



California

Public Employees for Environmental Responsibility

P.O. Box 4057, Georgetown, CA 95634

Phone: (530) 333-2545

Email: capeer@peer.org

December 9, 2009

Ms. Daphne Greene
Deputy Director
Off Highway Vehicle Division

Mr. Phil Jenkins
Division Chief
Off Highway Vehicle Division
Department of Parks and Recreation
P.O. Box
Sacramento, CA

Dear Ms. Greene and Mr. Jenkins:

As you will recall, Mr. Jenkins and I had a rather lengthy e-mail discussion several months ago regarding the use of OHV funds for motorized access to non-motorized recreation. I had contacted Mr. Jenkins after hearing from several sources that the Division was telling potential grantees that OHV "Ground Operations" Grant funds are available only for projects that also benefit so-called Green Sticker vehicles, a position I believed inconsistent with SB742. When Mr. Jenkins and I failed to come to agreement on that point, I requested a Legislative Counsel opinion on the matter. That opinion, which I attach to this letter, confirms that SB742 explicitly allows the use of OHV funds for projects that benefit only street legal OHV access to non-OHV recreation, as well as project that benefit Green Sticker vehicles.

The Division has improperly limited the scope of eligible projects since the passage and signing of SB742. We now expect the Division to notify potential grantees that such projects are indeed eligible for funding and to invite such projects in the coming grant cycle.

Moreover, deliberate or not, this incorrect interpretation as transmitted in the message sent by the OHV Division to the U.S. Forest Service grantees has undoubtedly skewed their recent Travel Management decisions. As we are all aware, the Forest Service has huge road maintenance deficits; the potential for using State OHV grant funds for road maintenance only if Green Sticker use was allowed

likely resulted in decisions that designate hundreds of miles of Forest Service Maintenance Level 3 roads for mixed use.

It is unfortunate; to say the least, those Forest Service decision-makers and other grantees have been given such incorrect information. After spending millions of dollars in grants to assist the Forest Service with Route Designation, the result of the Division's wrongful interpretation of SB742 is that Travel Management Decisions are being made based on inaccurate information.

We ask that you immediately notify the public, including all potential grantees, as well as past grantees, that Ground Operations projects that do not include non-street-legal vehicles are indeed eligible for State OHV funding, and in fact, will be given the "extra consideration" mandated in the Public Resources Code.

Please advise us as soon as possible, but at least prior to the grant workshop scheduled for January, how and when you will notify the public of your error.

Feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Karen Schambach".

Karen Schambach
California Field Coordinator

Cc: Marlene Finley, U.S. Forest Service
Kathleen Mick, U.S. Forest Service
Angela Coleman, U.S. Forest Service
Jim Keeler, BLM
Ruth Coleman, Director, Department of Parks and Recreation
Mike Chrisman, Resources Secretary
Interested parties