

CALIFORNIA STATE PARK and RECREATION COMMISSION

State of California Resources Agency Auditorium
1416 9th Street
Sacramento, California

Minutes of the Meeting · Friday, April 8, 2005

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

Clint Eastwood, VICE CHAIR

STATE PARKS STAFF PRESENT

Ruth Coleman, Director
Betty Ettinger, Acting Chief, Office of Grants and Local Services
Bob Foster, Superintendent, Northern Buttes District
Walter Gray, Chief, Cultural Resources Division
Dave Keck, Supervisor, Northern Service Center General Planning
Tim La Franchi, Chief Counsel
Louis Nastro, Assistant to the State Park and Recreation Commission
Rick Rayburn, Chief, Natural Resources Division
Paul Romero, Chief Deputy Director
John Schmill, Manager, Office of Grants and Local Services
Wayne Woodroof, General Planning Manager

SPEAKERS REGISTERED/REPRESENTING

Joe Becker/California Bowmen Hunters
Larry Combs/Sutter County
Eileen Conway/Self
Mike Darnell/Middle Mountain Foundation
Brian Hausback/Self
Carolyn Laughlin/Self
Susan Micheli/Landowners in Sutter Buttes
Larry Montna/Sutter County Board of Supervisors
Larry Munger/Sutter County Board of Supervisors
Tom Read/Self
Jason Rhine/California Waterfowl Association
Margit Sands/Self
Tyrone Shaeffer/Self
Arlyn Smith/Self
Arlene Ward/Self

CALL TO ORDER

Legal notice having been given, this meeting of the California State Park and Recreation Commission was called to order at 9:05 a.m. by Commission Chair Bobby Shriver. Chair Shriver introduced the commissioners present, including Acquanetta Warren, whose appointment had been announced by Governor Arnold Schwarzenegger's office on March 18th, 2005.

AGENDA ITEM 1:

APPROVAL OF MINUTES OF THE FEBRUARY 11, 2005 MEETING IN SAN DIEGO

Chair Shriver asked for a motion to approve the draft minutes of the February 11, 2005 meeting in San Diego. Motion Commissioner Hart, second Commissioner Scherman. The commissioners voted unanimously to approve the minutes as submitted.

AGENDA ITEM 2:

CHAIR'S REPORT - RECOGNITION OF EMPLOYEE RETIREMENTS

Chair Shriver asked Commissioner Sophia Scherman to read the names of staff members who had recently retired from California State Parks:

Stephen Gorman, Twin Cities District 26 years
Elizabeth Smart, Museum Services Sector 29 years, 5 months
Bruce Thomsen, Central Valley District 24 years, 10 months

AGENDA ITEM 3:

APPROVAL OF SPECIAL REDWOOD GROVES

Chair Shriver asked Commissioner Sophia Scherman to read the special redwood grove proposals requested by Save-the-Redwoods League:

Richard J. Mazurek, M.D. Grove in Redwood National and State Park
Nick Labeledz, donor

Gary Marlow Simmons Grove in Wilder Ranch State Park
Gary Simmons, donor

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

AGENDA ITEM 4:

DIRECTOR'S REPORT

Chair Shriver introduced State Parks Director Ruth Coleman to present her Director's Report. In addition to the written Director's Report that had been provided to the Commission, Director Coleman addressed the following in her oral report:

- Commission Annual Report to the Governor – A draft report was distributed to the Commission prior to the meeting. Director Coleman requested that the commissioners submit their comments on the draft in writing.
- Cultural Resources Collection Management – Director Coleman introduced Cultural Resources Division Chief Walter Gray to present a staff report to the Commission on this subject. Director Coleman also asked the commissioners if they would like State Parks to organize a workshop on this subject.
- Bureau of State Audits report on State Parks grant programs – Director Coleman introduced Betty Ettinger, Acting Chief of State Parks' Office of Grants and Local Services. Ms. Ettinger and John

Schmill, a manager in the Office of Grants and Local Services, provided information and answered questions from the Commission on the recommendations of the Bureau of State Audits report. The Commission asked to receive an update on the implementation of the recommendations.

- Central Valley Strategy – Director Coleman presented slides, outlined the proposals, and underscored the importance of State Parks’ Central Valley Strategy. The Director explained that State Parks would be conducting public meetings to obtain input on this important initiative.

**AGENDA ITEM 5:
PUBLIC HEARING**

Chair Shriver opened the public hearing portion of the meeting at 9:48 a.m. The Chair asked that those who wished to address the Commission please complete a speaker registration form. He also explained that elected officials would be invited to speak first, and that time limits would be imposed on speakers.

ITEM 5A:

Consideration and action on the Department’s proposal to name and classify the 1,785 acre (approximate) Sutter Buttes property as Sutter Buttes State Park

The Chair called the public speakers on this agenda item. At the close of public comment, the Chair asked if staff had anything to add in response to the public comments or in addition to the information already received by the Commission.

General Planning Manager Wayne Woodroof noted that many of the concerns raised by the public speakers would be addressed in the general plan process that would follow classification and naming of the property.

Commissioner Tagami moved for the Sutter Buttes property to be classified as a state park and named either Histum Yani or Estom Yamani State Park at Sutter Buttes, the final name to be chosen once the appropriate indigenous Maidu name for the “Middle Mountain” could be ascertained. Commissioner Cotchett seconded the motion. During discussion of this motion, Chair Shriver suggested that the actual naming of the property should be tabled until further research on the proposed names could be conducted. Commissioner Tagami withdrew his motion on the condition that staff conduct research and report back to the Commission on the two different Maidu names/dialects meaning “middle mountain” that had been proposed, and on whether or not the local community would support such a name. This motion was adopted unanimously by consensus.

Commissioner Tagami requested clarification on the differences between the classifications of state park and state reserve. Chair Shriver and Natural Resources Division Chief Rick Rayburn explained the differences in terms of the types of uses that are permitted in the two classifications. Chief Deputy Director Paul Romero added that hunting for the control of wild pigs on the property, an issue that had been raised by several of the public speakers, could be permitted within a state park classification through a memorandum of understanding with the California Department of Fish and Game.

Commissioner Witt moved for the Sutter Buttes property to be classified as a state park. Commissioner Witt noted that the property would temporarily be referred to as Sutter Buttes until an appropriate name could be selected. The motion was seconded by Commissioner Tagami. The commissioners voted unanimously to adopt the resolution to classify the Sutter Buttes property as a state park.

ITEM 5B:

Concurrence on the Director’s appointment of Gerald Davidson to the Board of Directors of the California Citrus State Historic Park Non-Profit Management Corporation

Chair Shriver noted that the Commission had received and reviewed a staff report on this agenda item. There being no public speakers on this item, the Chair asked for a motion stating that the Commission

concur on the Director's appointment of Gerald Davidson to the Board of Directors of the California Citrus State Historic Park Non-Profit Management Corporation. Motion Commissioner Tagami, second Commissioner Scherman. The commissioners voted unanimously that the Commission concurs on the Director's appointment of Gerald Davidson to the Board of Directors of the California Citrus State Historic Park Non-Profit Management Corporation.

ITEM 5C:

Consideration and recommendation of the draft California Recreation Policy for adoption by the Director

Chair Shriver asked Commissioner Caryl Hart, in her role as a member of the Commission's Policy Committee, to present this agenda item. Commissioner Hart briefly described the development of the draft California Recreation Policy, and the valuable contributions of her fellow Policy Committee member Commissioner Kautz and staff member Laura Westrup. Commissioner Kautz then expressed her thanks to Commissioner Hart and staff, adding that she believed that after much work the policy had become an easily-digestible document that was worthy of the Commission's consideration. Commissioner Kautz asked for comments on the policy from the commissioners.

Commissioner Cotchett moved that the draft California Recreation Policy be formally accepted for discussion and comments by the Commission. Second Commissioner Scherman. By consensus the commissioners voted unanimously to accept the Policy Committee's presentation of the draft California Recreation Policy for consideration and comments by the full Commission, with the intention of formally adopting the policy at the next Commission meeting.

ITEM 5D-I:

Consent Items

Determination that the following concession contracts are compatible with the classification and general plans of their respective units

- City/Fallon Hotel Complex, Columbia State Historic Park
- Beach Stands & Cafe Concession, Santa Monica State Beach
- Beach Stand/Equipment Rentals, Doheny State Beach
- Lake Oroville Marina at Lime Saddle, Lake Oroville State Recreation Area
- Retail Sales-Sessions Candle Shop, Old Town San Diego State Historic Park
- Retail Sales-Captain Fitch's, Old Town San Diego State Historic Park
- Retail Sales-Bailey & McGuire, Old Town San Diego State Historic Park
- Theater, Old Town San Diego State Historic Park

Chair Shriver noted that he would be excusing himself from voting on the Santa Monica State Beach item, as he was a resident of Santa Monica and member of the Santa Monica City Council. The Chair asked that this item be voted on separately so that he could be excused.

Commissioner Tagami, representing the Commission's Concessions, Enterprise, & Fiscal Committee, then introduced the concessions items. Commissioner Tagami explained that these items had been tabled at the last Commission meeting pending the availability of further information. Commissioner Tagami also noted that he had met with Director Coleman, Chief Deputy Director Paul Romero, and Concessions Chief Jim Luscutoff to review State Parks' concession processes and discuss suggestions for streamlining them. The Commissioner added that all of the information pertaining to the current concessions agenda items had been provided by staff, and that he recommended the items be approved on consent.

Chair Shriver asked for a motion to approve the concessions consent items, excepting the Beach Stands & Cafe Concession at Santa Monica State Beach item. Motion Commissioner Tagami, second Commissioner

Scherman. The commissioners voted unanimously to adopt the resolutions stating that the referenced concessions contracts were compatible with the classification and general plans for their respective units. At Chair Shriver's request, Commissioner Caryl Hart then conducted the vote on the Beach Stands & Cafe Concession at Santa Monica State Beach item. Motion Commissioner Scherman, second Commissioner Kautz. Commissioners Cotchett, Hart, Kautz, Scherman, Tagami, Warren, and Witt voted to adopt the resolution stating that the contract for the Beach Stands & Cafe Concession at Santa Monica State Beach was compatible with the classification and general plan for this unit. Chair Shriver abstained.

ITEM 5D-II:

Determination that the following concession proposals for the sale of alcoholic beverages are consistent with Commission policy

- Old Town San Diego Theater, Old Town San Diego State Historic Park
- Retail Sales-Captain Fitch's, Old Town San Diego State Historic Park

Chair Shriver introduced this agenda item. The Chair then made a motion that the Commission adopt the resolutions stating that the referenced concession proposals for the sale of alcoholic beverages were consistent with Commission policy. Second Commissioner Tagami. The commissioners voted unanimously to adopt the resolutions stating that the referenced concession proposals for the sale of alcoholic beverages were consistent with Commission policy.

AGENDA ITEM 6:

OPEN PUBLIC COMMENT

Chair Shriver opened the Open Public Comment portion of the meeting at 11:24 a.m. There being no registered speakers for this agenda item, the Chair asked if there were any unregistered speakers. There being none, the Chair closed Open Public Comment.

AGENDA ITEM 7:

CLOSED SESSION

Chair Shriver and Chief Counsel Tim La Franchi explained that the Commission would now take a short break to enable clearing of the room so the Commission could conduct a closed session to discuss pending litigation. The litigation to be discussed was titled *Citizens for the Preservation of the Forest of Nisene Marks State Park and Sandy Henn, Petitioners v. California Department of Parks and Recreation; State Park and Recreation Commission, Respondents*. Case No. 03CS01366, Superior Court of the State of California for the County of Sacramento. The Chair and Mr. La Franchi noted that the Commission would reconvene after the closed session to report-out on the closed session.

Chair Shriver closed the public portion of the meeting at 11:25 a.m. The closed session was conducted from 11:35 to 11:48 a.m. At 11:48 a.m. Chair Shriver reopened the public portion of the meeting for reporting-out from the closed session.

Chief Counsel Tim La Franchi reported that the attorneys for State Parks and the Commission had discussed *Citizens for the Preservation of the Forest of Nisene Marks State Park and Sandy Henn, Petitioners v. California Department of Parks and Recreation; State Park and Recreation Commission, Respondents*. Mr. La Franchi noted that the Commission had taken action to authorize the Commission Chair to execute a settlement agreement, settling all claims with regard to the litigation. He added that the settlement agreement would subsequently be presented to the Chair for his signature.

Commissioner Cotchett inquired as to whether or not attorney fees related to the litigation were part of the settlement. A brief discussion took place during which Chief Counsel Tim La Franchi and Director Ruth Coleman explained that while each side would be presenting their attorney fees for resolution, and an amount had been submitted for consideration, no agreement had been reached with regard to the payment

of attorney fees. Mr. La Franchi clarified that the settlement agreement that would be presented to the Chair did not include settlement of the attorney fees.

ADJOURNMENT

The Chair asked if there were any other comments from the Commission. There being none, Chair Shriver adjourned the meeting at 11:50 a.m.

ATTEST: These minutes were approved by the California State Park and Recreation Commission on June 10, 2005, at its duly-noticed public meeting in Los Angeles, California.

By: ORIGINAL SIGNED BY Date: 6-10-05

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