic stories of California would not be closed. The Director explained that parks which were expensive to run but that received low visitation were considered for closure – parks which were not profitable. She added that as visitation at southern California parks was typically higher than at northern parks, a seemingly disproportionate number of north state parks had been listed for closure. She explained that State Parks' goal was to provide as much access to parks as possible. The Director further explained that the closure list of 70 parks allowed the Department to preserve 92% of its visitation and 94% of its revenue. She added that the balance of operating cost to revenue was so delicate that if the budget reduction had been \$25 million per year instead of \$22 million per year, 97 parks would have to be closed instead of 70. Director Coleman also reminded the commissioners that California State Parks had had its general fund budget reduced by 43% since 2006, and that considerable reductions had also been imposed in the mid-1990s.

Commissioner Kogerman complimented Director Coleman on her detailed explanation and for her part in the very careful deliberations that had been employed in developing the park closure list. Director Coleman noted that California State Parks had been fortunate in that Governor Jerry Brown had allowed the department sufficient time to develop a well-considered process for park closures.

Director Coleman addressed Commissioner Kogerman's other questions. She noted that there were no specific priorities related to layoffs, adding that greater cuts would be implemented at headquarters in Sacramento than would be made to employees at park units in the field. The Director added that while this did limit California State Parks' ability to participate in the many statewide programs and processes the Department is often asked to join, it was her belief that administrative staff should be reduced to a greater extent than staff in the field who provide services directly to park visitors. She explained that the layoff process was governed by many rules and regulations and that State Parks would proceed with great care to ensure this process was adhered to.

The Director explained that the City of Oxnard had expressed interest in assisting with the deferred maintenance situation at McGrath State Beach. She further explained that it had been estimated that approximately \$500,000.00 would be required to repair the deteriorated plumbing at McGrath. However, Director Coleman added that this would not address the actual problem, as the campground at McGrath had been originally constructed on an inappropriate site in a wetland that was subject to floods each winter. The Director explained that the permanent solution would be to relocate the campground and restore the wetland; so \$500,000.00 would only repair the plumbing but would not address the real problem and result in a sustained solution. Director Coleman and Commissioner Kogerman spoke briefly about the advantages of utilizing U.S. Navy Seabees for this type of project. The Director added that California State Parks staff were actively engaged in developing creative methods of addressing budget situations such as this.

Commissioner Paul Witt asked if State Parks was involved in discussions with local law enforcement and fire protection agencies regarding increased risk of crime and fire danger in closed parks.

Director Coleman stated that the department was very much involved in discussions with representatives of local law enforcement and firefighting authorities. She added that at this time, and until March 2012, efforts would be focused on identifying partners to assist with park operations, though after that time the relationship with local authorities would become vital to the preservation of park resources. Director Coleman explained that her colleagues in Hawaii and North Carolina had noted that the worst thing for a park is to lock the gates and have no one there. Park professionals understood that a presence was needed: a ranger living on-site, the public engaged through hiking or other activities, or by using technology to

generate public participation. She noted that while no visitor services would be offered at closed parks, funds had been budgeted to allow for “caretaker” operations: \$50,000.00 each for small parks and \$150,000.00 each for larger parks. Director Coleman explained that these funds would pay for services like the pumping of portable toilets, and perhaps the maintenance of a single large waste bin to be provided in visitor areas. She also spoke of the possibility of waste management companies donating services of this type. The Director added that as there had never before been permanent closures of parks, State Parks was working diligently to develop adaptive management strategies to address the situation.

Commissioner Paul Witt added that the better the public knows and understands the issues of park closure the better motivated they would be toward partnerships, volunteerism, and constructive concern.

Director Coleman agreed with Commissioner Witt that the development of an accurate narrative and the effective communication of park closure information to the public was essential. The Director added that she had spoken with Commissioner Elva Yanez about meeting with State Senator Fran Pavley regarding partnerships and the development of effective communication of park closure information, so that interested parties could become constructively involved in the development of solutions.

Commissioner Maurice Johannessen asked about the involvement and potential benefits of local law enforcement in patrolling closed park units.

Director Coleman replied that California State Parks already worked closely with local law enforcement, though law enforcement agencies preferred to have park staff respond to park-related incidents. The Director added that contracts with local law enforcement were being explored as an alternative to employing permanent park staff, and that the “caretaker” budget could be utilized for contracts such as this.

Commission Chair Caryl Hart noted that the situation for State Park System units in Sonoma County was somewhat better than those in the rest of the state because of the Chair’s knowledge of California State Parks. The Chair added that she believed public awareness was a key issue, and that park units to be closed should have signs posted now that made this clear to visitors and provided contact information for those who wished to help. She noted that park users, who at small, low-usage parks are mostly local, are the ones who care the most. Chair Hart stated that action should be taken now to develop fundraising mechanisms and talk with media representatives, and she encouraged her fellow commissioners to take an active role in getting the word out about park closures. The Chair also suggested that a Commission committee could be established to address closure-related issues. She added that while she wasn’t certain of the best approach, she was confident that more information distributed to more people could only help. The Chair stated that she was available to discuss the Sonoma County arrangement with others as desired.

Chair Hart noted that California State Parks’ staff had been doing an excellent job in the face of the very sad reality of park closures. The Chair thanked staff for their hard work, and she thanked the staff of Sutter’s Fort State Historic Park, the State Parks warehouse, Capital District Superintendent Cathy Taylor, and the California Indian Heritage Center Foundation for their assistance and hospitality during the previous day’s briefing at the proposed California Indian Heritage Center site.

Recognition of Retiring California State Parks Employees

Chair Hart asked Commissioner Paul Junger Witt to read the list of employees who had recently retired from their careers with California State Parks. This list, representing retirements announced since the Commission’s July 8, 2011 meeting, represented over 578 years of service to the citizens of California:

Sandra Berry, Grants & Local Services	26 years, 3 months
Valerie Bradshaw, Technical Services	31 years, 1 month
Margaret Brown, San Diego Coast District	24 years, 5 months
Sharon Dall, Colorado Desert District	11 years, 3 months
MC Denard, Orange Coast District	12 years, 11 months

Gail Dudding, Interpretation and Education Division	14 years, 5 months
Stella Finnamore, Labor Relations/Personnel	22 years, 1 month
Michelle Hachigian, San Luis Obispo Coast District	11 years
William Havert, Coachella Valley Conservancy	14 years, 4 months
Craig Holden, Santa Cruz District	6 years, 3 months
Bruce Jackson, San Luis Obispo Coast District	19 years, 6 months
George Jefferson, Colorado Desert District	17 years, 9 months
Brian Kummer, Orange Coast District	20 years, 3 months
Mark Langner, Sierra District	24 years, 3 months
Robert Latson, San Luis Obispo Coast District	28 years, 6 months
Marian Mills, North Coast Redwoods District	29 years, 6 months
Denise Murphy, Orange Coast District	39 years, 4 months
Edward Pearson, Orange Coast District	16 years, 9 months
Denise Peterson, Inland Empire District	27 years, 1 month
Debbie Praisler, Central Valley District	11 years, 1 month
Joanne Redoble, Inland Empire District	20 years, 6 months
Glenn Ryburn, Marin District	25 years, 11 months
Kathleen Sanders, Off-Highway Vehicle Division	11 years, 1 month
Walter Santwer, Acquisition & Real Property Services	6 years
Loran Tacker, San Luis Obispo Coast District	7 years, 9 months
Karl Tallman, Santa Cruz District	22 years, 11 months
Graham Uemura, Russian River/Mendocino District	18 years, 9 months
Rosemary Yracheta, Sierra District	9 years, 1 month

Commissioner Witt thanked these employees for their service to the people of California. Chair Caryl Hart also expressed her thanks and again noted that this list of retirees represented 578 years of service; an extraordinary achievement.

**AGENDA ITEM 3:
APPROVAL OF SPECIAL REDWOOD GROVES**

Chair Caryl Hart asked Commissioner Maurice Johannessen to read the requests that had been made to establish special redwood groves in California State Park System units. Commissioner Johannessen read the following grove requests and made a motion to approve these groves, the motion was seconded by Commissioner Elva Yanez:

As requested by Save the Redwoods League:

Carl and Susan Elliger Grove
in Limekiln State Park
Carl and Susan Elliger, donors

Teller, Sohie, Matthew and William Grove
in Butano State Park
John C. and Yvette L. Rosen, donors

The commissioners voted unanimously to adopt the resolutions establishing these special redwood groves.

AGENDA ITEM 4:

DIRECTOR'S REPORT, INCLUDING A PRESENTATION ON CALIFORNIA STATE PARKS' RECREATION PROPOSAL for the SACRAMENTO-SAN JOAQUIN DELTA and SUISUN MARSH

Chair Hart asked California State Parks Director Ruth Coleman to present her Director's Report. Director Coleman noted that the commissioners had received a written copy of her report and that she would not be addressing subjects in that report unless commissioners had questions. She added that earlier in the meeting she had already provided information on what she wished to report to the Commission.

Director Coleman then introduced Dan Ray, Chief of California State Parks' Planning Division. The Director noted that Mr. Ray's division had recently been honored with the 2011 "Innovation in Green Community Planning" award from the Northern California Chapter of the American Planning Association. Director Coleman explained that the award had been given for the general plan for Martial Cottle Park in Santa Clara County, which the Commission approved in March, 2011. She believed the commissioners would appreciate knowing that they had adopted an award-winning plan.

Dan Ray provided an overview of California State Parks' *Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh*. Mr. Ray explained the origin of this document and how concern for the delta resulted in the 2009 Delta Reform Act. He described how the Delta Reform Act provided for the restoration, protection, and enhancement of the delta region as well as the Act's requirement that California State Parks prepare a proposal to expand recreation opportunities in the area. Mr. Ray also explained how the recreation proposal served as a component of Director Ruth Coleman's Central Valley Vision plan. He provided delta region statistics and described the wide variety of recreation activities already taking place in this part of the state. Mr. Ray stated that approximately 25 percent of the land and water in the delta region was in public ownership, and he explained how this provided opportunities to enhance recreation and provide economic sustainability to the region. He explained that the *Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh* was a long-range plan, looking toward the year 2100, and how this was not unusual in that the early 20th-Century "Olmstead Plan" was being implemented 90 years after the plan's creation. He explained how funding for the creation of the plan had been provided through a modest grant from the Delta Stewardship Council. Mr. Ray directed the commissioners to the copy of the plan they had received, and concluded by noting that the existing State Park System units and the multiple public agencies involved provided great opportunities for enhanced recreation.

At the conclusion of Mr. Ray's report, Commissioner Maurice Johannessen noted that he had visited the delta area and found it quite attractive, though he had also found it difficult to navigate. Dan Ray replied that one of the proposals was to raise the value of the scenic highway designation on Highway 160 through the delta, which would result in improved signage and wayfinding – a recognized need in this area.

Director Ruth Coleman stated that she wished to commend Dan Ray and his staff that had developed the delta plan. She added that delta stakeholders, including the legislator who had authored the bill that created the Delta Reform Act, had stated that the report was highly accessible and had accurately captured the desired results.

A discussion took place wherein Commissioner Kogerman, Dan Ray, Chair Hart, and Commissioner Johannessen spoke of the economic challenges and opportunities for California State Parks in the delta. Commissioner Johannessen and Chair Hart complimented Mr. Ray and the planning team, stating that they found the plan to be an inspiring and attractive guide to enjoying the delta region.

AGENDA ITEM 5:

PUBLIC HEARING

Chair Hart opened the public hearing portion of the meeting at 10:09 a.m. The Chair explained the speaker registration process and requested that speakers restrict their comments to three minutes each.

ITEM 5A:

Consideration and possible action on the Department of Parks and Recreation recommendation to classify and name the property on the West Sacramento riverfront as a state park named California Indian Heritage Center State Park

ITEM 5B:

Consideration and possible action on the Department of Parks and Recreation recommendation to adopt a general plan for California Indian Heritage Center State Park

Chair Hart announced that in addition to the briefing and materials provided to the commissioners in advance they would now hear a short presentation on these two agenda items from California State Parks Planning Division Chief Dan Ray.

Mr. Ray clarified that he would be making a presentation on both the classification & naming and the general plan proposals, after which the Commission would be asked to take separate action on each item.

Mr. Ray explained that the Commission was being asked to classify and name a new unit of the State Park System. He described how the creation of this unit had been a long-time goal of California State Parks, which had for many decades recognized the need to establish a central place where California Indians could tell the stories of their people and provide a place where State Parks' extensive Indian collections could be exhibited. Mr. Ray noted that the general plan for Sutter's Fort State Historic Park which had been adopted in the 1990s provided for the later creation of a new park to take the place of the existing and inadequate State Indian Museum.

Mr. Ray explained how in 2002 legislation established a task force to guide the creation of this park. He described the extensive public process and input from Indian communities that resulted in the proposals before the Commission. Mr. Ray spoke of the unit's purpose statement, the site's natural and cultural resources, and the proposals for management of the unit, and how these facets of the project were best served by the "state park" classification. He described the proposed six management zones and how the proposed general plan addressed the use and management of the unit's current 51 acres as well as two adjacent parcels totalling 19 acres which could be added to the property at a later time.

It was explained that the California Indian Heritage Center was intended to provide visitors a statewide perspective on the diverse legacy and contributions of California Indians, as well as providing exhibit space for collections and the work of contemporary California Indian artists. Mr. Ray noted that the park would serve as a destination for those wishing to fully understand California.

Mr. Ray explained that the general plan being presented to the Commission for approval included a programmatic Environmental Impact Report (EIR) that the Commission would be asked to certify along with the proposed general plan. He added that the commissioners' packets included a recently-received letter from the State Lands Commission and that State Parks believed the concerns presented in this letter had already been addressed. Mr. Ray concluded by formalizing State Parks' requests that the Commission approve the resolutions provided to classify the property as a state park named California Indian Heritage Center State Park and adopt the proposed general plan and certify the EIR for this new park.

Chair Caryl Hart asked if any of the commissioners wished to speak before hearing public comment.

Commissioners Bill Kogerman and Maurice Johannessen both noted that they had been skeptical with regard to the availability of funding to construct the California Indian Heritage Center. Commissioner Kogerman stated that in his experience the most important aspect of such a project was the availability of an appropriate construction site. The Commissioner stated that he found the California Indian Heritage Center site "magnificent." Commissioner Kogerman also expressed his compliments to the project team and the City of West Sacramento, without whose exceptional support the project would not be possible. Commissioner Johannessen stated that while he had been concerned about the project's financial future he now found it to be an eminently "doable" project with many exciting prospects.

Chair Hart opened public comment on items 5A and 5B at 10:21 a.m. The Chair explained the speaker registration process and reminded all that the Commission would be hearing comments on both agenda items 5A and 5B. Chair Hart called the single registered speaker:

- Robert Wood, of the Native American Heritage Commission, concerning his representing Commission Chair Larry Meyers who unfortunately could not attend. Mr. Wood explained his longtime involvement with the California Indian Heritage Center, including many years as an employee of California State Parks. He also explained how the California Indian Heritage Center Foundation would serve to develop funding for construction of the new California Indian Heritage Center. Mr. Wood expressed his enthusiasm for the importance of this project to California Indians and his support for the project.

Two unregistered speakers also addressed the Commission on these agenda items:

- Cindi Alvitre, of the California Indian Heritage Center Foundation, regarding her appreciation for the lengthy process that had resulted in the proposals before the Commission, and her thanks to State Parks and the commissioners for their support and acknowledgment of the importance of this project.
- Frank Lupina, regarding the importance of the California Indian Heritage Center in providing access to historic materials and in providing opportunities for contemporary Indian artists.

There being no other speakers, Chair Hart closed public comment on agenda items 5A and 5B at 10:32 a.m. She then asked if there were any comments or questions from commissioners.

Commissioner Elva Yanez stated that she was quite proud to have this important project be the subject of her first meeting with the State Park and Recreation Commission. Commissioner Yanez added that she wished to honor those present today as well as the many others who had supported this project over the many decades it had taken to come to fruition.

Chair Caryl Hart stated that she wished to thank Commissioner Yanez for her articulate comments and for her desire to become a member of the Commission. Chair Hart also noted that she wished to express her thanks to the State Parks staff and many others who had worked for so long on this project.

Commissioner Paul Witt stated that it was “about time” a proposal had gone forward to develop a project like the California Indian Heritage Center.

Commissioner Bill Kogerman made a motion that the Commission adopt the resolution before it to classify the West Sacramento riverfront property as a state park named California Indian Heritage Center State Park. The motion was seconded by Commissioner Elva Yanez. The commissioners voted unanimously to adopt the resolution.

Commissioner Elva Yanez made a motion to adopt the resolution before the Commission to approve the general plan and environmental impact report for the California Indian Heritage Center State Park. The motion was seconded by Commissioner Kogerman. The commissioners voted unanimously to adopt the resolution.

ITEM 5C:

Consideration and possible action to adopt a revised Commission policy on the sale of alcoholic beverages in units of the State Park System – *Agenda item canceled*

Chair Hart noted again that this agenda item had been withdrawn.

AGENDA ITEM 6:

OPEN PUBLIC COMMENT

Chair Hart opened the Open Public Comment portion of the meeting at 10:37 a.m. She proceeded to call three speakers in the order they had registered:

- Lynne Paulson, representing the Washoe Meadows Community, regarding her thanks to the Commission

and State Parks for addressing important park issues during such difficult times, and regarding protecting Washoe State Park from development, specifically her request that the Department prevent development of a golf course within the park.

- Allen Baylis, representing the Naturist Action Committee, regarding this organizations' request that clothing optional use be permitted in designated State Park System units, the amount of time that had passed since the organization had requested action on this matter (more than one year), public support for clothing optional use, and Mr. Baylis' and the Naturist Action Committee's willingness to work with State Parks to reinstate clothing optional use at selected State Park System units.

Commission Chair Caryl Hart stated that it was her understanding that Director Ruth Coleman would respond to Mr. Baylis' concerns at the conclusion of Open Public Comment.

- Donald Stanton, regarding the Naturist Action Committee's June 2010 petition and the lack of action on the clothing optional matter by California State Parks since that time, jurisdiction of the State Park and Recreation Commission, and Mr. Stanton's January 2011 requests for action related to the matter of permitting clothing optional use of State Park System units.
- Don Reynolds, an unregistered speaker, regarding his support for clothing optional use at State Park System units and his request that the Commission lend their support to the requests to restore clothing optional use at selected parks.

Chair Hart asked State Parks Director Ruth Coleman to respond to the clothing optional speakers.

Director Coleman stated that since the last Commission meeting in March 2011, State Parks' Chief Counsel Ann Malcolm and Deputy Director for Park Operations Tony Perez had met with representatives of the Naturist Action Committee. She added that staff had also had discussions with the American Association for Nude Recreation regarding the development of sign programs for clothing optional areas. Director Coleman explained that State Parks legal counsel advised that this issue should be addressed through the development of regulations, but that this was a time-consuming process for which the Department simply could not provide staff given the pressing concerns of budget reductions and park closures.

The Director explained that a resolution to the clothing optional issue could exist in the state beach parks designated for closure, in that clothing optional groups could enter into an operating agreement with California State Parks to maintain one or more of the five beaches on the closure list for this use. Director Coleman noted that no groups had expressed interest in assisting with the continued operation of some of the five beaches on the list. She further explained that even if the State Park and Recreation Commission were to develop a policy that permitted clothing optional use, implementation of such policy would still require a regulatory process and involvement of the state Office of Administrative Law. The Director noted that a long-term, sustainable solution to the requests of naturists could only be obtained through this process, though a less satisfactory solution could perhaps be attained through the development of an operating agreement for the beaches on the park closure list. Director Coleman added that State Parks would continue to meet with clothing optional representatives in an effort to develop a solution to this issue.

Chair Hart closed Open Public Comment at 10:54 a.m.

Commissioner Maurice Johannessen asked if clothing optional use at parks had generated significant complaints. Director Coleman and State Parks Chief Counsel Ann Malcolm explained that much had taken place prior to Commissioner Johannessen's appointment to the Commission in August 2010. It was explained that there had been a number of significant complaints in the area known as Trail 6 at San Onofre State Beach, though it was understood that these complaints did not involve naturists but rather others who engaged in lewd and illegal acts under the guise of naturism. When clothing optional use was discontinued in response to this behavior the Department was sued, which resulted in a court decision which determined that the clothing optional use permitted under what was known as the "Cahill Policy" was in fact an "underground regulation" (a regulation that had not gone through the required rulemaking process) and was

therefore illegal – making all clothing optional use at State Park System units illegal. Ms. Malcolm explained that while complaints of lewd and illegal activities were not necessarily associated with naturists, citations continued to be issued for public nudity.

Commissioner Bill Kogerman asked if the question of clothing optional use would be better addressed through Department policy or through legislation. Chief Counsel Ann Malcolm replied that Mr. Baylis and his colleagues were correct in their assertion that the State Park and Recreation Commission could establish general policies for the guidance of the Director of California State Parks. Ms. Malcolm noted that she was not comfortable addressing the question of whether or not this was a matter for the legislature. She added that while existing regulations allowed for the Director to make certain determinations with regard to the designation of clothing optional areas, there were also many limitations on the Department’s ability to do this at this time. Ms. Malcolm noted that State Parks had some authority in the matter, the Commission had some authority, and the legislature also had some authority.

Commissioner Maurice Johannessen asked about reports that State Parks staff had been placed in inappropriate situations involving nudity. Ann Malcolm replied that there had been incidents where State Parks maintenance staff, rather than law enforcement staff, had encountered nudity and complained of this. Director Ruth Coleman added that many of the issues related to nudity had resulted from behavioral changes brought about by the widespread promotion of clothing optional areas on the Internet. The Director reiterated that complaints had not be leveled at naturists, but rather at others who took advantage of clothing optional areas to engage in lewd acts.

Commission Chair Caryl Hart stated that she believed California State Parks’ priority at this time must be the survival of the State Park System. She explained that with the extensive budget reductions and 70 parks scheduled for closure, the Department simply did not have the resources to devote to addressing the clothing optional matter at this time. Chair Hart added that it was not a good idea to ask State Parks to undertake a regulatory process at a time when staff were struggling just to keep parks open. The Chair added her support for Director Ruth Coleman’s suggestion that clothing optional supporters explore the possibility of entering into operating agreements for the beaches on the park closure list.

The Chair asked if there were any other comments from commissioners. Someone spoke from the back of the room; the Chair noted that public comment had been closed. She then announced that she would reopen Open Public Comment at 11:01 a.m., and Don Reynolds once again addressed the Commission.

- Don Reynolds, an unregistered speaker, regarding the need for public hearings to be conducted on the matter of clothing optional use at State Park units and his request that such hearings be scheduled.

Chair Hart asked if there were any additional speakers. There being none, the Chair again closed Open Public Comment.

**AGENDA ITEM 7:
ADJOURNMENT**

There being no further comments or questions, Chair Hart asked for a motion to adjourn. Motion Commissioner Witt, second Commissioner Johannessen. Chair Hart adjourned the meeting at 11:05 a.m.

ATTEST: These minutes were approved by the California State Park and Recreation Commission on October 21, 2011, at its duly-noticed public meeting in Sacramento, California.

By: _____ ORIGINAL SIGNED BY _____ Date: 10-21-11

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
Auditorium of the State of California Natural Resources Building
1416 9th Street, First Floor, Sacramento
Friday, July 8, 2011 - 9:00 a.m.

AGENDA of the MEETING

1. Approval of minutes of the March 2, 2011 meeting in San Jose
2. Chair's Report, Commissioner reports/comments, Recognitions
3. Approval of Special Redwood Groves – as requested by Save the Redwoods League
4. Director's Report, including a presentation on California State Parks' *Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh* therefore
5. Public Hearing
 - A. Consideration and possible action on the Department of Parks and Recreation recommendation to classify and name the project property on the West Sacramento riverfront as a state park named California Indian Heritage Center State Park
 - B. Consideration and possible action on the Department of Parks and Recreation recommendation to approve the general plan and environmental impact report for the California Indian Heritage Center State Park
 - C. ~~Consideration and possible action to adopt a revised Commission policy on alcoholic beverages - Agenda item canceled~~
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