

# **CALIFORNIA STATE PARK and RECREATION COMMISSION**

San Diego Marriott Mission Valley  
8757 Rio San Diego Drive  
San Diego, California

## **Minutes of the Meeting · Friday, February 11, 2005**

### **COMMISSIONERS PRESENT**

Joseph Cotchett  
Caryl Hart  
Gail Kautz  
Sophia Scherman  
Bobby Shriver, CHAIR  
Phillip Tagami  
Paul Junger Witt

### **COMMISSIONERS ABSENT**

Raquelle de la Rocha  
Clint Eastwood, VICE CHAIR

### **STATE PARKS STAFF PRESENT**

Ruth Coleman, Director  
Jeanice Davis, Project Lead, Anza-Borrego Desert State Park General Plan  
Mat Fuzie, Superintendent, Colorado Desert District  
Mark Jorgensen, Superintendent, Anza-Borrego Desert State Park  
Clay Phillips, Project Manager, Anza-Borrego Desert State Park General Plan  
Tim La Franchi, Chief Counsel  
Jim Luscutoff, Chief, Concessions and Reservations Division  
Louis Nastro, Assistant to the State Park and Recreation Commission  
Rick Rayburn, Chief, Natural Resources Division  
Paul Romero, Chief Deputy Director  
Kathryn Tobias, Senior Staff Counsel  
Wayne Woodroof, General Planning Manager

### **SPEAKERS REGISTERED/REPRESENTING**

Harriet Allen/Individual  
Byron Anderson/Desert Protective Council  
Jim Arbogast/California Off-Road Vehicle Association (CORVA)  
Preston Arrow-weed/Ah-Mut Pipa Foundation  
Charles Bennett/Anza-Borrego Foundation  
Anne Bogardt/Borrego Springs Unified School District  
Walter Boyce/Individual  
Cindy Burrascane/California Native Plant Society  
Charles Clayton/Mountain Coalition  
Robert Coates/San Diego County Trails Council  
Pete Conaty/Off-Road Business Association  
Courtney Ann Coyle/Kwaaymii Indians

## **SPEAKERS REGISTERED/REPRESENTING - CONTINUED**

John Degenfelder/Anza Borrego Trails Assessment Team  
Joan Embrey/Individual  
Sara Feldman/California State Parks Foundation  
Rick Fisher/California Off-Road Vehicle Association (CORVA)  
Jennifer Foster/Public Lands for Public Use  
Brian Fusilier/Hemet Jeep Club  
Valerie Fisher Gates/Individual  
Sharma Hammond/Defenders of Wildlife  
Erica Harrold/Office of Assembly Member Bonnie Garcia, 80th Assembly District  
Jan Haugley/Individual  
Kathleen Hayden/CETLC-BCHCCSB DEL SOL CSHA  
Ryan Henson/California Wilderness Coalition  
Larry Hogue/Individual  
Denver Howard/Hemet Jeep Club  
David Hubbard/CORVA, SDORC, ORBA, AMA-37  
Nancy and Brennan Jennings/Individuals  
Jeanne Johnstone/Individual  
Bryn Jones/California Wilderness Coalition  
Kathryn Jones/Individual  
Robert Jones/Individual  
Chuck Kenyon/Individual  
Julie Krogh/Individual  
Diana Lindsay/Individual  
Carol Lockwood/Individual  
Carmen Lucas/Kwaaymii Ancestors  
Callie Mack/Individual  
Nancy Bruner McIntyre/Hemet Jeep Club  
Nola Michel/Back Country Horsemen of California (BCHC) Caballeros de Sol Unit  
Senator Bill Morrow/38th Senate District  
Ray Mouton/Individual  
Dana Nichol/California League of Off-Road Voters  
Candace Oathout/Citizen's Against Recreational Eviction-USA, Warrior's Society  
Dave Otis/Colorado Desert Archaeology Society  
Mike Overcast/Individual  
Carolyn Powers/Citizens Against Recreational Eviction, San Diego  
Philip Pryde/San Diego Audubon Society  
Helena Quintana/Individual  
Jim Ricker/Individual  
Jonathan Sassani/Office of Assembly Member John Benoit, 64th Assembly District  
Terry Senty/Individual  
Pete Spencer/Back Country Horsemen of California (BCHC) Redshank Riders  
John Stewart/California 4-Wheel-Drive Clubs  
Herb Stone/Individual  
J.C. Thomas/San Diego Gas & Electric  
Trudy Thomas/Individual  
Wayne Todd/California Off Road Vehicle Association (CORVA)  
Richard Tynan/TRVEA  
David Van Cleve/Individual  
Ed Waldheim/California Off Road Vehicle Association (CORVA)

## **SPEAKERS REGISTERED/REPRESENTING - CONTINUED**

Erica Warren/Office of State Senator Dennis Hollingsworth, 36th Senate District  
Sam Webb/Honorary Mayors of Borrego Springs  
Terry Weiner/Individual

## **CALL TO ORDER**

Legal notice having been given, this meeting of the California State Park and Recreation Commission was called to order at 9:09 a.m. by Chair Bobby Shriver. Chair Shriver introduced the commissioners present, noting that Commissioner Cotchett was not yet in attendance but was expected shortly. Chair Shriver also introduced State Parks Director Ruth Coleman, Chief Deputy Director Paul Romero, Chief Counsel Tim La Franchi, and Colorado Desert District Superintendent Mat Fuzie.

## **APPROVAL OF MINUTES OF THE SEPTEMBER 17, 2004 MEETING IN PACIFIC GROVE**

Chair Shriver asked for a motion to approve the draft minutes of the September 17, 2004 meeting in Pacific Grove if they met with the commissioners' approval. Motion Commissioner Witt, second Commissioner Scherman. The commissioners voted unanimously to approve the minutes as submitted.

## **CHAIR'S REPORT - RECOGNITION OF EMPLOYEE RETIREMENTS**

Chair Shriver introduced Commission Sophia Scherman who read the names of staff members who had recently retired from California State Parks:

Judy Anderson .....	16 years, 4 months
Jacqueline Ball .....	29 years, 7 months
Wesley Barry .....	33 years, 8 months
Margaret Bevilacqua .....	23 years, 4 months
Dean Biagi .....	27 years, 6 months
Donald Billigmeier .....	24 years, 3 months
Michael Boyd .....	34 years, 5 months
Dennis Carriere .....	27 years, 1 month
Karl Ciccone .....	31 years, 3 months
Jackie Collins .....	34 years, 9 months
Michael Curry .....	29 years, 4 months
John Deck .....	21 years, 2 months
Walter Deleu .....	31 years, 5 months
Billie Elliston .....	25 years, 9 months
Kenneth Fetherston .....	30 years, 8 months
Donald Fuller .....	27 years, 2 months
William Gosch .....	30 years, 9 months
Richard Guiney .....	30 years, 6 months
Dennis Hanson .....	29 years, 5 months
Melvin Harada .....	21 years, 3 months
John Harbison .....	29 years
Joann Helmich .....	21 years, 10 months
Beverly Holt .....	13 years, 8 months
Kenneth Huie .....	28 years, 11 months
Eugene Itogawa .....	30 years, 10 months
Roland Jacobs .....	28 years
Clarence Karber .....	17 years, 3 months
John Kelly .....	29 years

Hans Kreutzberg .....	30 years, 4 months
Jene Laxague .....	27 years, 5 months
John Magee .....	26 years, 7 months
Eiji Matsumoto .....	23 years, 11 months
John McBride .....	28 years, 8 months
Joseph Mette, III .....	31 years, 8 months
Harry Miller .....	16 years, 7 months
Linda Mitchell .....	16 years, 4 months
Marsha Moss .....	27 years, 7 months
Leonard Ortiz .....	28 years, 4 months
Kay Parkman .....	15 years, 9 months
John Perez .....	22 years, 5 months
David Perry .....	19 years, 4 months
William Price .....	32 years, 10 months
John Quayle .....	28 years, 4 months
John Rumming .....	24 years, 9 months
Kenneth Schon .....	25 years, 4 months
Richard Silver, Jr. ....	23 years, 6 months
Douglas Simpkins .....	24 years, 7 months
Elizabeth Smart .....	29 years, 5 months
Sally Smock .....	23 years
Raymond Spencer .....	35 years, 4 months
Mary Stokes .....	30 years
Bruce Thomsen .....	24 years, 10 months
Edward Travis .....	14 years, 11 months
Charles Willard .....	32 years, 1 month
Jon Wright .....	26 years, 1 month
John Zillig, Jr. ....	23 years, 10 months

Commissioner Scherman noted that the service of these individuals represented a considerable number of years. She congratulated these staff members on their retirement and expressed the Commission's appreciation to each of them each of them for their passionate dedication to California State Parks.

Chair Shriver thanked Commissioner Scherman for reading the list of retirees.

## **APPROVAL OF SPECIAL REDWOOD GROVES**

Chair Shriver introduced this agenda item by explaining that naming opportunities for memorial or special redwood groves are provided by Save-the-Redwoods League and Sempervirens Fund in many state parks. Families, individuals, or groups make donations to Save-the-Redwoods League or Sempervirens Fund, and the Commission takes this opportunity to express its thanks for the generosity of these donors. The Chair then asked Commissioner Gail Kautz to read the resolution to establish the following groves:

As Requested by Save-the-Redwoods League:

Samuel Baumann Family Grove in Humboldt Redwoods State Park  
*Lana and Erik Petersen*, donors

Kimberley Joan Culpepper Memorial Grove in Wilder Ranch State Park  
*Andre Gressiex and Friends*, donors

Ruth & Spencer Overholser Grove in Wilder Ranch State Park  
*Mr. & Mrs. Spencer Overholser*, donors

Special Redwood Groves as Requested by Save-the-Redwoods League, CONTINUED:

Karl W. Weber Family Grove in Prairie Creek Redwoods State Park  
*Mrs. Josephine Weber*, donor

Special Redwood Groves as Requested by Sempervirens Fund:

Ruth Benzing Memorial Grove in Castle Rock State Park  
*Steven E. Benzing and Jeff Benzing*, donors

Evelyn Lester Bryan Memorial Grove in Castle Rock State Park  
*Robert and Linda Frazer, John and Sandi Frazer, Diana and Charles Zinzer, and Ross Bryan*, donors

Jerome & Sylvia Cherin Memorial Grove in Castle Rock State Park  
*Cherin Jones*, donor

Carlino Family Grove in Big Basin Redwoods State Park  
*Thomas Carlino*, donor

Luther C. Izmirian Memorial Grove in Big Basin Redwoods State Park  
*Grace Izmirian*, donor

Michael's Summit Grove in Castle Rock State Park  
*Tom and Brook Foster & Kip and Beth Myers*, donors

Dick Mansfield Redwood Grove in Big Basin Redwoods State Park  
*The Mansfield Family*, donors

Jane Sears Knourek Memorial Grove in Castle Rock State Park  
*Robert & Diane Knourek*, donors

Commissioner Kautz moved that the Commission adopt the resolutions establishing these groves. The motion was seconded by Commissioner Scherman. The commissioners voted unanimously to adopt the resolutions establishing these special redwood groves.

Chair Shriver welcomed Commissioner Cotchett, who joined the other commissioners on the dais.

## **DIRECTOR'S REPORT**

Chair Shriver called on State Parks Director Ruth Coleman to present her Director's Report.

Director Coleman noted that in the interest of time a written Director's Report had been provided to the Commission. The Director called the commissioners' attention to the copies of the report that were before them, noting that the report highlighted the major events that occurred at State Parks since the last Commission meeting. Director Coleman added that she wished to provide a verbal report on two topics:

**Budget Update** – The Director stated that given the current fiscal climate, State Parks had been well treated by the Governor's Administration. She noted that only a small budget reduction had been imposed, much smaller than the reduction of several years ago. The Director noted that the opportunity existed to generate additional user fees, and that these funds could be used for much-needed wastewater treatment projects. She stated that in the aggregate, State Parks was in good fiscal condition, though she noted that in some ways State Parks was still recovering from the budget reductions of several years in the past.

**Fee Adjustments** – Director Coleman reminded the commissioners that some park user fees had been increased for 2005. The Director explained that State Parks needed to raise an additional \$18 million; \$15 million to make up for the budget reduction, and an additional \$3 million to allow an increase in the number of temporary employees and perform needed maintenance. Director Coleman stated that she was pleased to report that in July through December of 2004, revenues had been 95% of those anticipated, adding that

the department was well on the way to meeting its goals. Director Coleman noted that State Parks would not be sustaining a cut to its baseline budget, and that she was optimistic that an additional \$3 million could be generated to help decrease the backlog of deferred maintenance projects.

Director Coleman concluded her report.

Chair Shriver asked if there were any questions from the commissioners on the Director's Report. There being none, Chair Shriver thanked Director Coleman for her report.

## **PUBLIC HEARING**

Chair Shriver opened the public hearing portion of the meeting at 9:21 a.m. The Chair explained that time limits would be imposed on speakers who wished to address the Commission, adding that the commissioners wished to hear from everyone who wished to speak. The Chair noted that given the large number of speakers that had already registered, strictly-imposed limits on each speaker were the only way to accomplish this. The Chair explained that each speaker would be allowed three minutes, and there followed a demonstration of the timer that would be employed to monitor each speaker's time. He also asked for those wishing to address the Commission to complete a speaker registration form. Chair Shriver asked that speakers please adhere to the Chair's authority regarding time limits and conduct of the meeting.

The Chair noted that the concessions consent items that appeared first on the agenda would be moved to after the Anza-Borrego Desert State Park agenda items.

### **Consideration and action on the Department's proposal for approval of the Preliminary General Plan and Environmental Impact Report (EIR) for Anza-Borrego Desert State Park**

Chair Shriver explained that in addition to the materials already presented to the Commission, there would now for the benefit of the public be a brief presentation on the Anza-Borrego Desert State Park General Plan.

Clay Phillips, Project Manager for the Anza-Borrego Desert State Park General Plan, and Mat Fuzie, Superintendent of State Parks' Colorado Desert District, narrated a slide presentation on the history of the park, including prior Commission actions. The presentation highlighted the development and proposals of the new Anza-Borrego Desert State Park General Plan, emphasized the public process that was employed in the creation of the plan, and described the recreational aspects of the plan's proposals. The presenters also explained that an extensive public process would be employed in the development of the more detailed management plans that would be created in the future.

Chair Shriver thanked the presenters and asked if there were any questions from the commissioners. There being none, the Chair introduced General Planning Manager Wayne Woodroof to read into the record the staff recommended changes to the general plan.

Mr. Woodroof explained that three additional letters had been received since the close of the public comment period associated with the recirculation of the preliminary general plan. He noted that the letters were from Sempra Utilities, from San Diego Gas and Electric, and from the Back Country Horsemen's Association. Mr. Woodroof further explained that after reviewing these letters, staff recommended changes to the text of the general plan, and that these additions to the general plan had been made to clarify that the proposed wilderness designations would not impact existing easements or transmission lines owned or operated by San Diego Gas & Electric. Mr. Woodroof stated that an additional change was made to clarify that equestrian camping was not being proposed in the area known as the Lucky 5 Ranch, because of this area's culturally-sensitive archeological resources. He added that the plan still recommended that equestrian camping opportunities be provided near, but not on, the Lucky 5 Ranch parcel. Mr. Woodroof added that these changes were incorporated into the documents that the commissioners received, as well as in the proposed resolution that was before the Commission.

Chair Shriver thanked Mr. Woodroof. The Chair then asked if anyone in the audience wished to see the staff recommended changes to the plan, and he pointed out that copies of the changes were available at the table near the entrance to the meeting room. The Chair also noted that Wayne Woodroof could be reached through the Chair to answer questions about the staff recommended changes.

Chair Shriver noted that members of the public were continuing to join the meeting in progress, and for their benefit he asked again that those who wished to address the Commission please complete a speaker registration form.

The Chair asked if there were any questions from the commissioners on the staff recommended changes to the Anza-Borrego Desert State Park General Plan. There being none, Chair Shriver opened public comment on this agenda item. He introduced State Senator Bill Morrow, explaining that the Chair would allow elected officials to speak for longer than the three-minute time limit.

**Senator Bill Morrow, 38th Senate District** – Thank you. Mr. Chairman, Commissioners, Director Coleman. I am State Senator Bill Morrow, and I represent the 38th Senate District, that's in north San Diego County. I will confess to you it does not include any of the Anza-Borrego Desert State Park. However, and don't get me wrong, I don't mean to suggest this as bragging, but I think it is fair to say that among all the legislators in the California legislature, I am perhaps the most knowledgeable of the Anza-Borrego Desert State Park area. And frankly that goes back some time ago. First, for me as a boy, along with my family who at that time lived in Salton City, and throughout the years as a young man, right up to today, and even now alongside my own nine-year-old boy, throughout all those years we did and we continue to roam and to explore pretty much all parts of what is now the Anza-Borrego Desert State Park. And I know that many here today will certainly attest to the fact from the moment of my election 13 years ago, in the state legislature, I have involved myself in desert state park issues, on many areas in the forefront, and I can assure you it's all been a labor of love from the beginning. Commissioners, I hope that you recognize that this general plan is indeed, it is a milestone. It's a milestone because the park has never had a general plan and this is the very first one. It will dictate how the park will be used in the near-term, and more than that, it will dictate how future plans will be developed. For this reason, I think it is incumbent, it is important that we do this one right. As you know, it was indicated in the slide show that this park is a large one consisting of over 600,000 acres. Indeed it's the largest in California, if not the nation, but for purposes of my comments, I want to focus on just one part of the park, and that is what is known as Coyote Canyon Road, which as you saw runs in a north-southernly direction, connecting the southwest Riverside County areas with the northeast San Diego County areas. Now, nothing about this park perhaps generates more emotion and passion and controversy I suppose, as Coyote Canyon Park Road and the State Parks decision to close that road to all motor vehicles that occurred in 1995, as was again indicated in that slide presentation. The proposed general plan, however, assumes that Coyote Canyon Road will remain closed. Indeed, the plan proposes, as you've indicated, new wilderness areas immediately adjacent to the road, a concept that appears at least to me designed to stop any attempt to reopen the road or to have a realignment elsewhere, or an alternative route. By developing the plan in this way, State Parks has also assumed that the road was lawfully closed in 1995. Now Commissioners, with all due respect, I am here to challenge that assumption. The fact is, and as substantiated by numerous historical and public records and sources, Coyote Canyon Road has existed as a public thoroughfare long before the Anza desert state park was ever established. In the 1700s, the road was formed as part of a transport route used by Juan Bautista de Anza. In fact, again as noted, it was designated by the federal government, and this portion of Coyote Canyon Road, as part of the Juan Bautista National Historic Trail. And throughout the 1800s and the 1900s, it was used by cattle ranchers moving their stock between water holes and pastures. The road has also been used for other forms of economic activity, including the transport of mining products, including gold, gypsum, calcite, all then to the larger transportation corridors leading to San Diego and Los Angeles. In the 1920s, horses and wagons gave way to motor vehicles, cars and trucks, which continued transporting these types of products along Coyote Canyon Road. When California achieved statehood, all the land that we're talking about, that currently comprises the park, was owned by

the United States Government, which continued to own much of this land until 1937 when the Department of the Interior granted the State of California for purposes of creating a desert state park. When the State of California accepted the grant, it took the land subject to all the rights that were then attached to it, including the public's right to continue using Coyote Canyon Road. I say that because, under the federal statute known as Revised Statute 2477, or RS2477, this right was preserved and protected against future infringement by the state. Now, I will acknowledge that there are some authorities who have taken the position that RS2477 only protects mining roads and nothing else. But even assuming, without conceding what I believe to be a narrow reading of RS2477, Coyote Canyon even then would qualify for protection. Documents maintained in the State of California archives, as well as documents maintained by the Federal Bureau of Land Management, established that mining activities were pervasive throughout the lands that now comprise the Anza-Borrego Desert State Park, before and after those lands were granted to the state. Those same documents indicate that miners accessed their claims and transported minerals by way of established trails and washes including Coyote Canyon Road. In short, by virtue of the public uses it supported, Coyote Canyon Road attained RS2477 status prior to the establishment of the park and when the park was created, Coyote Canyon automatically became part of the road systems in both San Diego and Riverside counties. Under California law, by the way, it wasn't necessary for either county to take any formal action to accept the road. Public use was sufficient in and of itself. Since 1937, neither San Diego County nor Riverside County has ever relinquished its jurisdiction over this road, and between 1937 and 1995, at least, State Parks honored the history and the legal status of Coyote Canyon Road and respected the jurisdiction of both San Diego and Riverside Counties over that road. But, in 1995, as indicated, State Parks took an extraordinary step of unilaterally closing the 3.1-mile segment of that road, dismembering it, and essentially making it useless as a public thoroughfare. According to State Parks, it closed the road for environmental reasons, to prevent damage to natural resources. This raises two questions. First, did State Parks have jurisdiction to close the road, and second, did State Parks close it for the proper purpose and according to the proper procedures. Commissioners, beg my indulgence, I am a lawyer. And I have researched this myself, and I am not content to have that stand alone on my own efforts. In fact, as a state senator, indeed, as any state senator or any state assembly, I have access to a highly-regarded battery of attorneys known as the legislative counsel. And they in fact, in a letter dated March 9, 2004, last year, I asked the legislative counsel the same basic question I've raised here. Did State Parks have authority to close Coyote Canyon Road? And in their response to me, the lawyers of the legislative counsel office made the following statements; I think it's important for you to hear it. I quote: "Under the reasoning of Humboldt County versus United States, Coyote Canyon must have been related to economic development to qualify for RS2477 protection. The facts you have provided state that Coyote Canyon Road was used by farmers, ranchers and miners, and connected gold, gypsum and calcite mines to the larger transport corridors leading to San Diego and Los Angeles. Under these facts, it is likely that Coyote Canyon would fulfill the requirement of being related to economic development. Based on the facts you have given us, there appears to be an initial factual basis upon which to assert that Coyote Canyon Road is a highway established pursuant to RS2477." The leg counsel opinion went on to say that if Coyote Canyon Road is considered a state highway, then the state Department of Transportation, not State Parks, shall have full possession and control of the road. Further, Cal Trans may only close state highways, and then only for two reasons. Number one, either for the protection of the public, or number two, for the protection of the highway from damage during a storm or during construction improvements or maintenance. And if Coyote Canyon is considered a county road, the county, not the State Parks, not Cal Trans, has control over those roads. And only the county can close it. Moreover, the county can only close it to protect the public or protect the road during a storms, during construction improvements or maintenance. As I said, no one, not State Parks, not Cal Trans, not San Diego County, not Riverside county, no one may close any public road including Coyote Canyon Road for environmental reasons. Now ladies and gentlemen, I will acknowledge, I know there are at least some here who would view this as sounding unbelievably blunt, if not harsh. So let me directly quote, again from that opinion: "Under the provisions discussed above, the Department of Transportation, the California Transportation Commission, and specific local entities are the entities of government organized, authorized to close highways. While Department of Parks and Recreation generally

has control of the state parks system, the Department of Transportation retains authority over state highways in state parks, and counties retain jurisdiction over county highways in state parks. The Department of Parks and Recreation is given no authority to close or vacate with respect to those highways that cross state park land unless a city or county relinquishes that authority to the Department of Parks and Recreation pursuant to Section 5152 of the Public Resources Code. Thus, it is our view that absent such a relinquishment of city or county jurisdiction, the Department of Parks and Recreation may not close a highway or portion thereof that crosses state park land. Additionally, under the provisions discussed above, highways may be closed or vacated only for specified reasons which do not include environmental concerns. Thus, it is our view that even if the Department of Parks and Recreation were authorized to close a highway or portion thereof that crosses the state park land, it could not do so for environmental reasons. It is our view therefore that if Coyote Canyon Road is a highway established pursuant to RS2477, the Department of Parks and Recreation did not have authority to close that 3.1-mile portion of Coyote Canyon Road in Anza-Borrego Desert State Park in 1995 for environmental reasons.” Commissioners, I don’t think it could’ve been said more clearly, and I’ve spoken at length on the issue because of the importance of this issue. And you noted earlier, people are here because this park means something to them. It means something to me and my family. Coyote Canyon is a part of California’s history for over 225 years. It’s not something that can be nor should be dismissed lightly. Regardless of its good intentions, State Parks simply did not have authority to close Coyote Canyon Road in 1995. And the mere passage of time does not operate to give State Parks that authority or ratify the unlawful closure. It’s critical that State Parks correct this error without further delay, the road must be reopened and the park’s general plan must be resigned to take this into account. And consequently, for this reason I am formally requesting State Parks postpone taking action on this proposed general plan and the EIR until the dispute over Coyote Canyon is resolved. And the fact that in this plan, the general plan as proposed, it seeks to establish wilderness areas directly adjacent to this road in Coyote Canyon, I think that provides ample and additional justification for postponement. With that I thank you for allowing me to be here. Mr. Chairman, if it might be all right, in the formal presentation as it were, I’ve given you some issues and if Mr. David Hubbard perhaps can come up, I think he can tie it all together and give you some specifics if he could follow me.

Chair Shriver replied that he preferred to adhere to his stated plan of calling elected representatives before hearing from members of the public. The Chair stated that he also was an attorney, as was Commissioner Cotchett, and that while he recognized that some of Senator Morrow’s arguments would be appropriate to a court of law, the State Park and Recreation Commission was not a court of law.

**Senator Morrow** – I just want to bring it to your attention that we do have a formal presentation, Mr. Hubbard... I guess I’m lead off and he’s going to be clean up.

Chair Shriver stated that he would call Mr. Hubbard in a manner consistent with the other public speakers. The Chair then asked if the commissioners had any questions for Senator Morrow.

Commissioner Cotchett stated that he believed Senator Morrow’s analysis was correct, in that the Commissioner had a great regard for the competency of the legislative counsel. Commissioner Cotchett then asked Senator Morrow if the statements he had made today had been brought to State Parks before.

**Senator Morrow** – You’re referring to the legislative counsel issue?

Commissioner Cotchett stated that he was referring to Senator Morrow’s position regarding the closing of Coyote Canyon.

**Senator Morrow** – Yes it has.

Commissioner Cotchett asked who brought this information to State Parks.

**Senator Morrow** – I have, directly through the Secretary of Natural Resources, Mr. Chrisman.

Commissioner Cotchett asked what the response had been.

**Senator Morrow** – Unfortunately, I don’t want to put words in the Commission, or the Department...

Commissioner Cotchett asked if the response the Senator had received could be called “stonewalling.”

**Senator Morrow** – I am trying to be polite. Let me state to you what I think is the legal position, if you will, that’s been presented. And that is, they are not acknowledging Coyote Canyon Road as a road that’s recognized under RS2477, for this purpose, let me continue, is that it wasn’t until some time after its acquisition as a state park that it became a jeep trail and a road. And at least from my point of view, indicates a, again I’m trying to be delicate here, but putting the head in the sand in terms of historical accuracy and facts, which we are in the process of course of bringing to light in the state archives and elsewhere.

Commissioner Cotchett thanked Senator Morrow.

Chair Shriver asked if there were any further questions from the commissioners for Senator Morrow.

Commissioner Hart commented that it was her understanding that the closing of Coyote Canyon was not before the Commission today. She asked Senator Morrow to correct her if this was wrong.

**Senator Morrow** – If I might amplify on that. Number one, while there has been litigation, not one mention has ever been made in the past of RS2477. In fact, while I may be a lawyer I’m not a perfect lawyer and I don’t specialize in this area. It was barely a year ago that I’d heard for the first time what Revised Statute 2477 was. By the time I got into it, I became very interested and obviously the word has spread on that. You’re right, this is not a courtroom. I’m not presenting legal arguments, there’s no questions of admissibility, but we are a public body, and it’s incumbent upon me, it’s incumbent upon you, to look at all the facts. Everything that we are mentioning here today may well be heard in a court. I hope not. Because I think the park can take action right now to rectify its decisions in the past, conform it with the law, and all the expenses on both sides if you will, by the government, by special interest groups, in litigating this issue perhaps in the future, can go towards constructing an alternative route. To me that is the much better, a wiser choice of expenditure of time, energy and resources. I think that is a valid consideration for this Commission in viewing its general plan for the future.

Chair Shriver thanked Senator Morrow and asked if the commissioners had any further questions for him. There being none, the Chair asked State Parks’ Chief Counsel Tim La Franchi to comment on the Senator’s statements.

Mr. La Franchi stated that State Parks had conducted several meetings and had corresponded with off-highway vehicle user groups to discuss the issue of Coyote Canyon, and that he personally had participated in at least one meeting where Senator Morrow was present. Mr. La Franchi stated that State Parks’ position on this issue had been clear and consistent. He further stated that the relevance of Revised Statute 2477 to this issue required evidence that a road had been established in and through the Coyote Canyon location prior to 1927 when Anza-Borrego Desert State Park was established. Mr. La Franchi stated that while anecdotal references existed, research conducted by State Parks, including discussions with off-highway vehicle user groups and others, had failed to establish evidence that a road existed through Coyote Canyon prior to 1927. Mr. La Franchi continued that the existing evidence indicated that the path through the canyon was established in the late 1940s or early 1950s, as a recreational route for four-wheel-drive off-highway vehicles when off-roading became a popular recreational activity after World War II. Mr. La Franchi also stated that in regard to Cal Trans or county authority over roads, it would be necessary for a road to be adopted as part of the state highway system for Cal Trans to have jurisdiction over it, and that this had not occurred with the Coyote Canyon route. He further explained that the county would have to consider this as an established route to have jurisdiction. Mr. La Franchi clarified that State Parks’ research had revealed that the route had been included in a county general plan at one time, but that it had been removed from the plan. He further stated that California Streets and Highways Code, Section 122, required approval of the Director of the Department of Parks and Recreation before a county road could be established through a state park, and that this had never occurred. Mr. La Franchi concluded by stating that this was a basic summary of State Parks’ position on this issue.

Chair Shriver thanked Mr. La Franchi and noted that while this subject could be debated at length, it was

his wish to hear testimony from the other elected representatives and members of the public who were present. The Chair then asked that speakers who had materials for the Commission's review to provide those materials to the Commission assistant before speaking. He then called representatives of the two other elected officials that were present:

**Erica Warren, Office of State Senator Dennis Hollingsworth, 36th Senate District** – Erica Warren, field representative for State Senator Dennis Hollingsworth who represents the 36th Senate district which includes the Anza-Borrego Desert State Park. (Ms. Warren then read a prepared statement from the Senator) Thank you for giving me the opportunity to comment today. The Anza-Borrego Desert State Park comprises a large section of my senate district. I have reviewed the preliminary general plan and received comments from many of my constituents who have expressed strong reservations with this plan as it has been written to date. The Anza-Borrego Desert State Park has been in existence since 1933, and over the last 72 years, this park has existed without a general plan. While I understand that the Public Resource Code and the California Administrative Code requires that there be a general plan, it occurs to me that the plan should include all aspects of park planning, including the wise use of this natural resource for all the public, including a myriad of recreational uses enjoyed by tens of thousands of Californians, and my constituents. Yet the draft plan stays incomplete. Selections regarding the management of camping, roads, trails, resources, and facilities are missing. I strongly request that this plan be revised to include those important missing aspects. That those activities be given a fair shake. And that the plan be redistributed for another round of public review prior to it being finalized. As you know, I have formally requested this along with other interested legislators, including Senator Morrow, previously in written form. Furthermore, those who utilize this area for a variety of recreational purposes should be given the opportunity to provide their comments on the plan in a proper forum and be dealt with fairly. I would also like to reserve the opportunity to submit additional, more detailed comments on any future revised general plan given these changes. As you go about accomplishing this important task it is my desire that you will seek to find a balance of uses that reflect the value we all recognize the park represents, and keeps both the stewardship of this natural jewel and the availability for all public to use this public resource at the heart of the final plan. Thank you.

**Jonathan Sassani, Office of Assembly Member John Benoit, 64th Assembly District** – Good morning, my name is Jonathan Sassani, I'm with Assemblyman John Benoit's office. I would just like to thank the Commission for allowing me to be here today and speak on the Assemblyman's behalf. He represents the 64th assembly district which incorporates a part of Coyote Canyon north of Middle Willows. He would just like to send his comments being that he has some concerns about the currently proposed general plan, most notably being the Coyote Canyon Road. Our office has received much correspondence regarding this issue. The Assemblyman, taking into account all the correspondence, feels that an equitable plan that is respectful to all forms of recreation, would best serve his constituents and all the visitors to the park, and he requests that the Commission postpone adoption of any plan until that is met.

**Erica Harrold, Office of Assembly Member Bonnie Garcia, 80th Assembly District** – Good morning, my name is Erica Harrold. I'm district director for Assemblywoman Bonnie Garcia who represents the 80th District, including Imperial County and portions of Riverside County. I would just like to make a few brief comments this morning. I thank you for allowing me to be here and speak on Assemblywoman Garcia's behalf. Assemblywoman Bonnie Garcia commends the efforts of the Commission to balance the public use of Anza-Borrego Desert State Park, with the protection of natural and cultural resources. However, she is concerned that the current general plan proposal does not adequately take into account the increasing needs of our growing population here in the State of California. The current general plan does not close any current roads, however the addition of new wilderness areas it does significantly inhibit the future development of new access roads in the recreational areas. Assemblywoman Garcia asks that you please thoughtfully consider the taxpayers of the State of California, their increasing population and the increase in recreational needs that they do have, and the access they need that Anza-Borrego Desert State Park. Thank you very much.

Chair Shriver thanked these speakers. He then stated that he wished to acknowledge that the Commission had also received letters from other elected representatives, including State Senator Denise Ducheny and Assemblyman Ray Haynes, and that these comments had been noted and would be included in the record of the meeting. Chair Shriver then called the first public speaker, noting that speakers would be called in the order they had registered, reminding speakers that they would be limited to three minutes each, and asking for speakers who had materials for the Commission to provide those materials to staff. The Chair also explained that he would be naming several speakers in the cue so that they could ready themselves.

**Charles Bennett, Anza-Borrego Foundation** – Good morning. Thank you for allowing me to speak. I'm Charles Bennett, President of the Anza-Borrego Foundation. The Foundation supports the adoption of the Anza-Borrego Desert State Park's general plan preferred alternative, as it is currently drafted. The Foundation has been a partner of the parks for more than 38 years. During this period we've added more than 30,000 acres of in-holdings and adjacent lands to the park. Additionally, in 2003, we partnered with the parks, U.C. Davis Wildlife Health Center, to launch the Anza-Borrego Institute providing education, interpretation, and research programs to augment the State Parks mission. The proposed general plan addresses the mission and provides a framework for the detailed management plan which will follow after plan adoption. These detailed management plans will also require public review and input. The current plan has done an admirable job of addressing the many needs of special interest user groups while preserving and protecting the resources. State Park personnel have met numerous times with all of the special interest user groups to address their concerns. Their input has been given consideration, and where possible, their requests have been included in the plan. Many of the special interests have conflicting views. And park staff has carefully considered the options and the plan fairly apportions the recreational opportunities to all of the groups. The staff at Anza-Borrego Desert State Park have done an excellent job of protecting the park's resources, plants, animals, as well as the archeological, paleontological and geological resources, while providing recreational opportunities such as camping, hiking, four wheel drive use, mountain biking and horseback riding. The current plan as proposed is very well balanced. No special interest group gets all they want. But they always receive a portion of their request. The Foundation has been involved in the process to bring the plan to this point. There are years of effort, thousands of hours of staff and volunteer time, and hundreds of thousands of dollars of the taxpayer that have been invested in this plan. The public process has been rigidly followed, all the requisite meetings have been held, staff has digested the thousands of comments, criticism, and prepared a plan which conforms to the mission, meets the legal requirements, and provides quality recreational opportunities for all user groups. The time is here now to approve the Anza-Borrego Desert State Park general plan. We at the Anza-Borrego Foundation fully support adoption of the general plan and recommend the Commission approve the plan today. Thank you.

**Dave Otis, Colorado Desert Archaeology Society** – Question: It's five minutes for an organization is that correct?

Chair Shriver replied that although speaker representing organizations had been provided five minutes at some times in the past, with the number of speakers present today, and in the interest of hearing every speaker, the Chair would limit each speaker to three minutes.

**Dave Otis, Colorado Desert Archaeology Society** – Okay. Mr. Chairman, members of the Commission and representatives from the senate and the assembly, and Ruth Coleman the Director. I'm Davie Otis. I was born and raised in San Diego, educated at San Diego State University and Berkeley, and I'm now retired from the University of Wisconsin where I spent 30 years. My wife and I are half year residents of Borrego Springs. I'm speaking on behalf of the Colorado Desert Archeological Society. We are a volunteer organization, there's about 40 of us with some under training, and our role is to assist the park staff in recording cultural features such as Native American habitats, old mining claims, ranches, roads and trails. In addition, we monitor those sites with an eye to protection and preservation. Several of our group are here today and we're recognized by these blue T-shirts. My purpose in speaking before the Commission is to express our strong support for the general plan. And in particular, we support the continued closure of the 3.1 miles between the Middle and Upper Willows of Coyote Canyon, a closure to motorized

vehicles. One of my first visits to this park was 50 years ago. I had an old military jeep, and with a friend we left Anza and drove down through Coyote Canyon, splashed our way through the rivers, and it was hardly a highway because in 20 miles we never saw a soul or another car. When we got to Collins Valley where we camped, there was a ranger at that time, they stationed a ranger there, and he was very happy to see us because he hadn't had any visitors, it was quiet. Well I didn't return to Coyote Canyon for 40 years, and it was about ten years ago that my wife and I and some friends were hiking. We parked at Lower Willows and walked the bypass highway. As we got to a hard spot, why one of the four wheel clubs had trekked down to Anza and they were coming over and we sat and watched them. And it was very entertaining and they were very good at it. And so we sat for awhile, there must've been over 100 vehicles that came through, and my impression was that they were very good at it and they were desirous of preserving the park as I was, or as we were. But as I watched this parade I could not help but recall my experience of 40 years ago and realized that how times have changed. We are in different times, and there is now 400,000 visitors to the park every year. And so things are different. So at any rate, I guess I ran out of time. We recommend approval of the general plan.

**Jim Arbogast, California Off-Road Vehicle Association (CORVA)** – Commissioners. My name is Jim Arbogast, I'm the Regional Director of CORVA, the California Off Road Vehicle Association. Right over here on the floor is some materials that I have out that if you can follow through with what I'm about to present here. Hopefully the Commissioners are not predisposed and this is, you know, I'm looking for an open mind, I want to slow it down and I'm at a disadvantage because I have a small amount of time. Anyway, just briefly, CORVA objects to this plan. There's already 400,000-plus acres, this plan can move it up to another 60,000, and that's going to turn this park into, 75% of it, as wilderness. It's evolving not into a park but more of a wilderness or preserve. With these are some documents right here, the first document I have is from a doctoral candidate for a prestigious law school, and a letter to the then-Director Rusty Areias. And in this document, you're going to see he talks about the Coyote Canyon Public Use Plan. Of course that has main deficiencies as he pointed out, that in a sense is what I consider a poison pill into the Anza-Borrego plan, because this plan would rubber-stamp that plan. And so in this, I don't have time to really get into detail but you're going to find a lot of deficiencies. He's really researched it very heavily. The next document is from, is involving the monitoring study which was five years, turned into seven years, which was used to further justify the closure that the parks created, and this is by Attorney David Hubbard and it is a lot of issues and problems related to that ecological study. It is not, it has many deficiencies, you need to look through that. Also I have here through my Public Records Act, you're going to see quite a document here involving issues that the 87 Lower Willows Reroute, and through the Public Records Act I dug all of this material up, because this can be done again. And you have a letter here from the director at that point, William S. Bryner, the Honorable Jim Livermore, the Commission, and in it he's enclosed a copy of the negative declaration for the riparian habitat restoration, comments received during the review period, copy of Resolution 8-86 passed by Park Rec Commission back in 1986, a copy of the proposal to amend the state wilderness boundaries, and a copy of specific drawings. The Upper Willows and the Middle Willows can be rerouted. Also here you have a copy, from the County of San Diego, back in July of 2002, is their adopted resolution asserting the county rights on the roads under United States Revised Statute 2477. The county never abandoned it, they never walked away from those roads. And this is important for you to know. I want to move quickly over here to some maps. I have copies of the maps because this was alluded to by Mr. La Franchi and also Senator Morrow, I want to share them with you. This here is a 1935 map of San Diego county. Here is a blow up section...

Chair Shriver reminded Mr. Arbogast that his time had elapsed, but that his maps and documents could still be brought to the Commission.

**Jim Arbogast** – Not even a little time, I'm representing a whole organization?

Chair Shriver explained to Mr. Arbogast that many of those who wished to speak represented organizations, but that given the limited amount of time available . The Chair then asked Mr. Arbogast if the information he was providing to the Commission had been previously provided to State Parks staff.

**Jim Arbogast** – This is my first time.

Chair Shriver noted that the materials Mr. Arbogast provided would be considered by the Commission and staff, but that the Chair could not, in fairness to other speakers, provide Mr. Arbogast with more time. The Chair also thanked Mr. Arbogast for providing the maps.

**Jim Arbogast** – It's on the map showing it's a county road.

The Chair asked Mr. Arbogast to provide the maps to Chief Counsel Tim La Franchi, after which the Chair called the next speaker:

**Candace Oathout, Citizen's Against Recreational Eviction-USA, Warrior's Society** – Thank you very much for the opportunity to address you today. I appreciate all of the time and effort that has gone into the developing this general plan. My concerns with it are as I read through the plan, first of all, the projected visitorship for the backcountry zone and wilderness area is projected to decline from 182,000 visitors a year to 16,500. This does not seem like a balanced and fair use of an area that is large in size and is faced with growing populations all around it. Additionally, we received just this morning when you did, the changes to the DEIR, we have not had an opportunity to review them or to even analyze what impacts they may have. I also feel very strongly that a lot of the language in the plan is value-based and does not have a scientific basis. So there is no way to measure the progress that might be made, either positive or negative. I would also like to point out that recent research has shown that in particular the vireo has reached a point where it could perhaps even be de-listed. So using protections for the vireo it would seem to me to be good sense to look at an adaptive management strategy that recognizes the impact and presence of humans through the Coyote Canyon area perhaps even by vehicle. Additionally, my concerns are we do have the reality of an aging population. I personally can no longer hike long distances. So Coyote Canyon is closed to me because I simply cannot get there. And that's a frustration. It's a precious resource that I would like to take my grandchildren out to see, but I'm not able to do that. So I'd like you to consider this carefully and review all of the information that's provided to you here today before making a decision. Thank you very much.

Chair Shriver reminded those who were speaking on behalf of groups to please identify their groups. The Chair also asked those who were just joining the meeting in progress to please complete a speaker registration form if they wished to address the Commission.

**Kathleen Hayden, CETLC-BCHCCAB DEL SOL CSHA** – Good morning honored commissioners and welcome to southern sunny California. I've been asked by the former congresswoman Helen Chenoweth-Hage to bring her greetings to the Commission this morning, and to impart to you a portion of her testimony to Congress and the House Resources Committee. She always starts out by saying it is important to note the definitions of these key terms that the right-of-way is defined as the right to cross the land of another, and an easement is defined as the right to use the lands of another. When she gives us the history of how we acquired our rights under the sovereignty of the state constitution of California, and then they were established for roads, and those are defined as roads, courts, places, trails, bridges, and all other routes that were laid out by early explorers, pioneers, including the federal government. So our access rights to travel from point A to point B were established through the constitution and through the 1872 political code of the State of California. RS2477 only affirmed those rights. Now we're not going to talk about roads, we're talking about the rights that were established, and RS2477 was a grant that reaffirmed those established rights under state sovereignty. And those rights were guaranteed under 43 USC 1701, and 43 USC 1769, the savings and takings clause of the Constitution of the United States. Our park bonds has allocated money for historic resources and AB1602 was signed by the governor in 2001 and provided \$1.72 million for acquisition, development, restoration, protection, rehabilitation, stabilization, reconstruction, and preservation and interpretation of our historical resources. And in his letter of 2002, State Park historian Alex Bevil states, "The management of our historic resources must be built around their interpretation as a part of the continuous flow of human experience within the park, with the emphasis on key features and circumstances." While DPR has mandated to take appropriate steps to preserve,

protect, restore and interpret historical resources, the ultimate responsibility lies in people like you. (Ms. Hayden's time expired) I'm sorry. We're on record to oppose this plan.

**Nola Michel, Back Country Horsemen of California (BCHC) Caballeros de Sol Unit** – Good morning, honored members of the Commission and others. Thank you for letting us speak today. I'm Nola Michel from the Back Country Horsemen of California. I'm an active member at the local level and serve at the executive committee level on the state board of the BCHC. One of my jobs is to tally-up service hours for members in our state organization. We donate labor and materials to the tune of the average of \$656,666.42 a year; that's a five year average. That figure's averaged out over a five year period. This is work all done on public lands in our state, admittedly not some state lands, most of them federal. Our Back Country Horsemen of California have a memorandum of understanding with the Forest Service, with the BLM, with the National Park Service, and to facilitate work on our public lands. We have asked you in the past for an MOU with our California State Parks and have been turned down, and we are here today asking once again to join in an MOU with this agency to facilitate work within our public state parks. Only 1/700th of 1% of the land mass in the Anza-Borrego Desert State Park is dedicated to recreation. More wilderness designation in the Anza-Borrego is not necessary, as the elements, the lack of water and heat most of the year, themselves limit man's travel in the backcountry of the Borrego. Cross country and wash travel should not be restricted as the next wind or rain wash the footprints away. Man and animal have been traversing this desert for thousands of years and we are not going to hurt it now. The plants here have to be hardy to survive and survive they do. Wilderness designation will only close off the recreation for those of us who want to be out in the backcountry. We are not really very many of us, compared to the general population. However, we treasure the desert and the backcountry experience. And thank you for your attention. I may be contacted at the numbers, and I wish to add to my written statement the comment that the volume of comments you're given today to read through, and in light that there has been no time to comment or review staff recommended changes we were just handed, we recommend that any vote of action on the general plan on the Anza-Borrego be postponed. Thank you very much.

**Richard Tynan, TRVEA** – My name is Mr. Tynan, I'm president of the TRVEA, also a former business person of Borrego Springs for 27 years. Most of the people don't understand that Borrego Springs is the only city that is surrounded by a state park, completely surrounded. And most of the property in Borrego Springs came under the homestead act that was settled when people went in. When you go up into Coyote Canyon, two of the canyons used to have grape vineyards in them, prior to the flood. Changing of Coyote Canyon, the most damage done in Coyote Canyon is by floods. When you're talking about the Middle Willows, and Upper Willows, and the Lower Willows, the flood changes all the roads in that area. When you're talking about making the bypass and everything else, it's because of the floods, the majority. People did not do that much damage to the canyon. And also in Borrego Springs and Coyote Canyon was the first white child born in the state of California, which is a monument there. And he is stating, 1937 I believe you stated, the road through Coyote Canyon, on your comment?

Chair Shriver and Mr. La Franchi clarified for Mr. Tynan that the year in question, before which there was no evidence of a road through Coyote Canyon, was 1927.

**Richard Tynan** – 1927. I think it was earlier than that because the cattlemen used that road to bring their cattle down from Anza and the Batey camp, I believe the state park has that noted at an earlier time than that. Because the cattlemen come in that drove their cattle through Coyote Canyon all the way over to Imperial County to the stock yards over there. We thank you very much.

**Jennifer Foster/Public Lands for Public Use** – Commissioners, thank you for allowing me this time. I come from the high desert area and I am going to refer to a letter that I wrote to Senator Ducheny. I wrote to her requesting that she support the reopening of Coyote Canyon to motorized use. The park is such a lovely place to visit, with so much of California's history in it. It makes it very difficult, my mother is 84 years old, she is an amputee, she goes with us. As you decline use, in the park, to motorized, you're cutting out a large section of California's people. People that they stay healthy, we take them out, they're

happy, we get them out of house, they see things they don't normally see. So I am with Public Lands for Public Use. We do sponsor multiple use. This route in Coyote Canyon also falls under the assertion of RS2477, that the San Diego Board of Supervisors did a cert for the people of the county. RS2477, is the route was in use and mapped and had historic use on it, prior to October 21, 1976, it was grandfathered-in. We took this issue to the San Diego Board of Supervisors. They agreed that they wanted to do this in our county. You have multiple trails running through there with historic use. All of those trails that have such history behind them, why did you want to cut more use of the park and increase wilderness? I don't understand that. I'm from the high desert, I'm surrounded by federal land. Down here it's state land. I see the same thing going on here as I did in federal land. I don't really believe that State Parks has the authority to close that route, and I would hope that you guys would look at it again and see a better judgment. Thank you.

**Pete Spencer, Back Country Horsemen of California (BCHC) Redshank Riders** – Esteemed Commissioners. I'm here today from the Back Country Horsemen of California, Redshank Riders Unit, based in Anza, California, which borders the park on the Riverside County side. I'd like to address a couple of issues. First off, there's been no public review of the final draft. Obviously that's something we have a problem with. And there are other issues that I'll address as well. The park visitor numbers, the park claims there are 600,000 visitors per year. If you do the math, there's about 180 days a year when anybody might want to be in the park, other than that, it's too hot there. If you break that down, that amounts to about 3,300-odd visitors per day. And if you were to go to the visitors center, that would be about 333 people per hour. And there is no way that the visitors center can hold 333 people per hour. And if you went through the rest of the park, you'd find that most of the usage is dispersed, and there is not that much usage. The park is closing trails, the California riding and hiking trail and the Mormon Battalion Trail, neither of which have been addressed in this document, as to how they're going to deal with that. It talked about having a trails assessment plan at some period of time. I believe that should be done before this final plan is, or before this plan is finalized. People have already talked about the historical usage of RS2477 routes. And you want to also add more wilderness in the top part of Coyote Canyon. That will make it more difficult for people to get into that area, as our population ages we have more and more baby boomers who are becoming less and less able to move around on their own. And, by closing off that area it makes it so that a lot of our population in California is not going to be able to see that part of the desert. There's not that many other parts of Anza-Borrego that are open to jeeps and to the public, you know, so that people can get there by motorized access. If you go there, you can get within a certain distance, but then you have to be able to walk. Let's see. Another issue is the wild horses. There were wild horses in Coyote Canyon that were removed within the last few years. They were illegally removed, the Wild Horse and Burro Act of 1971 says that no motorized herding method will be used to gather up any kind of animals, and they were gathered by helicopter. Thank you for your time.

Chair Shriver recognized Commissioner Caryl Hart.

Commissioner Hart asked staff to clarify whether or not the issue of closing or opening the Coyote Canyon route was before the Commission today. Commissioner Hart also asked staff to provide for the public a definition of "wilderness" as it related to Anza-Borrego Desert State Park, adding that this definition was important to an understanding of how these areas could be used.

Chief Counsel Tim La Franchi responded that the specific question of the opening or closure of Coyote Canyon was not before the Commission today, adding that the Anza-Borrego Desert State Park General Plan did not specify any action on this issue. Mr. La Franchi then suggested that State Parks Natural Resources Division Chief Rick Rayburn address Commissioner Hart's question about wilderness.

Mr. Rayburn explained that the wilderness classification was used by State Parks as a recreational designation. He further explained that the wilderness designation provided public users a clear sense of the type of recreation that could take place in an area, an experience which did not involve motorized vehicles, but instead provided an opportunity for full passive recreation without the use of motorized vehicles. Mr.

Rayburn also noted that not all of the Coyote Canyon area was or was proposed for designation as wilderness, and he explained that motorized vehicle use was permitted in all but 3.1 miles of the Coyote Canyon corridor. He also explained that the wilderness designation did permit equestrian use, mountain bike use, and hiking, in an effort to provide for balanced use by those who enjoyed many forms of recreation.

**Callie Mack, Individual** – Good morning. My name is Callie Mack. I've been a volunteer participant in the Anza-Borrego July 4th Big Horn Sheep Census since 1985. And I know firsthand the harshness and the heat, the beauty and fragility of Anza-Borrego Desert State Park. I want to see this incredibly biodiverse area well protected, and I believe this plan does much to accomplish this. I do support the current Coyote Canyon closure, and I support the proposed general plan, which protects the park's resources while allowing for appropriate levels of recreational opportunities. I urge the Commission to approve the plan in its current form. Thank you.

**Courtney Ann Coyle/Kwaaymii Indians** – Chair, Commission, Director Coleman and staff. My name is Courtney Coyle, I'm an attorney. I represent Carmen Lucas, Kwaaymii Laguna Band of Mission Indians. Her interest in the plan stems from her being a lineal descendant to this park area, and a landowner adjacent to the park along Sunrise Highway. Her concerns relate to both of those aspects. As a lineal descendant, we support the adoption of the general plan for the park, it's been a long time coming. And it recommends protection and proper long term management of the park. Secondly, we particularly support protection of cultural resources, and tribal heritage resources including pursuant to Public Resources Code 5024. We also support future surveys for cultural resources with knowledgeable Native American participants, to establish baselines for future planning management strategies which you heard a little bit about earlier today. We also support the wilderness designations as they can also have value added that benefits cultural resources. Finally, we support the movement of the equestrian usage from the southern parcel of the Lucky 5 as was noted by park staff earlier. In sum, you've already heard testimony today about too much protection in the park. We want to let you know that we weren't entirely satisfied either, as we wanted to see more cultural preserves in the park, but we are supporting the plan today and we will continue to work with Parks during the future management plan process. And we understand and trust that will proceed without delay. We would also like to state for the record that we have the support of Senator Ducheny for the plan to have opportunities to create additional cultural preserves and to enhance appropriate education and interpretation opportunities, including consultation with knowledgeable tribal entities consistent with the goals of SB82. Thank you for helping us to protect more of our irreplaceable cultural heritage by adopting this plan today, and we would ask that you also direct staff that the cultural resources and natural resources management plan be prepared without delay. Thank you very much.

**Carmen Lucas/Kwaaymii Ancestors** – Good morning Commission, good morning Ms. Coleman, and good morning staff. Thank God I have Courtney Coyle to speak for me, because she puts it all in context. However, as a lineal descendant of a Native American of San Diego County it's not just my heritage, it's all Indian's heritage that I'd like to see play a real role in this Anza-Borrego State Park. My concern then, a native of San Diego County, is the continued growth of population, the continued demand for recreation. I'm sad to say that in San Diego County, our number one priority is big money, big toys, and recreation at any cost, and I say I know folks need to recreate, I think it keeps them sane, it releases a lot of tension, but I also know that everybody needs a spiritual place to go to. If you do not protect these spiritual places, there'll be no place where anybody can go for sanctuary, and you will indeed have a crazy society. More importantly, for my ancestors, I stand here and ask you and applaud you for the work you've been doing in Anza-Borrego State Park as far as cultural resources are concerned. I'm happy to participate in that, I'm happy to work with your staff, I'm happy to see that we're finding some things that we've never seen before. The Cedar Fire affected the fringes of Anza-Borrego, I lost my home. My home comes down from the Laguna Mountains into the Anza-Borrego State Park, to include Coyote Canyon. And I would like to say as a cousin to the Coyote people up there in Los Coyotes, Coyote Canyon Road was probably an old Indian trail that was put there before any road, and that's been my experience most of these roads were put over old trails. So I don't know how that plays in your law. But I will say as a participant in the

Anza-Borrego State Park, where I count sheep every now and then, it's vital that that area stay closed for those beautiful animals out there, that we only get to see on rare occasions. But the last couple of years when I've been out there I've seen the results of a 20 year drought in San Diego County. A lot of folks don't want to say that. They say we've only been in a drought for two or three years. And I'm here to say no, it's been at least 20 years. I have Artesian springs, those are the springs that God made, they've been down a foot and a half, because we continue to extract water out of the ground. I want to welcome you to San Diego and to the liquid gold you received this morning. The cleansing process that's been going on in San Diego now for over a year, and this wonderful water that you're getting today, I hope that you thank your creator for it, and that you allow it to cleanse the process. Not only here on the earth but our social connection with each other and with the environment. I thank you for this opportunity to speak to you, and again I applaud you for the work that you do. Thank you.

**Carolyn Powers, Citizens Against Recreational Eviction, San Diego** – Yes, hello, thank you very much for allowing my testimony today and for traveling all the way down to our aforementioned sunny San Diego. I do believe that some of the issues contributing to the closure, most blatantly is so-called endangered least bell's vireo are flawed and need to be revisited with current truth-based good science. While it has not been my personal history to make non-truthful comments on issues such as the Anza-Borrego road closure, I'm inclined to make an exception this morning. I have been an historic advocate for equestrian, community and agricultural issues with special reverence for the multi-layered Tijuana River Valley and Border Field State Park. Following the flooding of 1993, it is commonly held and later substantially upheld by the hydraulic engineers contracted by the joint Tijuana River Valley Flood Task Force, that the primary contributing factor to the severity of the flooding was the endangered species act-driven halt to the community's annual clearance of the river channel. The least bell's vireo and its habitat formed in this particular riparian habitat, by 24 hour a day, 7 day a week, 365 days a year, sewage flow from Mexico. This has always been a very desert area, their little riparian habitat. And we had wonderful fertilizer occurring somewhat naturally from south of the border for years, had created that habitat, and the protected least bell's vireo and the habitat allowed for certain environmental factors to stop the annual maintenance. As a result of which we had a blockage of flows, and I don't know if you know what flows from Mexico, but its typically, the last little storms we had, ended up with three refrigerators coming down one of the side canyons, as well as in the past, big stock trailers for horses, trucks, homes, etc., that come down. You had a thick stand of willows, and it blocked all of that and creates lateral flooding. Anyway, local interpretation of environmental law is as individual as those representing the agencies in place to uphold the enforcement of those laws. Following our floods, landowners, community members, and recreational users were convinced that the local state park representative was responsible, was the primary responsible person for enacting the stoppage of the riparian clearing of the channel. That representative was subsequently transferred to Anza-Borrego State Park. It did not take much time before we started hearing feedback from Anza-Borrego recreationalists about the endangered least bell's vireo. What's a least bell's vireo?, they said... (Ms. Powers time expired) Okay.

Chair Shriver apologized for having to impose time limits, noting that at this time there were 52 additional speakers who wished to address the Commission. The Chair added that this amounted to at least two-and-one-half hours of testimony, and he asked the members of the Commission if they would like to take a 10 minute break now. The commissioners agreed to the Chair's proposal, and after naming the next four speakers that would be heard when the meeting resumed, Chair Shriver adjourned for a break at 11 a.m.

Chair Shriver reconvened the meeting at 11:15 a.m. The Chair explained that in the interest of time the commissioners had ordered lunch to be brought in, and that speakers who had registered after approximately 10:30 a.m. would not be called for some time. The Chair explained that we would continue to call speakers in the order they had registered, and he suggested that those who arrived after 10:30 a.m. were welcome to leave for lunch without losing their place in the queue.

Chair Shriver then explained that the 1995 closure of the route through Coyote Canyon would not be effected by any action the Commission could take today. The Chair added that the Commission may only

act pursuant to its statutory authority, and that while he was happy to hear speakers' views the Coyote Canyon closure, the Commission had no authority to reopen the route through the canyon.

**David Van Cleve, Individual** – Thank you Mr. Chairman, commissioners, Director Coleman and staff of the Department of Parks and Recreation. One of the tasks that you have in your jobs as commissioners is to go to meetings like this and hear about different parks and approve their general plans, and I'm sure everybody at those meetings tries to convince you that their park is the most wonderful park in the state. I'm here to convince you that Anza-Borrego is the most wonderful park in the state. And I'm not alone in that opinion. I'll give you some examples: The Department of the Interior has designated Anza-Borrego as a natural national landmark. United Nations has designated Anza-Borrego as a biosphere reserve. Conde Nast, USA Today, said it was one of the five greatest destinations in the world. One of the five greatest in the world. National Geographic said it was the best state park in California. I used to work with a group of desert managers who represented managers of public land throughout the deserts of southern California. They always looked forward the most to their visits to Anza-Borrego. And the national park managers, Joshua Tree and Death Valley, would say, "why is this not a national park? This is national park-quality, this should've been a national park, how did we let one slip through our hands?" So what does that mean compared to other national parks? We've heard from staff about the access issues and public roads. If you combine Zion, Grand Teton, and Mount Ranier national park they all fit in the boundaries of Anza-Borrego Desert State Park. If you stood at the highest point of Anza-Borrego and looked to the lowest point, in Combs Peak, down to the edge, the west and eastern edge of Anza-Borrego near the Salton Sea, you'd be looking at a greater vertical distance than if you stood at the south rim of the Grand Canyon and looked down at the Colorado River. You've heard a lot today about lack of access, and you're going to continue to hear a lot today about the lack of access to Anza-Borrego. As staff mentioned, there's five times as much access on public roads per acre than there is at Joshua Tree or Death Valley. If you looked at visitation numbers, there's nine times as much amount of road -per-visitor as there is at Joshua Tree National Park. In my life, I've hiked, backpacked, ridden horses, driven a four wheel driven vehicle, and driven a motorcycle through Anza-Borrego Desert State Park. I believe that recreation is a key component to enjoying Anza-Borrego Desert State Park. That being said, I think the plan does a wonderful job of ensuring that the resources of Anza-Borrego are going to protected in perpetuity. I'd like to add, one thing I haven't heard mentioned today was, two things really. One is the paleontological resources at Anza-Borrego which are world-class and really define this in terms of importance, not only today but in the past, in the prehistoric past. Senator Ducheny, the 40th district, asked me to ensure that you are aware that she does support the general plan as I do in its current form. And my last issue is, very briefly, I urge you to designate one of the wildernesses in this park as a Jim Whitehead Wilderness, the former state park commissioner and leader of State Parks. Thank you.

**Joan Emberry, Individual** – With respect to the Commission, I would like to state as a resident of San Diego County, and an Anza-Borrego Foundation board member, that I am in support of the recommended proposed general plan. The park staff has proven to be good stewards of the environment. An environment important to people in this community, in the state, and around the world. The demands are high for natural open spaces, as our population grows requiring balanced management plans. In my youth, I spent most weekends in the desert, I am now a rancher, an equestrian, an outdoor sports enthusiast, and a wildlife naturalist. With the tremendous changes I've seen here in San Diego and the continual degradation of much of our natural habitat, it's encouraging to know that Anza-Borrego State Park still remains as I remember it over time, and will be protected with a sound management plan for the future. So I recommend approval of this plan. Thank you.

**Ray Mouton, Individual** – Good morning, I'm Ray Mouton. I'm a resident of Borrego Springs. I've been coming to Borrego for over 30 years, and I really know the park. I'm probably your typical private citizen with diverse interests. I own two four wheel drive vehicles, and with 400 miles, over 400 miles of dirt roads in the park, I don't even see why we're addressing three miles of Coyote Canyon. Let it be as it is, closed, leave it like it is. I also enjoy hiking and backpacking in the park and elsewhere. And I would

urge, I would urge even more primitive areas be designated in the park and wilderness areas. I think it's an enjoyment for a lot of people, and I do want to say that I think that the park staff is doing a wonderful job in a great park with a lot of challenges, I give them an awful lot of credit, and I urge you to move directly to approve the general plan.

**Walter Boyce, Individual** – Good morning. My name is Walter Boyce. I'm here as an individual. I'm a professor and an executive director of the Wildlife Health Center at the University of California, Davis. I'm a research scientist. I've worked in Anza-Borrego Desert State Park since the early 1990s looking at the health of plants, animals, and indeed the entire ecosystems there. I'm also the principal investigator of the ecological conditions in the Coyote Canyon report that's appended to his proposed general plan. I'm here recommending support of the proposed general plan. And what I'd like to do is to give us an idea of what a healthy park looks like. A healthy park supports a wide diversity of plants and animals. It provides clean air and water. It provides outstanding recreational opportunities for people. And very importantly, it provides those opportunities now and in the future. Every one of us here understands health at a very personal level. We know the choices we make affect how we feel, and how long we'll live. Our health now and in the future depends on the choices we make. This plan provides a blueprint for a healthy Anza-Borrego. It uses science to provide prudent management recommendations and to guide policy. For example, we've heard a lot about it today, the plan endorses the closure of the road through Middle Willows and Coyote Canyon. The scientific studies support this decision. If this plan promoted vehicle traffic through the creek beds in Middle Willows, it'd be like a doctor recommending to a pregnant woman that she drink and smoke during pregnancy. It's a bad decision, and it would affect future generations in a negative way. It's easy to look at this plan and say how will it affect me. Can I do what I want to do, when and where I want to do it. Well no, we can't. Not if we're concerned about the long term health of the park. Despite its size, Anza-Borrego really is a fragile environment, and use that's concentrated in some specific areas, like in those riparian areas, can have devastating, long-lasting consequences. There is convincing evidence that this park, which is for people, and the plan, will promote use of this park that most visitors will enjoy. In conclusion, this plan provides a framework for ensuring the current and future health of Anza-Borrego Desert State Park. By protecting and managing the natural resources, future generations of plants, animals and people, will be able to share this unique natural environment. Thank you.

**Rick Fisher, CORVA** – Good morning commissioners and audience. I am Rick Fisher. I'm an officer of the California Off-Road Vehicle Association, and I am very concerned about the environment in Anza-Borrego State Park. I love it for all the reasons and my family loves it for all the reasons that have been mentioned here before. And the protection of the environment is very important to us. I first traversed Coyote Canyon with my family about 20 years ago, and have done so many times. The concern about the environment, I understand the value of the riparian zone, and I understand the endangered species need protection, and that the entire park needs protection. According to the chart, over 460,000 acres of the 600,000 acres of this park are in or proposed for wilderness. That certainly would protect the park. It will also provide the access that people want for solitude and whatever they want away from vehicles. I have no problem with that. In general, I have no problem with the general plan, it's a very good plan. However, the three miles I'm concerned with in Coyote Canyon is my focus. The wilderness, the proposed wilderness does not provide a corridor for motor vehicles through that three mile section. I believe that the opening or closing or whatever of Coyote Canyon, that decision should be properly deferred to the road plan, which is coming up in the future. However, the corridor, if the corridor's not included in the wilderness, that precludes any discussion on whether motorized vehicles can travel that. So the solution you mentioned, what's in your power, I believe the solution is the plan as it stands cannot be accepted, and that we just ask for the minor change that the corridor for motorized vehicles be provided because the follow up plan will make that decision on whether it can be opened or closed. And I think that we can probably at that time demonstrate that this 200-year-old trail did exist before the formation of the park, if that is the main problem that Parks has with RS2477. Also I believe that a reroute around the Willows is very possible. The Dudek study was flawed, as mentioned, because some alternative routes were dismissed beforehand. What kind of study is it that does not consider all alternative routes? We have walked that area,

and we have seen there are many alternative routes possible. Except for the alternative routes, we're not asking for an improved road, we're not asking for a paved highway. The demonstration here has shown that if traffic is stopped nature reclaims the road very naturally through flash floods, through natural growth. The trail can be marked with I believe that motorized vehicles can use this trail. Since park policy is street legal only, they tend to be quiet, we're not talking about noisy vehicles. The trail itself is quite challenging, which restricts the number of vehicles, in a natural manner. If other, if a permit system or something like that is felt to be needed, these things can be discussed. The point is that motorized vehicle access to this lovely park can be managed, and it has been managed. We do appreciate the 450 miles, that's the historical use of this area, and we're talking about less than one-tenth of one percent. Thank you.

**Brian Fusilier, Hemet Jeep Club** – Thank you for the opportunity. I'm Brian Fusilier. I'm an officer in the Hemet Jeep Club. Hemet Jeep Club is one of the original oldest organized four wheel drive clubs in the United States, maybe the world. To reference that baby to nearly 80 year old adults, and we historically have a connection to this 3.1 miles in Coyote Canyon. I'd like to introduce a resolution from the city of Hemet, resolution 3142, City council of Hemet, California, asking for the Canyon to remain open as a thoroughfare. Hemet Cavalcades started in 1940, celebrating the Juan Bautista Trail, celebrating commerce and traveling through Coyote Canyon. The issue is that this park, based on your own facts and figures, it's historically a motor vehicle-oriented park. It has more roads in it than other parks, it is more oriented towards off-road, I'm sorry, off-highway travel with street legal vehicles than other parks. What we're asking is your consideration of this 3.1 miles. The reason is it celebrates the Juan Bautista Trail, it is historically a thoroughfare, and I would venture to say if this road existed prior to 1927, which I think we all agree that it does, if cars existed, I would say human nature would say that it was likely traveled. There may not be people alive today to testify to that, there may not be photographs of it, as Kodaks weren't as popular then, but that road was likely traveled prior to 1927. I would say there's no evidence to state that it was not. So basically we'd like to ask you to consider and reconsider recommendations of that 3.1 miles. We support the minimal intrusion into the riparian wetlands. We ask for a bypass route and the ability to continue our historical right to travel down this road as it exists, and ask you to use wilderness boundaries or the removal or partitioning of additional wilderness to allow us to have vehicle access into the park. Thank you.

Chair Shriver again stated that the Commission was not empowered to affect the closure of the Coyote Canyon route. The Chair added that it would be more effective for those who were concerned about this issue to hold hearings in Sacramento to propose legislation on the subject.

**Wayne Todd, CORVA** – Well, I think if you read the general plan, you'll see that several times it's referenced that wilderness designation will impede Park's ability to reroute any motorized corridor in the park. So it is a proper subject for today. Is my timer going?

Chair Shriver stated that he would allow Mr. Todd's comments as part of the discussion on this subject.

**Wayne Todd** – Did you hear what I just said?

Chair Shriver replied that he had heard Mr. Todd's comment.

**Wayne Todd** – In fact on page 352 of the general plan I believe it's addressed there. I didn't come prepared to address that but I believe on 352 it says about subunit reclassification will impede the park's ability to reroute any route, wilderness designation. So it is appropriate that you know that, and it is appropriate that it be brought up. And then I'd like you to turn to page, document A, if you can. I know it's going to be real hard. But what I want to do is I want to talk about the grants, the rights granted to the public, and the wishes of previous landowners, is the best way for me to say that. And I'd like to go to page 11, it's acquisition of parcel 131 from United States of America, it's not what you'd call one of the old acquisitions, it's 1975. And BLM in their environmental analysis report of the land transfer of the parks, which is now on page 12, I'm sorry if you turn one page, they actually state the CC road, under suggested mitiga-

tion, they state the CC road should be kept open and maintained to allow recreational users of various types to drive through the Anza-Borrego Desert State Park on a series of scenic trips from north to south. That's the wishes of a prior landowner who transferred their property to State Parks. State Parks in their own plan of development says, if you go back to page 11, which is about three paragraphs from the bottom, four paragraphs from the bottom, in their own plan of development, State Parks states it is thought that the Table Mountain Road, which is Turkey Track and the Coyote Canyon Road, would be left in a primitive condition and be utilized by four wheel drive vehicles. And what I'd like to do is talk about one other landowner that was in the area and that was A.H. Bernard. If you go to page nine, right in that same area, you'll see that this owner, it's not in the three mile closure, but it's a prior landowner in Coyote Canyon, he went out of his way to state a right-of-way in favor of the public over any portion of said land and lawfully established roads. That's right -in the middle of the page where it says this title assurances. It's one, two, three, four, fifth paragraph. A right-of-way in favor of the public over any portion of said land included in lawfully established roads. It doesn't say county roads, it says lawfully established roads. And you'll notice right below that, he also said the right of the public to use that portion of said land lying within the de Anza Trail and Santa Katarina Trail. We were already rerouted out of there, I don't have a problem with that, but it shows previous landowners intent. And then, if we go to the other parcel, with the other packet, which is B - you've got two packets there from me - the other one is B. I want to quickly address the Dudek report, because the Dudek report is mentioned in the general plan. Parks poisoned the Dudek report. I'm having trouble finding my paper, I wish I could, it's the Executive Summary...

Commissioner Tagami noted that the Executive Summary was on page six.

**Wayne Todd** – Thank you. Parks poisoned that. Actually it's the executive summary, it's the next page, page seven. In the executive summary, they say with the exception of the, in the second paragraph... (Mr. Todd's time expired)

Chair Shriver apologized for having to impose time limits.

**Wayne Todd** – ...with the exception of three closure routes, they're not, and they poisoned it that way. And they spoke for this Commission if you read in there, in a personal communication...

Chair Shriver thanked Mr. Todd for his comments.

**Wayne Todd** – They spoke for you, and that's not proper. They said that you...

Chair Shriver again thanked Mr. Todd and apologized for having to impose time limits.

**Nancy Bruner McIntyre, Hemet Jeep Club** – Thank you Commissioners. I'm not a public speaker so I'll sound horrible up here. My name is Nancy Bruner-McIntyre. I have gone through the Coyote Canyon since I was five years old, with the Hemet Jeep Cavalcade. And that was 50 years this spring. Until the canyon was closed to us. We were also advised when we were on the trail not to leave the trail, and to try to remain in the tracks of the vehicle ahead of you. This area would not be here today unless we had preserved its value and respected it. Actually the presentation that they said shows how fast the areas that we did use come back to the native way. The closure of the trail lended viability to enjoy the area. It also stopped my feeling of reliving the journey of the first non-native travels to my home area. This road is what Juan Bautista de Anza experienced not through Ramon Expressway, not the current El Camino Real. Please allow us to return to this area. Thank you.

**Pete Conaty, Off Road Business Association** – Good morning ladies and gentlemen, commissioners. My name is Pete Conaty and I represent off-road groups. I'm a lobbyist, one of those guys from Sacramento. When you said go to Sacramento, we did go to Sacramento. We had a bill last year, some people from the park came up and testified against us, so we're trying all the routes we can. But I want to make you understand, so I represent off road groups. I'm an independent contract lobbyist. However, this isn't about off-road groups, because you can't drive anything but street legal vehicles in the park today. You cannot drive red or green sticker vehicles in the park. That's in the policy of State Parks. This gentleman

asked about stonewalling. I think a better term might be entrenched, Anza-Borrego Desert State Park bureaucracy, might be the term I would use. I hope you enjoyed your tour yesterday. I assume it was by motor vehicle. And I assume you didn't go into any wilderness areas or anything like that. Besides representing off-roaders, I represent people who provide services to blind, disabled and elderly people. I also represent veterans groups, including disabled veterans. If you make all this wilderness, you will be cutting off the access of those people to parts of the park. Please understand that, that point has not been made. What do we want? We want you to send the plan back to State Parks and say do it over, work with the groups, work it out, and come back in six months. You see all this passion on both sides. I think we can coexist. I think we can do it. Politics is the art of compromise. I've heard a lot of stuff. All these people here for the most part, for 3.1 miles in the entire state of California. Obviously they feel very passionate about it. Talk about protecting the park for future generations, I think the current generation would also like to use it, as was mentioned Dudek was told that the park's wilderness boundaries couldn't be moved. Actually this Commission moved a wilderness boundary in the Lower Willows. Joshua Tree and Death Valley are not 60 miles from San Diego. They're a lot further out. You've got this huge population that would like to access the park. It's not like others aren't accessing it. Your amendments talk about utilities, and allowing San Diego Gas and Electric to come in to the park, or to access their transmission lines. I think the changes that were introduced yesterday are significant, and I don't think you've allowed public comment, or the standard time for the public to comment on your changes. I want to raise that issue...  
(Mr. Conaty's time expired)

Chair Shriver thanked Mr. Conaty for his comments.

**Pete Conaty** – You're welcome. Thank you very much for all your patience.

**Denver Howard/Hemet Jeep Club** – Good morning. My name is Denver Howard. I also am a member of the Hemet Jeep Club. And also I'm not a lawyer so just because my lips are moving doesn't mean I'm lying. So anyway, I wanted to take issue with something you said a little earlier that the only way this is going to be reopened is through litigation. I don't think that's true, I...

Chair Shriver interrupted Mr. Howard to state that he had not said that the only way the Coyote Canyon route could be reopened was through litigation, but that he had said it could be reopened through the political process. The Chair clarified that the route could not be opened by any action the Commission could take today.

**Denver Howard** – Okay, so all we have to do is comply with the existing laws, you know, this RS2477, which guarantees my right and my access and your rights and your access, to this. I feel that's part of my heritage. Part of your heritage. Part of our children's heritage. And for you to arbitrarily close this off, this doesn't make sense to me. Now, as one of the gentlemen said over here, you couldn't find any record of there ever being a road there prior to the park. Well, I submit it's been a road for at least 150 years, and in less than two minutes this morning I was able to find that out on the Internet. So I'd invite him to take a look at that. As you know Juan Bautista de Anza, when he came through there, it says he established an important route of supply for the development of the State of California. And that road has been in continuous use ever since then. I myself have used it from the early sixties up until it was arbitrarily closed. So I feel part of my rights have been taken away. I have grandchildren right now that I can't take them up there and show them. I'm not in much of a shape to go hike. I could probably do 3.1 miles yes, but I just ask you to work with the various off-road groups such as the Hemet Jeep Club. We'd be more than happy to help you develop a route around some of the sensitive areas. I've heard a lot of comment about endangered species. Well guess what, we're an endangered species too. And I'd like us to be protected, and I'd like you to work with us on that. Thank you.

Chair Shriver then called the next four speakers in the que, noting that David Hubbard had made a request for extra time on the basis that other speakers would concede 100% of their allotted time to Mr. Hubbard. Mr. George Kropp clarified that he had conceded his time to Mr. Hubbard. The Chair asked if there were any other speakers who were willing to concede their time to Mr. Hubbard.

**David Hubbard** – Actually Chairman, I can do this in six minutes.

Chair Shriver confirmed that Mr. Hubbard would have six minutes in which to speak.

**David Hubbard, CORVA, SDORC, ORBA, AMA-37** – I'd like to thank the Commission for allowing all of us to speak. I'm legal counsel for CORVA and a number of a number of other off-road recreation groups that have an interest in Anza-Borrego. Before I get started though there's a couple of things I'd like to explain related to what your action today may cause in relation to Coyote Canyon, to explain to you why it is we think you can help in this endeavor that we have before us. Coyote Canyon Road is something that is part of this plan. And if you approve this plan, you're going to ratify that closure. And it's our view that closure was done without proper authorization and is unlawful. And so it's incumbent upon you to understand that because if you approve this plan you are in essence incorporating what we view was an unauthorized act. And that's why we have asked that you postpone action until the issue of Coyote Canyon can be resolved. Now I know that the lawyers can bat this around back and forth but I wanted to explain to you why we think there is something you can do about it. A couple other quick points which I'll come back to quickly. Coyote Canyon Road is itself a cultural resource. And it's time we start looking at it from that perspective. I've also heard someone say that this plan does not close any new roads, no new closures as a result of the general plan. That may be true technically but what the plan does is it ratifies all the closures that have occurred in the past. So a lot of the emotion that you're hearing from people relates to that. Because this is the first general plan for the park, and as the general plan it functions as a constitution governing the way this park is to be managed and the kinds of uses that would be allowed. As a constitution it must reflect the values of the people it serves. It must respect and advance their interests, and to the extent those interests conflict, the plan, the constitution, must balance them. Unfortunately, this plan fails to achieve these basic objectives. It is openly hostile to camping and vehicle use in the park, forgetting that the vast majority of people who visit the park do so to camp and to enjoy the park through the use of vehicles. Much of it is not reasonably accessible through any other means, not safely accessible. The thing to keep in mind is that man is not alien to the desert, certainly not alien to this part of the desert. The plan and the EIR treat recreational activities as burdens to be tightly controlled and reduced if possible. Even though these activities are the lifeblood of the park. Worse, the plan and the EIR without evidentiary support seeks to blame camping and vehicle use for virtually every conceivable impact at the park. The plan is long on conjecture, but very short on analysis and technical data. This needs to change. The entire attitude expressed in the plan is wrong in its tone and its implications. This needs to be radically redirected. The plan needs to be drafted in a way to demonstrate that the park managers are there to serve the public, that they are there to serve the residents of California and the people who visit this state. Recreation is the key, is what keeps the hardworking people of this state sane. They need the park and the plan should encourage them to visit. It should not erect barriers to access. Nor should it create recreational ghettos and small little pockets. It is time for State Parks to reconnect with its constituents. It is time for State Parks to embrace the families that come to Anza-Borrego to camp and to enjoy the splendors of the desert and to the extent they need to use vehicles to access those, those routes should be retained. And finally, it is time for State Parks to address and resolve the Coyote Canyon Road dispute. The evidence is overwhelming, the Coyote Canyon Road qualifies as a protected roadway under RS2477. As I said before, Coyote Canyon is an historical and cultural resource itself that needs to be protected. State Parks operated outside of its authority when it closed the road in 1995, and that error now needs to be corrected. And this plan, because it assumes the continued closure of the road, needs to be postponed until the road issue is resolved. That is why we are asking for a delay of six months so we can finally get to the bottom of this and to determine whether the road was in fact properly closed or whether that was an act that was in excess of State Parks authority as we believe that it was. So when you hear people come up and talk to you about the road, they really do believe that you can help, and you can help by saying stop, let's not approve this plan until we get this important critical component of the parks overall structure resolved. Because everything in this plan in one way or another spins around Coyote Canyon Road. For that reason we're asking for a six month continuance so we can continue to study this issue, and bring more information to light, and to bring it to your attention. Thank you.

Chair Shriver addressed Chief Counsel Tim La Franchi, asking if it was correct, as Mr. Hubbard had stated, that the Commission's approval of the Anza-Borrego Desert State Park General Plan would legally ratify the 1995 decision to close the route through Coyote Canyon.

Mr. La Franchi replied that the General Plan was a management document that articulated future management goals for the park, and that the plan accepted conditions in the park as they existed at this time.

**Julie Krogh, Individual** – Good morning. Thanks for allowing me to speak today. I'm here today to comment on the proposed plan for Anza-Borrego Desert State Park. My family has owned property adjacent to the park for 38 years of which I am a frequent visitor. I'm familiar with the park and all its beauty. During the last 30-some years I have seen increase in visitorship not only at the park but in the surrounding areas as well. This proposed plan is flawed in how it relates to the growth of the area. It does nothing to promote motorized park uses nor does it have procedures in place to handle and encourage the use of the park by the general public. I would like to bring to your attention a study document from the firm of Chandler, Brooks and Donohue. I apologize, they do have handouts over there for you and I apologize for that. They were hired in 2001 by the San Diego County to assist the community of Borrego Springs in their efforts to develop a stronger tourism economy. I have highlighted a few of the comments that are crucial in this finding. Recommendation number 13 says "We recommend that the park aggressively step up its marketing efforts in terms of personnel, signage and outreach efforts." We quite frankly were shocked at how few people in southern California even knew the park existed. The park should do everything it can to help market its vendors such as the San Diego Outback Tours as a park vendor. This promotes responsible and (inaudible) of the park areas. Current impressions and comments by park employees leave the general public, area residents and others to believe that the attitude of the park is geared far more to preservation than of sharing this incredible asset. Under the title of Rationale Section, in that document in front of you, it states "Many local residents and businesses feel the park staff would like to see fewer and fewer visitors. After all, that would be less work and less destruction to the park." This park is a public asset, paid for by the businesses and residents alike. Of the 650 acres, only a small fraction is disturbed by visitors, so promote it to them. The park is a powerful economic engine of this community, and it should be taken into consideration as the community works to better market itself and extend its highly seasonal tourism trade. The Parks should be a partner in this effort not a foe. During the research and interviews in developing this document, we continually heard that the park personnel are doing everything they can to keep visitors, film crews and tours out of the park with the goal of preservation far outweighing the concept of sharing the park with its visitors. I hope you take the time to read this document fully. I found it enlightening. I strongly urge the Commission to send Anza-Borrego Desert State Park preliminary general plan back to the drawing board. This park is one of our most precious assets the state has. We must have a balanced land management. When that happens, everyone wins. Thank you.

**Dana Nichol, California League of Off-Road Voters** – Thank you commissioners. I am Dana Nichol, for the California League of Off-Road Voters. We would like the Commission as they did with the power line issue to establish the corridor through the new wilderness to keep it open for motorized travel as it now is for mountain bikes and hikers. There's also been some serious economic impact on the town of Borrego Springs due to this closure. This is only a three mile piece of road but it is in the middle of a long road. They have blocked off access from people coming from the north down to the south, people going from the south up to the north. We urge you to take this into consideration. Thank you very much.

**Jan Haugley, Individual** – I have a letter I'd like to pass out.

Chair Shriver confirmed that the commissioners had copies of Ms. Haugley's letter.

**Jan Haugley, Individual** – Thank you. I'm here to respond to the proposed plan for the Anza-Borrego Desert State Park. This plan, even though revised in July of 2004, is not the opinion nor in the best interest of the general public. This plan is one of many extreme steps to ban the public from being able to use and enjoy our land. I'm here to request a balanced land management plan. I request you send this proposed plan back to the drawing board. Please note the letter I've attached and the handouts. They are from Ken

Smith, the past chief ranger of Anza-Borrego State Park, showing he is against this plan. I am a native Californian, my family has owned property adjacent to the park for 38 years. My husband's business is off-road related. The impact on the economy alone should be an incentive to help promote this beautiful area. Many past generations of off-roaders have enjoyed taking care of our land. Many generations more will not even have an opportunity if the government and its agencies claiming to be for the people keep denying less and less motorized access to our land. I urge you to reconsider this plan and I thank you for your time.

**Anne Bogardt, Borrego Springs Unified School District** – Good morning Mr. Chairman and members of the Commission. I'm the chairman of the science department at Borrego Springs High School, and I'm here to support the general plan of Anza-Borrego Desert State Park. The park and the Borrego Springs Unified School District has been partners for many years. The ranger ride-along in fourth grade, fifth grade camp, the paleontology internship for five students, four of them from our high school, the environmental education grants that brought about the pupfish pond at our local high school, and in the near future our students will be participating in the semi-annual pupfish census at the park, at their pupfish ponds and ours. These designated wilderness areas will preserve Coyote Canyon and Canyon Sin Nombre, for many generations to come. As it will preserve the cultural resources as well. Field trips to these areas are invaluable for studying the uniqueness and the fragility of the Anza-Borrego Desert, and I urge you to ratify this.

**J.C. Thomas, San Diego Gas & Electric** – Good morning Commissioners. My name is J.C. Thomas, representing San Diego Gas and Electric Company. SDG&E provides gas and electric service to over three million people in San Diego and south Orange County. We're proud of our long history of partnering with the communities and the people we serve to provide safe and reliable energy service. That includes providing electricity service to the Anza-Borrego State Park facility, the Borrego Springs community, and surrounding areas. SDG&E has developed an excellent working relationship with the State Park and Recreation District office. Together, we have addressed several challenges that have required cooperation from both sides to develop creative solutions to some pressing problems. Most recently, our region was ravaged by an unprecedented fire storm that required all of us pulling together as one community. We worked together with the district office to rebuild our electricity system and in some cases relocating power lines in ways that benefited the Cuyamaca State Park, the customers we serve and the environment. This partnership helped us restore electricity to our customers quickly and safely with minimal impact on resources. We used helicopters in some cases to relocate or replace power lines, so that we could protect some of the natural preserves that are located there. We believe our strong working relationship will help both of us address any future challenges that may lie ahead. Including meeting the energy needs of the Anza-Borrego Park and the communities we serve throughout San Diego County. SDG&E wants to commend the State Park and Recreation Commission and the local district office for having the foresight to develop a master plan for Anza-Borrego that meets the needs of its many constituencies. SDG&E is pleased to have worked with the Park and Recreation staff to include elements of our electric transmission system that are located within the park and are vital to ensuring safe and reliable energy service to that area and surrounding areas. As we look toward the future, SDG&E must continue to look for energy solutions that meet the needs of a growing metropolitan area that is located in an energy cul-de-sac. Our future energy needs include the expanded use of renewable energy that will supply 20% of our region's energy needs by 2010, and strengthening our transmission delivery system to ensure reliable service in the future. We appreciate the opportunity to speak today and we greatly appreciate the hard work and dedication of the district office to ensure our concerns have been addressed throughout the process. In particular, we appreciate the change to the map showing our transmission system that has been there for about 80 years. That was an easement given to us by the federal government to provide electricity both to the Borrego Springs community, the outlying areas in San Diego, and I just wanted to make a note of that. Thank you.

**Diana Lindsay, Individual** – Mr. Chairman, Commissioners. My comments and recommendations to the

Commission are based on my intimate involvement with the park for almost 40 years as a historical researcher, an author of several books on the Anza-Borrego area including the author of guide to the area, and as tour leader for almost as many years. I have personally witnessed how the exposure to this great resource has inspired literally thousands of people, the vastness and silence of this wilderness area and its awesome majesty, has helped people to reconnect to the earth and to get into the own spiritual values. This world-class park has needs to be protected and it needs a plan now. I urge you the Commissioners to approve the general management plan and to immediately implement the preferred alternative supported by the park staff. Do not delay any longer than necessary to empower the park staff to do the job they were hired to do, to protect the parks valued natural culture resources, to preserve its biological diversity and to provide opportunities for high-quality outdoor education and recreation for all Californians in perpetuity. Do not let special interest groups derail the years of study, planning efforts, public meetings, and input from all sectors that have gone into formulating a plan that balances the needs of all interest groups. The plan was written with a broad spectrum of input from general meetings throughout southern California, as well as from focus groups invited to address special interests. Literally thousands of taxpayers dollars have been invested in creating a recommended plan. Don't let those dollars go to waste. It is time to move ahead. With my remaining time I'd like to make a comment about the Coyote Canyon. Having done my thesis at San Diego State on the history of the park and the history of Coyote Canyon, I can state with authority that the designation of the route through Coyote Canyon as a road was formulated after the formation of the park by the chambers of commerce of Hemet and of El Centro, because it would benefit them after the park was designated. Certainly, the area was used historically as a trail, but a trail does not make a road. The cattlemen, other people have used trails such as Hellhole Canyon, Pepper Tree, those certainly do not become a road just simply because it's a trail. I think as you have mentioned here, the Coyote Canyon issue is a separate issue. What is important today is to accept the plan, to move ahead and to really support the park and it has really worked hard and staff has worked hard to do this, and I urge you to follow through on it. Thank you very much.

**Harriet Allen, Individual** – Thank you. Good morning and thank you very much for coming. I want to thank the staff for all of their work, and I particularly want to thank all of the volunteers who have spent hours and hours in subcommittee meetings thrashing around in the bushes, and trying to get the answers that we need for Anza-Borrego State Park. Anza-Borrego State Park is a community, within itself, and of itself, and for itself. It is not in a box that we color with paper or paint for uses. It is part of a community, it is part of the state park community which is Cuyamaca on one side, Ocotillo Wells on the other. It is part of the national community. You've heard of the natural landmark. It also the home of de Anza's tour and trek to California, the Immigrant Trail, and the national, I've lost the name, okay. It is part of the national trail system, the Pacific Crest Trail, and the Desert Trail that goes from Mexico to Canada. Okay. And it is part of the international community. It is a national-international biosphere reserve, and it is also designated part of the international flyway for birds, for the birds which go from South America to our arctic. Anza-Borrego is also part of a huge recreational community. And it is also a part of a huge scientific, arts and letters community. So we have a lot of things around the edges. Okay I'm almost through. The one thing that I want to suggest is we pose the question to everybody in this room, in answer to all of these questions that keep coming up. This is my park, and it's your park, and it's the state's park. So we're all in it together. The one question I would pose for everyone to answer who makes decisions in my laundry list, the very best list for Anza-Borrego, that's all. Thank you.

**Bryn Jones, California Wilderness Coalition** – Thank you for the opportunity to speak today. My name is Bryn Jones and yes the Jones family is here today. I am the Desert Program Director for the California Wilderness Coalition. Yesterday you saw for yourselves the great wealth of ecological and social resources contained in this park. We are fortunate staff has been doing an outstanding job managing those resources without a plan. The proposed general plan will provide needed direction to park staff in protecting those resources, while also meeting the demands of its visitors. It is a sound document resulting from years of study and a great deal of public input. The proposed plan meets the standards required of state parks. State parks must be managed to preserve what makes the area outstanding. Meaning they

have a higher standard for protection and preservation than public lands managed for multiple uses. This plan provides for that protection but also ensures that visitors can continue to enjoy the park in a sustainable way. The proposed designation of over 55,000 acres of wilderness and 440 acres as a cultural preserve will protect many of the park's sensitive resources while encouraging high-quality recreation. At the same time, the plan keeps open all existing roads, as you've heard over 500 miles, for those who experience the park from their vehicles. The proposed plan also appropriately focuses on management of park resources within natural boundaries, such as watersheds and air basins, rather than solely within property lines. The plan encourages park staff to be a voice in planning processes outside the boundaries of the park when a proposal may impact resources within the boundaries. It also encourages the acquisition of lands outside the park from willing sellers and fosters habitat connectivity and landscape linkages and minimize negative affects and conflicts from adjacent land uses. California Wilderness Coalition supports the proposed plan and recommends that the Commission approve it as proposed. We also encourage park staff to follow up the general plan with a cultural and natural resource management plan and serious consideration for future natural and cultural preserves. Thank you.

**Kathryn Jones, Individual** – Commissioners. Thank you for the opportunity to follow my daughter. I will give you the familial point of view. I am a native of California, born and raised, left for ten years, but came back to southern California and have spent the majority of my adult life here. Four generations of my family have enjoyed the beauty, solitude and splendor of Anza-Borrego Desert. It is a very special plan to all of us. The plan I believe will preserve that for future generations both of the Jones clan and others. Please support that plan. Thank you.

**Robert Jones, Individual** – We have stated our support of the plan. However having occupied a position not dissimilar to that which you are currently filling, I came up here with the intent of saying I'm sympathetic to the difficulty and need that you have to meet the very contrasting desires for this very special park, which incidentally goes back in my family to the first time I camped there with my parents in 1953. So, I sympathize. However, I recognize in contemplating my comments that you actually occupy a very desirous and unique position. You have a chance for the first time in the history of this land mass, to take action to recognize and to codify that which is appropriate for this very special jewel in southern California. I think that you have an opportunity before you and I hope that you take it today and do not put it off. Thank you.

Chair Shriver called the next three speakers in the que and requested that staff provide to him at this time any additional speaker registration forms that had been received so that the Chair could continue to monitor the available time.

**Herb Stone, Individual** – My name is Herb Stone. I'm a 19-year resident of Borrego Springs and a 50 year visitor to the park. I use the park for recreation as a car camper, a hiker, a four wheeler, a birder, an RV-er and a backpacker. My use of the park is balanced. I support the preferred alternative and urge you to approve it. I commend the State Parks staff for presenting a balanced plan. I'm especially pleased with the designation of riparian areas in the park for special consideration and protection. They deserve this designation, they are unique in the desert southeast. They should be driven to but not through. Current roads allow for that. Please approve this plan. Thank you for your consideration.

**Philip Pryde, San Diego Audubon Society** – Good morning Commissioners. My name is Philip Pryde, I am representing San Diego Audubon Society this morning. San Diego Audubon Society wishes to thank you for coming here to hear our views on the Anza-Borrego State Park general plan. We have long-standing interest in the park, which is used by many of our 3,000 members for camping, nature study and other recreational pursuits. In addition, we have assisted with ornithological fieldwork in the park for such recent books as Guide to the Birds of Anza-Borrego Desert, and the recently published San Diego County Bird Atlas. Our members are very familiar with the park, and its remarkable biodiversity. We have followed the course of the development of the general plan closely over the past few years, and have participated in public workshops that have been held previously in San Diego. We submitted comments and

statements concerning the general plan on July 10, 2000, June 11, 2001, and November 21, 2003. These communications should be on your public record and so we will not repeat their content today. The most recent letter of November 21, 2003 is reproduced on the back side of the statements that you have before you. In brief summary, San Diego Audubon Society supports the preferred alternative as described in the draft plan. With minor suggestions as stated in our 2003 letter. We endorse the proposed ordinance additions that are before you today. Again, we urge you to prohibit a road of any type through Coyote Canyon in the interest of preserving the bighorn sheep access to water resources, the springs that provide this water and the significant desert riparian habitats that flourish there. We appreciate the work that has gone on in preparing the balanced alternative, and which take into account the needs of all user groups, while adhering to the primary goal of resource protection. We urge the Commission to adopt the preferred alternative as the general plan for Anza-Borrego Desert State Park. I see I have a little more time, I'd like to just mention one thing. I don't believe anyone has mentioned yet this morning, which was in our earlier communications, and that concerns improvements to the park. We would strongly urge that any additional tourist accommodation facilities, major ones such as hotels and motels, restaurants, airstrips, gas stations, so forth, be placed in the communities nearby the park and not within the park boundaries. I'm sure the chambers of commerce of Borrego Springs, Ocotillo, Julian and so forth would appreciate the opportunity to provide those services. We do not feel they should be within the park boundaries. Thank you very much for your time.

**Sara Feldman, California State Parks Foundation** – Good morning, or I guess I should say good afternoon now. Commissioners. My name's Sara Feldman, I'm the Southern California Director for the California State Parks Foundation. And for over 35 years, the Foundation has worked to protect, enhance and advocate for California State Parks, and Anza-Borrego is truly an extraordinary example of California's 278 magnificent state parks. The foundation supports the Department's general plan, which represents years of work, critical analysis and a very high degree of community involvement. The foundation urges the Commission to accept the general plan because it offers a balanced, reasonable and sound approach. Thank you.

**Larry Hogue, Individual** – Thank you Commissioners for your time to hear my comments. My name is Larry Hogue, I'm a resident of San Diego, a native Californian and I've been visiting Anza-Borrego State Park since 1987. Currently I bring my children to the park, our six-year-old son and our 11-year-old son. We enjoy visiting it regularly. I want to support the plan, it's a great compromise between all of our competing interests. The park is just outstanding compared to other national parks or state parks, in the amount of access it provides, the open camping policy, the number of roads, it offers opportunities for camping, hiking, horseback riding, and driving. I want to say that I heard somebody say only 1/700th of the park is open to recreation. 100% of the park is open for some type of recreation. The public is not banned from any part of the park, except for during the summer in Coyote Canyon. Another way to think about the road density is if you hike away from the roads, you cannot get much further than four miles, maybe six miles at the most from a dirt road or a paved highway in Anza-Borrego. That's not very far. I'd like to support the wilderness designations, they are the best way to protect the park from things like new power corridors, and also things like bullet trains, which we've heard about in association with the proposed Imperial County Airport. So support the plan, please vote for it today, please approve it today, do not delay it. I feel like I do have to say one thing about Coyote Canyon. I know it's not on the table today, but my son is also a member of the Boy Scouts and his Boy Scout troop takes regular trips through Coyote Canyon on foot. Much has been made about the historical importance of Coyote Canyon as the route of Juan Bautista de Anza. That is a very important historical moment in our development as a region. And what better way to experience it than on foot or on horseback, and be able to experience it the way Juan Bautista de Anza and the people who came with him experienced it. It was quiet and it was without the interference of vehicles traveling through there. So, for preserving the history, one of the best ways for our children is to let them have that three miles for experiencing the way it used to be 200 years ago. Thank you.

**Sharma Hammond, Defenders of Wildlife** – Good afternoon, my name is Sharma Hammond and I'm

representing Defenders of Wildlife. Defenders of Wildlife is a non-profit conservation organization with more than 480,000 members nationwide, 165,000 of those members reside in this state. We are dedicated to protecting all wild animals and plants in their natural communities. Defenders is here today to voice our strong support for the Anza-Borrego Desert State Park preliminary general plan. Anza-Borrego Desert State Park contains 100 officially documented sensitive species of plants and animals, and contains 26 of the 59 recognized wildlife habitats across California. This extraordinary natural resource is a state jewel. And the preferred alternative, as well as Alternative 3 of the preliminary plan ensures that it will remain so for future generations. Our only request regarding the preferred alternative is that the cultural resources and natural resources management plan be prepared immediately following the approval of the general management plan to provide a baseline for other management plans. The preferred alternative and Alternative 3 balance the need for public access, with the need to maintain the ecological integrity of the park. We are particularly appreciative of the recognition of and planning to reduce the impact of roads and vehicular impacts to peninsular bighorn sheep habitat. Only 400 of these animals remain in the wild. With habitat loss and fragmentation as the leading threat. The designation of the proposed wilderness areas is appropriate to address this threat. Additionally, we would like to take this opportunity to point out the wilderness designation does not prohibit access by the public. The public remains free to hike, bird watch, hunt, fish and pursue numerous other non-vehicular activities in this region. We would like to stress our insistence that the improved general management plan includes the provisions to protect Coyote Canyon. A three mile section of the road through Coyote Canyon was closed off because off-road vehicle activity was destroying sensitive plants and wildlife habitat. Off-road vehicles have significant negative direct and indirect impacts on wildlife in general. In Coyote Canyon off-road activities threaten the federally endangered listed Least Vireo and southwestern willow flycatcher, especially in terms of nesting success. Additionally, ORVs were impacting the movements and water access to the federally endangered peninsular desert bighorn sheep. Any reopening of this access road or building of a new road through the same location will constitute an unacceptable threat to these wildlife species. Historical uses in the 1700s were not as ecological debilitating as ORV use and cannot justifiably be used as a rational... (Ms. Hammond's time expired). To sum up...

Chair Shriver reminded Ms. Hammond that once the timer indicated her time had expired she would not be allowed additional time.

**Sharma Hammond** – We're in support of the plan, thank you.

Chair Shriver stated that he wished to clarify that with some exceptions, hunting and fishing were not permitted in state parks.

**Ed Waldheim, California Off Road Vehicle Association (CORVA)** – Mr. Chairman, my name is Ed Waldheim, I'm president of CORVA and I'm also on the Off-Highway Vehicle Commission with the Department of Parks and Recreation. I bring that up not because I'm talking on behalf of the commissioners because I am not, so I didn't tell them I was coming here, but I take great exception to some of the things that have been happening or have been stated. When the slide was shown this morning, the general plan has no impact on roads. Good Lord, what a misstatement. What about Coyote Canyon? You're not, you are impacting anything that you may do with this plan because it would affect Coyote Canyon. When the Dudek study was done, it was flawed right off the bat. We paid for that, the Off-Highway Vehicle Program paid for that study. The follow ups were done through the Off-Highway Vehicle Program. So we have a definite interest in this area. Myself, I was a commissioner back in 1990, 1983 to 1990, and at that Commission I came in front of your Commission. Now I offered \$175,000 to help designate the trails. I was turned down flat. The Parks Commission turned me down flat. We've been trying to work with you. The Off-Highway Vehicle Program, with the Department of Parks and Recreation, Daphne Green our Deputy Director's sitting in the back, she is part of the Off-Highway Vehicle Program. I gave you my business card to show you we are part of the Off-Highway Vehicle Program. The mission of the State Parks is preservation. Somewhere we got to start working on changing the recreation element, because up to this point we are part of your program, you can't separate us, we are part of the whole vision. I'm on a

commission just like you are on that commission. What I'd like to ask you to please, whatever you do with the general plan, I'm not questioning so much the issues on the preservation side of it and the things you need to do, but you need to really think clearly that if we really take the input of those users from the other side that you normally don't represent, you never, did you take those into affect. And I've been told no, that every point that has been brought up to the meetings have been completely shut out. And the perfect example is if we do this general plan as you're presenting now, you're precluding us from any further study or try to figure out how we can resolve this Coyote Canyon issue. 3.1 miles, give me a break. We have bypasses we can do. We have walked them, we have shown it to the staff, but we're just being railroaded. When Mr. La Franchi tells us well there's no history of that, come on Tim, we have history up to '93, '73, that property's been transferred to the state parks system, and it has those conditions in there. So, there's a lot of questions that you as commissioners should think, hey there's a significant doubt on was everything fully explored. So whatever you do today, if you're going to vote on the plan, exclude that portion of it because when you come up with a new wilderness section, you have effectively shut me out. And I don't like being shut out. I like to be heard. I like to have some idea or some dialogue with you so we can have that done. Senator Morrow, who's done his level best to try to get through to the Parks and Recreation, he's been stonewalled, he's just frankly been stonewalled. Tim La Franchi has stonewalled me personally on these issues there because he has his way of thinking and we have Mr. Hubbard saying his side of it. So there's sufficient doubt on what is happening here and I would request that you please help us solve the problems. Don't just shut the door. That's all I'm asking.

Chair Shriver thanked the speakers and noted that at this time the Chair had speaker registration forms for approximately two hours of additional testimony. Chair Shriver announced that the Commission would now take a short lunch break, approximately 15 minutes, and he invited everyone present to have lunch in the meeting room if they wished. The Chair adjourned the meeting for lunch at 12:32 p.m.

Chair Shriver reconvened the meeting at 1:07 p.m. He noted the names of the next four speakers in the cue, adding that some of these appeared to have not yet returned from lunch. The Chair noted that he would hold the speaker forms for anyone he called that had not yet returned from lunch.

**Jim Ricker, Individual** – Hi. Thanks for accepting comments today. I did a little research last night about cooperation between agencies and what I found was a wonderful thing. I want to urge you to support the preferred alternative for the plan and request that the cultural resource/natural resource management plans be prepared immediately following approval of the plan to provide a baseline for other management plans. My particular concern is Coyote Canyon. And the public's use plans for Coyote Canyon. What I found was that the public use plan for Coyote Canyon meshes very nicely with the comprehensive management and use plan for the Juan Bautista de Anza National Historic Trail. It's a wonderful example of cooperation between federal, state and public. And it's the kind of thing that can really make our, that can preserve high quality recreation and natural resources in our beautiful state. So I have a letter to submit and my comments basically say that the public use plan for Coyote Canyon matches and helped establish a high quality recreational experience for the user of the de Anza Historic Trail. Thanks a lot.

Chair Shriver thanked Mr. Ricker, noting that the Commission had received many other letters commenting on the Anza-Borrego Desert State Park General Plan after the formal public comment process had closed. The Chair noted that each of these letters would be included in the public record of the meeting.

**Terry Weiner, Individual** – Mr. Chairman, Commissioners. Thank you for being here today and thank you for the time that you spent with us this morning and that you will continue to spend this afternoon. When I came to San Diego from Massachusetts in 1979, I thought I was moving to southern California to be near the Pacific Ocean. About a year after I settled in a friend of mine packed me into his car and took me down to Anza-Borrego State Park. Driving down Montezuma grade that first time I experienced a rapturous sensation that was new to me and I felt that I had come home. In the 26 years that I've been here, I spend many days and weeks exploring Anza-Borrego by foot, by two-wheel-drive car. My most favorite transporting experiences, however, are just sitting quietly at my campsite, completely alone in the

stunning quiet. For me this type of experience constitutes the highest quality of recreation for me. We refer to high-quality recreation in the plan and to me is this refreshment of strength, and spirits after work sitting at my campsite. My deep desire is that other human beings from every corner of this country and the world will be able to have this experience of the wild desert beauty and the unspoiled vista. I really treasure this place. So in light of these natural and historical and cultural values of this wonderful fragile piece of desert, I urge this park Commission to approve this preliminary preferred alternative to the general plan today. I think it's the one that best meets the updated statement of purpose, which is to preserve the unique and diverse natural, cultural and scenic resources of the western Colorado Desert region, and to provide opportunities for high-quality recreation that supports a healthy natural environment. So I thank the State Parks staff for the years of work and thought that have gone into this and I appreciate all the public's input, and I believe this management plan does a fine job of balancing the need for recreation with protection of our ecosystem. Thank you very much.

**Cindy Burrascane, California Native Plant Society** – Hi, I'm Cindy Burrascane. I'm here representing the California Native Plant Society, specifically the San Diego chapter, but people from all our chapters come to Anza-Borrego and truly appreciate their experiences there. And I attended some of the prior meetings. And the first one, one of the alternatives would've shut down a lot of the roads in the park for basically I think cultural reasons, sometimes botanical resources. And I was concerned about shutting down that many roads and I see that's not the alternative that's being proposed for you to adopt today. And what we appreciate I think beyond the resources of the park is the ability to camp throughout the park, which is permitted to us if you adopt this general plan today. And I do strongly urge you to do that. When I reviewed the comment letters, there were two areas that I think concerned me. One was with SDG&E having access to where they wanted within the state park, and I think it's being worked out, that they're going to work with State Parks to find an alternative that can best service those lines and reasonable alignment. And the other issue is riparian resources around in the desert need to be protected. That needs to happen. And this plan will do that. Thank you.

**Valerie Fisher Gates, Individual** – Thank you. Hello my name is Valerie Fisher Gates. I'm a park user and trail user. I am not representing any groups. My family, the Fishers, built many of the trails in the Sierras and on Mt. Tamalpais. I am a member of the California State Horsemen's Association. I'm on a committee that is currently updating the 1980 CSHA California Riding Trails Directory and Manual. My main concern is for continued hiking and equestrian access to Anza-Borrego trails. Regarding the general plan's designation to add wilderness areas to Anza-Borrego it is my understanding that conversion of areas to wilderness does not necessarily remove access for trail users. However, a concern of some local equestrians is that trailheads near the wilderness areas continue to have access to them. For instance, the Turkey Trot trail head is not able to be accessed by vehicles towing trailers. The road to Turkey Trot needs to be maintained. Another concern of local equestrians is that the 500 miles of park dirt roads are only accessible by experienced jeepers. They are not user-friendly. Within the context of the general plan, please see that dirt roads that access trailheads are maintained to allow vehicles to tow horse trailers to the area. Access to unique recreational experiences is the crux of the State Parks mission. These recreational experiences need to not only provide a place of refuge for plants and animals, but a place of refuge and serenity for humans as well. These recreational experiences need to not only provide habitat for the endangered species but, as a gentleman previously said, humans can be considered to be endangered species, and more than that, what I'm finding often in the park experience is that serenity is endangered. My concern therefore is that within the realm of this general plan, that all the users be considered. The diverse users be considered and those who want a quiet experience should be allowed to have a quiet experience. Those who want to ride ATVs should be allowed to ride ATVs. Those who want to ride horses should be allowed to ride horses. And those who are concerned about bird watching should be allowed to continue with the bird watching. And thank you. I'm honored to be able to address this Commission.

**Mike Overcast, Individual** – Mike Overcast, a lineal descendent from Acumba, California. Basically

I'm a conservationist, I'm in favor of wilderness. However, I'm against this plan. If one looks at page eight, the Anza-Borrego Desert Guide handout that was handed out today, there is a title Borrego Palm Canyon Flash Floods. Water, fire, and mother nature, God as the creator and destroyer, not human-driven vehicles. If you look at page two of the staff recommended changes, the flyer handed out today, the staff recommended changes, "...it has been documented that biological connectivity of populations of female bighorn are fragmented by developed roads." That may be true but what is also possibly true is that mountain lions are also in that same group. Because of the closure of Coyote Canyon, essentially it will destroy more sheep by the consumption of the bighorn population by the lions getting to both sides of the mountain. In addition, on page 2-105, the section that reads aesthetic resource issues. What that opens up is the ability of the State Parks staff to close any trails, any roads, any site of man-made features once this plan is in effect. If you adopt this plan the staff will attack trails and roads and utility transmission lines at its will. The Coyote Canyon blowup map alternative also. Why does it not connect up with the California horse trail? That's an interesting item that I noted. Such staff manipulations and control is the reason why this plan was postponed until now. A group of concerned citizens and legislators forced the new governor to postpone adoption. Napoleonic management by the Parks Director who's destroyed any public input that promoted any thoughtful human use of these public lands. Beware of the Anza-Borrego Foundation. It is a compensated consort of the park. The Commission has been intentionally blinded by these actions and the outrageous unconstitutional activities by park staff. You know about the Paul Ford matter. Do you know about the wild horse law breaking? Do you know about the harassment of local horse riders? Do you know about the visitor number lies? Do you know about the marijuana farm that was busted by the DEA in the park? When was the last time park personnel had a drug test? This plan is not a product of public input. It's so flawed and invites unlawful behavior by park visitors. Please postpone your action, request staff to address the public concerns voiced here. I am also a member of the Borrego Springs Chamber of Commerce, and it is commonly known of the park's attempt to willfully kill the Anza-Borrego Desert Natural History Association that actually built the visitors center. The population of Borrego Springs is being strangled by the policies and activities of this park. The park surrounds the town and acts like a noose.

**Byron Anderson, Desert Protective Council** – Good afternoon. I'd like to welcome you folks to spend time with us. My name is Byron Anderson. There's a little change in the venue, I will be speaking for the Desert Protective Council. The person who was going to speak couldn't speak. A little bit about myself, I've been a resident for some 40-plus years of this area, Intimately familiar with all of Anza-Borrego Desert area. And contrary to what you might think, I am also an off-road vehicle person, I drive a four-wheel-drive vehicle. One of the reasons I got involved with the Desert Protective Council was I saw things happening in the backcountry areas that I didn't agree with, I thought were very destructive, and a detriment to the future preservation. A couple of things I'm going to mention, that maybe haven't been highlighted enough. Just emphasizing again, no currently being used roads will be closed as a result of this plan. Another thing is we either need to look at the Anza-Borrego Desert Park in the context of eastern San Diego County and Imperial County as an entire ecological region. Keep in mind that there's an approximately 80,000 acre area of off-road vehicle area that's open basically without restrictions in the Ocotillo Wells area, which is adjacent to south of, basically primarily east of Anza-Borrego Desert State Park. And also keep in mind that there's some 60,000-odd acres of Algodones Dunes which are a little farther east, which are totally open for basically unrestricted off-road vehicle access. And also keep in mind that there's another 50,000 approximate acres that are in the process of being open and Algodones Dunes area. So it's not like this is the only area that can be used by off-road vehicles. I think that's important to keep in mind. Unfortunately, not all off-road vehicle users are sensitive to these resources. And that's why we do have to designate some areas as wilderness. Just a couple of words about the three mile section of Coyote Canyon. Fifty years ago, maybe even 25 years ago, it wasn't as important to restrict travel there. Because the desert bighorn sheep weren't as endangered at that point in time. But unfortunately, with the increase in population, the increase of usage of the area, they are now quite threatened. And this means you have to go back and reconsider some of the decisions that were made earlier, you

have to change your approach to things. And, that really is the primary reasons why that area is so sensitive today.

**John Stewart, California Association of 4-Wheel-Drive Clubs** – Good afternoon Commissioners and Commission members. My name is John Stewart. I'm natural resource consultant for the California Association of Four Wheel Drive Clubs. I'm also Director of Environmental Affairs for United Four Wheel Drive Associations. I find I'd like to really support this plan, but I find that there are some semi-fatal flaws, or actually fatal flaws, in the plan. Throughout southern California, we are experiencing an increase in recreational pressure on public land, whether it be the federally management or even the state parks. Anza-Borrego Desert State Park being within 60 miles of San Diego, a major metropolitan area, is a highly desirable destination for recreation. I'm kind of concerned that the plan as it sits, does not really address the increased growth for recreation. We're very concerned about, when you're looking at the wilderness factor. 460,000 acres of the current 660,000-plus acre park is currently wilderness. So the question is, within the state park boundary, which is also a biosphere, why do we want more wilderness? What is the purpose for more wilderness? It will serve to restrict the current dispersed camping available and bring it down into tighter and tighter areas. I think some of the words in the general plan call for support of dispersed recreation, dispersed camping opportunities. We see that with the exceptions of these wilderness areas, this proposed wilderness areas, we further start reducing that amount of space available. The previous speaker addressed something that I'd like to clarify, some definitions. Just what is an off-roader? An off-roader, according to state definition, is anyone that drives any vehicle off of the paved road. He lead you to believe that you wanted, the advocates want it opened up to dirt bikes and green stickers. That's not the case. There are approved areas for those. We're looking to keep Anza-Borrego Desert State Park open to access to motorized vehicles. And until such times as the route planned for the area, the road transportation plan for the Anza-Borrego State Park is completed, designating additional wilderness, I think, is premature. I would like to see that this route plan be put in place and no additional wilderness be designated. Thank you.

Chair Shriver thanked Mr. Stewart, and noted that there remained speaker forms for over one hour of testimony. The Chair noted that the process of hearing public testimony could be expedited if speakers could note whether or not they were making comments that had already been made by others. He added that each speaker was welcome to speak for three minutes.

**Preston Arrow-weed, Ah-Mut Pipa Foundation** – Thank you. My name is Preston Arrow-weed. Thank you for letting me speak. I heard a comment during the lunch break that someone said, that it was good to rain, because it cleanses everything and everything is clean. It baptizes people, it cleans things to have clean thoughts, clean minds, clean ways. And my comment is, there are many who are water-repellent (laughs). Old Quechan joke. I am part Quechan and part Kumyaa I can speak both dialects fluently. I can sing two cycles of songs from evening to morning, both dialects. The dialect I learned from the Kumyaa, where I grew up with my grandmother's people, I used the same dialect in Baja and it worked there. I can go to Needles California, up there to the Mojaves and some of the dialect is similar to the Quechan. I can understand them. We came from over there into where we're at. I come from Winterhaven, Quechan, Winterhaven area in Imperial Valley. We came to that area. Although the dialect has changed a little bit, we are still the same. I'm a tribal singer so I sing songs that cover Borrego Springs. To me it's very important, what it contains in there because it's covered in those songs. I've heard comments about the animals. Animals are very important because they are part of that creation. And to me they're humans too. And I protected the animals because it protects people. And what I remember the most of the song, is that from San Jacinto Mountain, which is the fog barrier, or the fog carrier, from there, going north to Acumba, which means scan-the-water. Over there when the mist went up from the hot springs, to over there, and it goes on. But in between, I have also read that there were cremation sites, and those cremations are very important, because it involves the creation, the spiritual side of it, where there were many animals involved in that cremation, in that cremation they were involved. I think we don't hold even a lizard important, but in the cremation, the lizard was there and he ignited the fire

when they burned the creator, they cremated his body there. And others were cremated, other human beings were cremated when they passed away. My people still cremate today when someone passes away. We still follow that same tradition. But I can sing those songs and bring them all the way up to here, and down into Baja, down to San Juan Capistrano, and back again to our own territory where we come from. But it's covered, all those little songs are ancient stories that eventually became a song... (Mr. Arrow-weed's time expired)

Chair Shriver noted that Mr. Arrow-weed's comments were interesting, and he apologized again for having to impose time limits.

An unidentified speaker stated that he had been asked to read a prepared statement for Mr. Robert Coates who had to leave the meeting. Chair Shriver asked the speaker to proceed.

**Robert Coates, San Diego County Trails Council** (prepared statement as read by an unidentified speaker) – This is a resolution from the California Equestrian Trails and Land Coalition: Whereas California Equestrian Trails and Land Coalition represents 46,000 California trail users of the equestrian community, and whereas the coalition has participated in the Anza-Borrego Desert State Park planning process; Whereas the coalition membership has extensive knowledge and experience with the Anza-Borrego resources and topography; and Whereas the coalition supports equestrian access to all roads, trails and washes, as well as cross country travel, in the Anza-Borrego Desert State Park; and Whereas the San Diego County Board of Supervisors has resolved to work with the coalition and other equestrian organizations to ensure historic access to the Anza-Borrego Desert State Park; Now therefore be it resolved that the California Equestrian Trails and Land Coalition does hereby request that equestrian access to all roads, trails and washes and cross country travel be continued as supported by historical use in the Anza-Borrego District State Park. Signed Toby Horse, Chairman, California Equestrian Trails and Land Coalition.

**Charles Clayton, Mountain Coalition** – I'm Charles Clayton, I'm a 43-year resident of Idyllwild, California. Thanks for allowing us to speak in this forum. I represent the Mountain Coalition from the Santa Jacinto Mountains in the Idyllwild area, where public access to public lands groups. Some of our members were born in Anza and drove cattle down Coyote Canyon Road since the early thirties. I personally have hiked and driven the road with my family hundreds of time. The Mountain Coalition opposes the general plan mainly in regards to additional wilderness proposals of which could eliminate future off-road opportunities. We believe the 3.1 mile section should be reopened or rerouted per RS2477. We believe the remoteness and topography of the area will limit the number of off-roaders by nature of its terrain. We agree that the park has many hours and dollars invested in the plan and want to see a plan that allows a high-quality means of recreation for all including off-road and four-wheel-drive vehicles. Thus, we oppose the plan and want to see new language that reflects the needs of the OHV community. Thank you.

**Jeanne Johnstone, Individual** – Okay. First of all thanks folks for being here, I know it's not the most exciting thing at times. But it's important, I understand. I wasn't planning to speak but here we go guys. I, well first of all, let's remember, Anza-Borrego Desert State Park was created to protect the many cultural and natural resources that we are all here to benefit from, as well as for the future and creatures in the future. As an individual, I represent hundreds of thousands of non-motorized off-road users, adventurers, moved financially to support and volunteer in our parks. I volunteer, for example, a thousand miles away, over a thousand hours. Not to brag, there are many who have outshined that here that are wonderful folks, who have a big financial impact in all of our parks system. Anza-Borrego is part of the national and state park system, so lets realize again we're not just talking about San Diego's backyard, 60 miles to some sand. I do support the general plan as produced at this point. I'd like to acknowledge your efforts in really doing a balancing act in light of increasing pressure, increasing number of users organized and otherwise, to the park land. I have observed three points. Vehicle-bound park users have 420 miles of outrageous park roads to use. It's cool. Ocotillo Wells Off-Road Vehicle Park and Algodones Dunes, rip it

up, catch some air, it's great, it's right next door to Borrego Springs. We breathe their dust, by the way if you haven't noticed, once in a while. Memorable thrills for the armchair or the four-by-four users on those parks. You know, have at it. Your own rescue helicopter goes with that service by the way. Unyielded wild land, hey we've got good acreage. We have acreage currently that's central to the park for its protection of cultural and natural resources there, which are in fact the heart of Anza-Borrego Desert State Park. Without which no one would've called that area a park, worth preserving, worth stewarding. Not only is it the heart, not only is this wild land the heart of the park, without this wilderness, truly all of our spirits suffer, and if you folks listening haven't realized that, think about what really moves you down deep, besides your wallet. And your motor. So I'd like to thank you all for helping to support the park as presented in your preliminary general plan. I speak as an earth citizen, sounds pretty flaky, go ahead stick a label on it, it's not just San Diego, we're talking global attraction here. This is one of the stars, the royal crown in the park system in our country, as well as the state. Therefore, let's all remember the driving is a privilege, I'm told, in California, not a right. And with that, yes I enjoy four by four use, and supporting our parks both financially and volunteer-wise. Thanks again for your support.

**Sam Webb, Honorary Mayors of Borrego Springs** – My name is Sam Webb. And I along with my wife Astrid who sits over here are the Honorary Mayors of Borrego Springs. And I signed up to make a comment only after hearing some false information that was previously stated. The park is not doing, making efforts to reduce visitation to the park. That's kind of an outrageous statement to make and I want to clear the air on that. Astrid and I have lived in Borrego Springs for 16 years, and we have a jeep, we drive around the roads, we hike, we enjoy the park in its entirety. We're also park volunteers and we work the visitors center and we work for the Colorado Desert Archeology Society. And these years we've gotten to know the park staff very well. And believe me, you couldn't find a group of people more dedicated to providing visitor services and protecting that valuable park. And I just think when somebody makes statements that are not true, somebody has to come up and clear the air. The other thing is I'm a member of the Anza-Borrego Desert Natural History Association, and I'm a member of the Anza-Borrego Foundation. And these are two groups and there's not one trying to destroy the other. They both exist to serve and protect the park, and I just ask the Commission to get this plan approved, it's been in the air now for several years, I've attended a lot of these meetings, let's get it approved and move on. Thank you very much.

**Helena Quintana, Individual** – Good afternoon. My name is Helena Cantana, I'm from Imperial County. And I'm not representing anybody except myself. I'm a resident there. I've been a teacher for over 20 years, and I and other teachers have taken students on many occasions hiking and camping in Anza-Borrego, and as well as taking our families. I am supporting the plan and I am urging you to approve, and in particular I am concerned about the wilderness designation. I'm supportive of that. I, as a resident of the county. I see a lot of destruction going on and you've noticed today, we have many people from one part of the recreation group, that is very large in number. But I think that numbers should not be the deciding factor here. If you have a pot of gold, everybody's going to want it. Does that mean that it should be put into a thousand pieces or destroyed? I think the main charge is to protect the park, to preserve the park so it can have a lasting impact on generations to come. I see a lot of destruction on the desert floor, scarring of the floor by a lot of vehicles that are running loose in the desert, and it really bothers me because in the last 20 years, especially, in the Anza-Borrego area, that's been noticeable to me. So please pass the plan in protecting the park. Thank you.

**John Degenfelder, Anza Borrego Trails Assessment Team** – Good afternoon, welcome. It's been a long time here. We're spending a lot of time on this sort of thing and Mat Fuzie asked me to keep it short, so I'm a member of the trails, Anza-Borrego Trails Assessment Team, and that's one that Mark Jorgensen heads up. I want to point out that I approve, support, encourage the staff recommendation, and especially I guess the Lucky 5 area for the equestrian campground planned in there as well, for overnight and hope everything goes well with that. Thank you.

**Trudy Thomas, Individual** – Thank you Commission and members here today. While I work with State

Senator Bill Morrow, I'm here representing myself as a native Californian, and also happen to be a member of the Back Country Horsemen of California. I respectfully submit the following points. The historic Coyote Canyon Road is on the table today because right now, Parks can close this road if they want to. Once the plan is approved, Parks has to manage according to the plan, including all routes in the areas closed prior to plan adoption. Parks cannot then reopen Coyote Canyon Road or other areas without coming back to this body. So, the illegal closure of Coyote Canyon Road is affected by your decision today. Further, it has been remarked today that needs presented here contrast with one another, and there are competing interests. I submit this is not true. Public parks are created for the public. We all want to access, enjoy and conserve this beautiful park for our future generations. Most roads and trails in the park are not accessible or user-friendly, but by the hardest among us, leaving out disabled, elderly and others. Motorized and non-motorized users including equestrians regularly volunteer and/or attempt to volunteer their time to maintenance and rehab of trails, etc. Because we care. Further, Mr. Van Cleve commented on Senator Ducheny's letter for support of the plan, but he neglected to state that she also said she supported its implementation including a process to promote an open dialogues with off-road organizations regarding Coyote Canyon. And then my last comment is the staff recommendations and changes. I'm not sure, but was this put out for public review, public notice and public review? This is the first I've seen it. I don't have a chance to review this and go back to the plan and see what it links up to. Is there not supposed to be a public noticing and an opportunity to review this before the plan is adopted? Thank you.

Chair Shriver noted that he was going to re-call the names of those who were not present directly after the lunch break.

**Ryan Henson, California Wilderness Coalition** – Hello, my name is Ryan Henson, I'm the Policy Director for the California Wilderness Coalition. Thanks for this opportunity to speak today. I actually wasn't going to testify, but one of my pet peeves happens to be misinterpretations of RS2477, and we've heard many of those here today, so I'd like to quickly address that issue. RS2477 was repealed by congress in 1976, but Congress did grandfather-in those "public highways" built on federal land between 1866 and 1976. In our view, in the opinion of many legal scholars, a route such as that established in Coyote Canyon in the 1940s constituted anything but a public highway. Regardless, it is not the duty of either the California State Parks Department or this Commission to inventory, identify, validate, or in any way consider alleged RS2477 claims. Again, we strongly support the proposed general master plan. We think it strikes an excellent balance between resource protection and human enjoyment. And we urge you to approve the plan today.

**Nancy and Brennan Jennings, Individuals** – We are a family who's enjoyed the Anza-Borrego Desert State Park for many years. Both of my children went the first time when they were two weeks old. We go at least 15 times a year and we love the park. We support the plan, we're thrilled. I just wanted to say how it warmed my heart to see the slide of the Coyote Canyon section of that road and how it's come back. And I'm thrilled to see that's possible. My son just wanted to say real quick why he loves the park:

**Brennan Jennings** – I like the desert because when we go on hikes, we can see a lot of plants and sometimes at nighttime we can hear the coyotes.

**Nancy Jennings** – And one more thing: It's a beautiful place, and we totally support the plan. People have been asking you to put it off, you've put it off a year, you've worked so hard, it's time to pass it.

Chair Shriver asked if any of the other speakers he had called were present. There being no response, he announced that he would consider the remainder of the registered speakers for whom he had received forms to have forfeited their opportunity to speak. The Chair then asked if there were any other registered speakers on this agenda item. There being none, the Chair asked if there were any unregistered speakers on this item. There being none, Chair Shriver then asked if State Parks staff had anything to add to the information that had been presented to the Commission, or in response to the comments that were heard today. There being no further comments from staff, the Chair closed public comment on this agenda item.

There was a brief discussion on meeting procedure, after which Commissioner Caryl Hart moved that the Commission adopt the resolution before it to approve the Preliminary General Plan and Environmental Impact Report for Anza-Borrego Desert State Park. Commissioner Sophia Scherman seconded the motion.

Chair Shriver then asked for discussion on the motion.

Commissioner Cotchett asked about the point raised by Ms. Trudy Thomas regarding the staff recommended changes to the proposed general plan. The Commissioner asked if such changes required notification to the public and public comment, or if they were ministerial changes to the plan as it had been presented to the Commission.

Chief Counsel Tim La Franchi referred this question to Senior Staff Counsel Kathryn Tobias.

Kathryn Tobias replied that the staff recommended changes had been created in response to letters that were already in the record, and that the purpose of the staff recommended changes was to clarify points that had been made previously. Ms. Tobias added that the staff recommended changes were responses in reply to comments received. She explained that State Parks was not required to recirculate these responses.

Chair Shriver asked that each speaker be extended the same respect, and he announced that anyone who interrupted the testimony of another would be asked to leave the room.

Commissioner Cotchett clarified that he was asking if there was a legal requirement for the availability of the staff recommended changes document to be publicly-noticed, or an opportunity provided for public comment on this document. Ms. Tobias replied that there were no such requirements for the staff recommended changes. Commissioner Cotchett then asked for clarification as to whether or not any action the Commission took today would affect the closure of the route through Coyote Canyon.

Chair Shriver noted that he had made an incorrect statement earlier in the meeting that he now wished to correct. The Chair stated that he would now explain how the Commission's action could, in a way, affect the current state of affairs pertaining to Coyote Canyon.

Chair Shriver clarified that he had mis-spoken when he stated that no action taken by the Commission today would affect citizens' ability to make changes in the Coyote Canyon area through political avenues or through litigation. Chair Shriver explained that a portion of the Coyote Canyon area was currently designated as wilderness, and that this designation was enacted in 1995 by a prior administration and prior incarnations of the State Park and Recreation Commission and the Department of Parks and Recreation. The Chair noted that if the Commission were to approve an additional wilderness designation in the Coyote Canyon area today, that decision and wilderness designation would have to be rescinded by the State Park and Recreation Commission before any changes could be made there. Chair Shriver further explained that while this was a rather technical point of law, the decision to approve more wilderness designations today could serve as an impediment to later political or legal decisions, in that anyone wishing to make changes would have to go through the additional process of bringing the wilderness designations back to the State Park and Recreation Commission. The Chair stated that he wished to clarify this point for the record.

A discussion took place between Commissioner Cotchett and Commissioner Hart regarding the possibility of amending the Anza-Borrego Desert State Park General Plan to eliminate the additional wilderness designation in the Coyote Canyon area. Commissioner Hart stated that the proposed wilderness designations had been well-considered and that the proposals were the result of a number of public hearings. Commissioner Hart explained that the riparian area in Coyote Canyon was a rarity, one of only two or three such small areas in all of the 600,000 acres of Anza-Borrego Desert State Park. Commissioner Hart stated that opening the route through Coyote Canyon, as it was prior to the 1995 closure, would have a negative impact on the riparian zone. She added that while she appreciated user's desire to travel through the canyon, she felt it was equally important to protect this area for those who wished to enjoy it by non-

motorized means. Commissioner Hart concluded that it was her desire to provide this area with the highest level of protection possible, and that she felt strongly that a portion of Coyote Canyon should be available to those who wished to enjoy this area without the distraction of motorized vehicles. Commissioner Hart concluded that she was not willing to amend her motion pertaining to the adoption of the Anza-Borrego Desert State Park General Plan as it had been presented to the Commission. Commissioner Sophia Scherman noted that she would not rescind her second to Commissioner Hart's motion.

Commissioner Witt noted that he agreed with Commissioner Hart's statement.

Commissioner Tagami noted that an important fact amongst all the subjects that had been discussed today pertained to process. The Commissioner noted that the Anza-Borrego Desert State Park General Plan had been scheduled to come before the Commission a year ago, and that those who opposed adoption of the plan had at that time asked for the hearing to be delayed. Commissioner Tagami noted that in the year that had transpired since that delay, no significant progress had been made toward offering an alternative to the proposed plan, and no significant arguments had been developed against the environmental process of the plan. Commissioner Tagami stated the correct processes and procedures had been followed, and that any further delays were not likely to produce acceptable alternatives. The Commissioner stated that he supported the motion that had been made by Commissioner Hart, and that he was prepared to vote.

Commissioner Kautz stated that she had not seen Coyote Canyon, and she had not made up her mind whether or not consideration should be given to excluding the designation of additional wilderness in this area. The Commissioner noted that the decision should best suit the needs of all users of the park.

Commissioner Cotchett stated that there could be an additional reason to support Commissioner Hart's motion. He asked if a portion of the 3.1 mile closed area of Coyote Canyon was already designated as wilderness; staff answered that this was correct. The Commissioner then explained that since a portion of this area was already designated as wilderness, anyone wishing to change this, through litigation or the political process, would also need to remove the prior wilderness designation. Commissioner Cotchett concluded that he adopted the comments made by Commissioner Hart and the other commissioners.

Chair Shriver asked if there were any other comments from the commissioners. A member of the public called for a point of order, and Chair Shriver explained that public comment on this agenda item had been closed, and that points of order were only recognized amongst the commissioners. The Chair then called for a vote. The commissioners voted unanimously to adopt the resolution to approve the Preliminary General Plan and Environmental Impact Report for Anza-Borrego Desert State Park

Chair Shriver then announced that there were three related agenda items on which the Commission could take action. The Chair then asked for motions on the following:

**Consideration and action on the Department's proposal for  
Naming and Classification of approximately 29,482 acres of Anza-Borrego Desert State  
Park as Wil-Yee State Wilderness**

Commissioner Caryl Hart moved that this proposal be approved. Second Commissioner Scherman. The commissioners voted unanimously to adopt the resolution to Name & Classify approximately 29,482 acres of Anza-Borrego Desert State Park as Wil-Yee State Wilderness.

**Consideration and action on the Department's proposal for  
Naming and Classification of approximately 7,193 acres of Anza-Borrego Desert State  
Park as Sin Nombre State Wilderness**

Commissioner Caryl Hart moved that this proposal be approved. Second Commissioner Scherman. The commissioners voted unanimously to adopt the resolution to Name & Classify approximately 7,193 acres of Anza-Borrego Desert State Park as Sin Nombre State Wilderness.

## **Consideration and action on the Department's proposal for Naming and Classification of approximately 443 acres of Anza-Borrego Desert State Park as We-nelsch Cultural Preserve**

Commissioner Caryl Hart moved that this proposal be approved. Second Commissioner Cotchett. The commissioners voted unanimously to adopt the resolution to Name & Classify approximately 443 acres of Anza-Borrego Desert State Park as We-nelsch Cultural Preserve.

### **CONSENT ITEMS**

Chair Shriver introduced this agenda item. The Chair explained that the majority of the agendized consent items, all related to concessions, were to be tabled until the next Commission meeting. The Chair added that Commissioner Tagami, in his role as member of the Commission's Concessions, Enterprise, and Fiscal Committee, would present two of the items to the Commission for approval at this time.

Commissioner Tagami noted that while he and Commissioner Cotchett had met with staff to discuss concession proposals, the Committee was awaiting a further opportunity to review several of the items before making a recommendation to the Commission. Commissioner Tagami then proposed Commission approval of two concessions items:

#### **Determination that the contract for Camp Store & Tent Cabins at Big Basin Redwoods State Park is compatible with the unit's classification and general plan**

Commissioner Tagami moved that the Commission approve this item, Second Commissioner Cotchett. The commissioners voted unanimously to adopt the resolution determining that the contract for the Camp Store & Tent Cabins at Big Basin Redwoods State Park was compatible with the park's classification and general plan.

#### **Determination that the proposal for alcohol sales at the Camp Store & Marina at Clear Lake State Park is consistent with Commission Policy**

Commissioner Tagami moved that the Commission approve this item, Second Commissioner Cotchett. The commissioners voted unanimously to adopt the resolution determining that the proposal for alcohol sales at the Camp Store & Marina at Clear Lake State Park was consistent with Commission Policy.

Chair Shriver asked the individuals who were congregating in the back of the meeting room to please either be quiet or leave the room.

Chair Shriver noted that the balance of the concessions items on this meeting's agenda would be presented at the next Commission meeting.

### **OPEN PUBLIC COMMENT**

Chair Shriver introduced this agenda item and noted there were three registered speakers. The Chair explained that the purpose of Open Public Comment was to provide an opportunity for members of the public to address the Commission regarding subjects on which the Commission has jurisdiction; he requested that speakers not speak concerning issues over which the Commission had no authority. The Chair added that first registered speaker, Ms. Carol Lockwood, was apparently about to request that the Commission reconsider the concession contract that had already been awarded in Old Town San Diego State Historic Park. The Chair noted that the Commission would not be able to take any action on this issue. The Chair then called Ms. Lockwood:

**Carol Lockwood, Individual – May I still speak?**

Chair Shriver replied that Ms. Lockwood should proceed.

**Carol Lockwood – My name is Carol Lockwood. And I do serve as the Commissioner for the Parks and**

Recreation Department for the city of La Mesa. I have been a commissioner for 15 years, and administer 14 parks within our nine square miles in our city of 60,000 people. But I am here today to say a sad farewell to something that has been part of our community for over 30 years. Bazaar del Mundo has more visitors annually than Anza-Borrego park. And it is a destination for tourists and local people throughout our community. And the corporate and political tsunami is about to wash our beloved Bazaar del Mundo out of business. Hundreds of faithful 30-year Latino workers will be losing their jobs. The many festivals will be swept away, Los Posada, Cinco de Mayo, the Santa Fe Market, Latin American Festival, and Mata Ortiz, until we reach Dia de las Muertos, which pertains to all of us. How can a governor who travels internationally pointing out the highlights of his state, not support Bazaar del Mundo. It's the number two destination after our zoo and wild animal park. How can a first lady who's conferences champion women and their accomplishments not honor and support Diane Powers, entrepreneur extrodinaire, a woman many times honored for her restaurants and shops which comprise the Bazaar. How can a corporation which doesn't know the difference between Sinko, S-I-N-K-O, and Cinco, C-I-N-C-O, promise more money to the state coffers than it can possibly deliver legitimately. It's time to put aside under-the-table contributions both by political appointees. Diane's life work has not been awarded to an out-of-state interest who has a very poor track record at its present operations. Don't you just love the food service at Petco Park? I wish we would've had, we would've stood up, spoken up and spoken out for Diane, she needed your support. The Bazaar has no historical significance. It was a decrepit auto court until Diane's vision turned it into a world class destination. It's true it may rise up again in a new venue, but certainly not with the same ambiance. So I hope before you leave you will wear your black arm bands, and take one last look at our beloved Bazaar, save your flyers, they will become collectibles. Thank you.

**Terry Senty, Individual** – My name is Terry Sentry and I can't say it as eloquently but I just, I like Old Town and Bazaar del Mundo as it is. It sounds like you've made a financial decision without listening to the wishes of San Diego. I favor a Mexican facility not western, and I would vote for keeping Diane Powers and Bazaar Del Mundo.

**Chuck Kenyon, Individual** – My name is Chuck Kenyon. I reside in the small east County of San Diego community of Descanso. I'm a retired fire captain from the city of La Mesa, and also one of those rare and endangered species, a native San Diegan. I'd like to speak today about another endangered part of San Diego, the Bazaar del Mundo. Both politically and financially we are seeing David and Goliath situation, only in this case, it's Diane and Goliath. No matter how many stones she may have in her pouch, it would seem Goliath has the upper hand this time. What Diane Powers accomplished with Bazaar del Mundo, she brought life to a rundown little known place known as Old Town State Park. Diane Powers turned Old Town State Park into one of the most profitable parks in the system today. She turned it into a gold mine. Now with all the unproven drastic changes proposed, the park system and the citizens of San Diego may be left with the shaft. Delaware North will haul out the gold until it runs out and then they'll leave town. The majority of visitors at the Bazaar del Mundo and Old town State Park are local San Diegans. This is one of their favorite local state parks. And yet, they've had little chance to voice their opinions and to change this to their park. At one of the meetings, all of the comments to save Bazaar Del Mundo were lumped together to make it look like it was one comment. Local input has been downplayed and almost ignored. San Diegans get the feeling that Sacramento knows better what they want. I hope that somehow the citizens of San Diego and the surrounding citizens will be able to enjoy the beauty and the Mexican heritage depicted at the Bazaar del Mundo, and not be subject to the bleak and barren look that has been proposed by Delaware North. Put this issue to a local vote, and Bazaar del Mundo would win hands down. In closing, I'd like to use a well-worn phrase. If it ain't broken, don't fix it. Thank you.

Chair Shriver asked if there were any other registered or unregistered speakers for open public comment. There being none, the Chair closed public comment on this agenda item. The Chair then asked staff if there had been an opportunity for public comment before the decision was made to change concessionaires at Old Town San Diego State Historic Park.

Jim Luscutoff, Chief of State Parks' Concessions and Reservations Division, responded. Mr. Luscutoff

explained that all concessions projects on the scale of Bazaar de Mundo go through a public input process. He further explained that such concession contracts are awarded through a competitive public bidding process, as required by law, and that State Parks is not permitted to make subjective decisions in awarding such concession contracts.

Chair Shriver asked the date and location of the public meeting that related to this concession, and Mr. Luscutoff replied that the meeting had been held in Old Town San Diego State Historic Park, though he did not recall the precise date of the meeting.

Commissioner Cotchett asked Mr. Luscutoff by what process concessions agreements were audited by State Parks.

A brief discussion took place during which Mr. Luscutoff explained that both internal and external audits were conducted of State Parks concession contracts. He further explained that all new concessionaires were audited during their first year of operation, and that audits were conducted at random throughout the life of each contract. Mr. Luscutoff clarified that these concessions audits involved a site visit from State Parks' auditors to review the concessionaire's accounting.

Chair Shriver asked if there were any other questions on this topic from the commissioners. There being none, the Chair closed public comment on this agenda item.

A member of the public who had spoken previously, Mr. Mike Overcast, addressed the Chair without being recognized:

**Mike Overcast** – I understand you don't want me to speak?

Chair Shriver explained that the open public comment portion of the meeting had been closed, and that Mr. Overcast's speaker registration form had been submitted after public comment had been closed. The Chair then asked if there was to be any further discussion by the Commissioners on the concessions question. There being none, the Chair recognized Commissioner Sophia Scherman:

Commissioner Scherman noted that she was envious of the people who had spoken today, in that many had been frequent visitors to Anza-Borrego Desert State Park. The Commissioner added that park staff were exceptionally proud of the park and the opportunities it provided for visitors. Commissioner Scherman stated that she and her fellow commissioners were very sensitive to accessibility issues and recognition of military veterans. She added that her personal priorities included making parks more accessible, compliance with the Americans with Disabilities Act, and providing services for all visitors, not just particular groups. The Commissioner added that she believed park visitors would be happy with the general plan for Anza-Borrego Desert State Park, and that a general plan amendment process existed for areas that may be identified as needing improvement.

## **ADJOURNMENT**

The Chair asked if there were any other comments from the Commission. There being none, Chair Shriver adjourned the meeting at 2:24 p.m.

ATTEST: These minutes were approved by the California State Park and Recreation Commission on April 8, 2005, at its duly-noticed public meeting in Sacramento, California.

By: ORIGINAL SIGNED BY \_\_\_\_\_ Date: 4-8-05

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