



California Off-Road Vehicle Association
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Pending Approval April 23, 2018

AGENDA

California Off-Road Vehicle Association

Board of Directors Meeting Conference **March 26, 2018 7:00 PM**

Phone Number: (712) 775-8968 • Access Code: #104206

I. **Call to Order** - 7:00 PM

II. **Roll Call & Welcome Guests** Managing Director Amy Granat, Board members: Vinnie Barbarino, Bruce Brazil, Ken Clarke, Bob Ham, Lori Lewis, Ed Stovin, Bruce Witcher, Jim Woods and Roberta Woods. Guests: Joel Baez, Jon Kinley, Ken Oyer, Steve Schaw and Ed Waldheim. Absent Board members: Chad Clopton, Bob Ham, Diana Mead, Clayton Miller and Mike Moore,. [Nine attending BOD members].

III. **Review Agenda, modify as necessary**

IV. **Minutes from previous BOD meeting** – Motion to approve as sent – Bob Ham, seconded by Lori Lewis. Approved as sent.

V. **President's Report** – Ken Clarke – See attached report. Ken reviewed the issue with Oceano Dunes. Friends of Oceano Dunes are planning on legal action to keep the Dunes open. Ed Stovin questioned whether parties that have moved to the Dunes area have any right to stop the SVRA there. The Dunes was there first. Ed remarked that people that move next to an airport don't have rights to stop the airport noise. Ed also thought that maybe getting another legal opinion to see if this would apply to the Dunes. Amy gave a report on the Dunes. (See her report.)

VI. **Legislative Reports**

1. Managing Director's Report – Amy Granat – See attached report. Amy added remarks about Oceano Dunes. What is happening in Oceano Dunes has little to do with legality. It has to do with the interpretation by the Air Pollution Control District (APCD) who has control over the area. It operates a bit differently than others as it has subcommittees. The APCD has various members consisting of Supervisors and others. There is also a hearing board that is appointed and has power to set restrictions concerning pollution levels, and what needs to be done to reach appropriate levels. The APCD has jurisdiction over the SVRA. The decision as to actions of the SVRA and the APCD is supposed to be science based according to their charter, but it doesn't have to be. The APCD is making decisions that are personal rather than scientific. The board is not interested in science concerning the area. They are catering to the residents of the area. We are dealing with an entity that has a certain amount of power, that is untrained, aren't scientists and are not using science to solve the problems. A CORVA member who is an environmental science who contracts for the state, Tim Canard, who told Amy about his investigation into the Oceano Dunes reports. He and Amy discussed, what is the responsibility of the APCD and can they make any decision they want? And so far, the answer is, yes, they can. It doesn't have to be based on any rational proposal. The first settlement agreement was very harsh and restrictive, but the newest agreement is even more restrictive and probably unobtainable. Amy believes there would be many protests. Going forward into a legal battle, Mr. Canard suggested researching if the APCD is doing what is good for the community. It looks like the APCD can be sued in court, based on criteria and whether there was appropriate consideration on both sides. The next meeting will be looking at a settlement with the State because the State wants to keep the SVRA open but also be good neighbor to the residents. In the end, the off-road community will lose. In order for any court case to proceed, there has to be a decision. We can do some preliminary investigation now and that this small APCD can be sued. Another question exposes the builder of the development. Were there any disclosures required because the SVRA was already there. The APCD can make any decision about anything regardless of disclosures. This isn't making any of the off-road community happy, but the APCD has the authority. However, if by making this decision, they are over-stepping their authority in a court of law.

Bruce Witcher agrees with what Amy has shared. The science expert on the APCD was surprised by the actions. The lawyer on the board (who Bruce knows) motioned for the five year 50% settlement and another member (Bob Carr) proposed a three year- 50 % settlement. Bruce feels they are not getting the information that is necessary. Some kind of rational basis must be used in their decision. Proving the arbitrary and capricious standard is difficult. Almost always the court looks at the science first. The APCD can't ignore the rational arguments. The burden of proof is on the plaintiff, with the defendant being the APCD. The APCD has more discretion. The study of the SVRA dust abated from years ago was challenged and the chairman of the county board (Bruce Gibson) refused any notion that the study was flawed in anyway. The study is still the measure of what the board uses even though the science isn't really precise. There are more questions that could be explored. We need to wait to see what State Parks will be doing. Currently, the settlement has unreasonable levels in an unreasonable time frame. During any litigation, Parks can present their study but the hearing board will be the jury and may not look at any testimony. This is probably a forgone conclusion. Amy agreed with this. We know what they are going to do. It may not really be a strong enough case for CORVA to even win. Finding funding may not even help us. Interestingly, the housing builder, Shay Homes, is also looking into legal action because they fear they may be responsible for building there when they knew about the dust. Did they do their due diligence. Amy told Ed Waldheim that the State Parks is the one doing the agreement with the APCD and is trying to find a reasonable compromise. This has been rejected by the hearing board. The hearing board was rude to State Parks representative Matt Fuze. The argument is that the State Parks did not make a good case and now significant changes will need to be made. Bruce Witcher believes some specifics may be worked out prior to the public meeting on April 30, 2018. But they really can't make firm decisions because they must follow the open meeting act rule. Amy remarked that this had happened before. Matt Fuze had spent a lot of time doing this, but then to appear before the board and have nothing move forward as planned. She and Bruce feel that in the end the off-road community is going to lose. Ken Clarke likened this same pattern to what is happening near the Prairie City SVRA where homes are being built right next door. This may be the next place of legal problems. Bruce mentioned that in Atascadero there is a high-powered rifle range and when he was trying to purchase a home nearby, he was informed of the disclosure about the range noise. It is a private facility not a State owned facility. Ed Waldheim asked if we had involved the chamber of commerce and the local Pismo businesses in the hearings. They will suffer with the loss of business from the off-road visitors. Going from 4200 acres to 1200 now and ending up with on a few hundred acres is not going to bring in the business. Bruce remarked that to the hearing board, health and safety trumps all other considerations, regardless of business or community needs.

Concerning Amy's regular report on the DRECP. Despite all the comments submitted, the decision will be made at a Federal level. The decision will be made by the Secretary and how things have changed with the BLM. The changes include looking at regulations from all the different departments, like increasing gas and oil, mineral exploration, and other areas. Those involved were not happy because it took away local control. They are looking at the OHV land to develop in California because it is the easiest to do the environmental analysis. No one in California supports this. We don't have a timeline at this point. All comments have been filed but we will have to wait now.

The Houndsmen have kept Amy very busy. She has been doing many reports for them concerning the current animal Bill. Ken Clarke brought up the wild pig population and how it was added to the Bill. Ken thought that the pigs could be poisoned. Bruce Brazil later mentioned that this was incorrect. Instead, the pigs would be moved to a different category of exotic game animals. The bill would prohibit the use of poison to kill exotic mammals. Amy mentioned that the bill was then amended and is a very confusing bill. The underlying goal of Fish and Game has to do with expanding the bird fly-ways. Deprivation permits would be issued to eradicate the pigs, but Bruce Brazil believes no permits would be required. Even the hunters want some oversight when controlling the pig population. Bob Ham called a **point of order** to get us back on track.

The AB3199 concerns gun raffles for non-profits that they want to be illegal. A Yuba City fire department held a raffle after the Parkland shooting. Amy says her concern was do these raffles have to abide by the current laws, etc. But she discovered that all the California raffles must abide by law. Why the Bill has moved forward is strange.

Continuing with Amy's report:

The OHV Commission meeting was interesting. Amy, Bob Ham and our lobbyist Kathy Lynch learned a lot. We have two new commissioners and one reappointed commissioner. Patricia Urainia, who Bob Ham had recommended is now serving.

Also, Amy reminded everyone that we **have to have a quorum** at the Annual Meeting.

Amy thanked Jon Kinley (CORVA Instagram) and the American Adventurist organization for providing seed money for the fight at Oceano Dunes. Bob Ham has provided the name of an attorney that has experience on environmental issues and when we have more information about the situation, she will contact him for a meeting. Jon Kinley told the board about an article in a local paper (the S.L.O. Tribune) about Oceano Dunes. Jon has also been involving several groups on Instagram. American Adventurist has made a limited edition t-shirt with their logo and the CORVA logo and will be donating \$10.00 from each sale to CORVA. Jon invited everyone to see the CORVA site and see the alliances we now have with the different organizations. Ken Clarke and Lori Lewis thanked Jon for his efforts.

2. Updates and related bills – Bob Ham told us that all the Bills have been introduced but the legislature is currently in recess. In the next week there may be hearings on these. There is one OHV Bill that is of concern introduced by the same people (PEER) who were responsible for SB249. This time it is about the Carnegie SVRA. This Bill will make it possible for the State Parks to sell the Tesla test site (near Carnegie) to an environmental group or organization. The people in power are trying to push this. Bob is most concerned with the sunset on the OHV Commission. The stakeholders group needs to meet but State Parks is moving slowly.

VII. **Finance Report**

1. Treasurer's Report. Mike Moore was absent – (*Financial Reports to be sent via email*) Roberta Woods discussed the problem with the Life Member Payment Program. Mike mentioned in his report that he had to make Journal Entries in the financial books to adjust for losses for this program from members that fail to continue to make their monthly payments. Roberta told how the Life Membership is sent from Ken Oyer to her for processing as a "Life Member" even though they haven't paid their Life Membership [\$300.00] in full and they receive their Life Membership card and sticker. Roberta would like us to track this membership differently so that she can send them a "pending" Life Membership card and regular CORVA stickers, but not send their final Life Member card and stickers until they have actually paid the amount in full. Amy agreed that we should make the change. She noted that any amounts paid toward a Life Membership triggers a switch to a Regular Membership. However, once they have the sticker, they have no incentive to reestablish payments towards the Life Membership. She also noted that Ken Oyer does contact all these members that are in arrears. In recent weeks more people are using the payment method. It was agreed that the new method of processing would begin.

VIII. **Northern Report** – No Report however Bruce Brazil noted that Friends of the Rubicon is holding their annual meeting on April 7th in Rancho Cordova at the Metalcloak business location (the prior Rubicon Express building). He has attended this and will again. Ken Clarke may try to attend.

IX. **Southern Report** – Jim Woods mentioned that he is concerned about Oceano Dunes. There is a lot to consider in fighting the closer, including expenses and whether or not there is any hope of affecting the outcome. Ken Clarke agreed that spending too much without a plan is a concern.

X. **Ongoing Business**

1. **CORVA Annual Meeting** – Ken Clarke / Amy Granat – Amy reported that CORVA will be sponsoring the lunch after the Friends of Jawbone Moose Anderson Day cleanup. It will be held at the Jawbone Station. CORVA banners will be posted. There are also plans for a potluck and camping. Roberta told that there is plenty of camping available and we will be a specific area marking CORVA along with banners and such. She also asked everyone on the call to try to attend the Annual Meeting. There will be the Annual Awards and everyone needs to attend. She also reported that a preliminary agenda has been arranged. Also, our next

CORVA Board Meeting is just the Monday (April 23, 2018) before the Annual Meeting. She suggests that anyone that has an formal annual report have it prepared and sent out for that meeting so that only the elections, awards and annual planning can be dealt with at the Annual Meeting. This will save time and keep us on schedule during the Annual Meeting. Amy reported that the theme for the Annual Meeting is the Powerful Message of Orange and we want everyone to wear their Orange CORVA shirts. The agenda is schedule is set to start at 9:00AM. Ed Waldheim requests that everyone go online to register for the Moose Anderson Cleanup so they can get a free t-shirt. There will be a breakfast at 7:30 prior to registration for the cleanup, followed by the cleanup from 9-12 and the lunch is at 12:30. He wants us to thank the Bureau of Land Management that gave us permission to use the building. We will need to bring our own HDMI cords. He invited us to put our CORVA store next to his motorhome where breakfast will be served. Amy and Bob Newman are making arrangements. Lori Lewis asked about the Historic Trip. Ed told that Roger and Cecilia Warbow usually make those arrangements prior to this month and probably will not be able to do the historic run. [Note: this was confirmed a few days after the BOD meeting.] Ed also noted that we need raffle prizes for the Moose Anderson event and asked if CORVA was having a raffle. Roberta replied no. Ed will have to juggle between the Annual meeting and the Friends of Jawbone Annual Meeting. Lori Lewis also asked about the next regular Board meeting [April 23, 2018] and then the following one is scheduled for May 28, 2018 which is Memorial Day. This will be changed on the website and rescheduled to May 21, 2018. Moved to change to May 21, 2018 by Roberta Woods and Jim Woods seconded. Jon Kinley will update our meeting on Instagram. Amy will notify Daniel to make the changes on the CORVA website.

XI. **New Business**

1. **Request for Approval of Expenditure** - New Standing CORVA Banner – Roberta. Roberta reports that the current CORVA banners are in need of replacements. Wayne Ford gave CORVA a standing banner stand larger but similar to the one now used at the CORVA show booths [SSSS and ORE]. It is high quality and worth replacing the banner with a new CORVA banner and is approximately 3'x9'. The quote to get a banner is approximately \$175.00. Amy, Jim and Roberta recommend creating a new banner using the new CORVA Bear sticker along with our motto, our name and a picture of something so there is no white space. A picture is needed to be added to the banner. Amy sent the link for the CORVA Photobucket so Roberta can find a photo to use. The Board consensus is to move forward. Roberta Woods moved to order the banner, Bruce Brazil seconded. Motion carried. Jon Kinley of Instagram reminded the Board again about the American Adventurists. They have donated over \$300.00 for shirts they sold to support CORVA. You can still order t-shirts at American Adventurist website. Amy also agreed with the idea.
2. **Joel Baez** – His recent club event raised money for a donation to CORVA. But instead, he wants to make glassware with the CORVA logo on them. His company will make these and then CORVA can sell them for a profit. The glasses will have the CORVA logo on both sides. Amy reports that we can change our store to the new provider so we can add the item to our CORVA store. Instead, Joel will sell these and then send the money to CORVA. He will send a sample to Amy and see how the Board likes it.

XII. **Adjournment**

Bruce Brazil motion with second by Lori Lewis to adjourn meeting by 8:35 PM.

Next CORVA scheduled board meeting April 23, 2018

*Protecting public land for the people, not from the people, since 1969
California's Off Road Voice for Access*

Ken Clarke
CORVA President
Email: Ken.Clarke@corva.org

Meeting Date: March 26, 2018

PRESIDENT'S REPORT:

Plans are coming together for our annual meeting and we will have lots to deal with. Those of you whose terms as Board Members are endings, I hope you will be kind enough to continue your work with CORVA. We will have several open Board positions so get your nominations in. We did not publish proposed By-Law changes so we will not be changing them although we should consider some in the future such as Membership Dues and Board positions. We have been at \$30 membership for some time and our cost have gone up. We also have several Board positions open that we have not been able to fill. Maybe it's time we eliminate some positions and contact the work out.

We did a fantastic job of defending State Parks in the Ocotillo Wells lawsuit but now we have another calamity with Oceana Dunes SRVA and the Air Quality Board. Unfortunately we depleted our Legal Fund with the Ocotillo Wells issue. As I understand Pismo is the birthplace of Off-Road Advocacy and the OHV Culture in California. Pismo is our Historic Cultural Site and needs our protection. The residents of California have been recreating at this beautiful site for 70 years. We cannot stand by and let this Historic Site disappear. We are going to have to raise funds plus come up with a strategy to defend our Historical Culture site. Carnegie is being attacked again with S.B1316 and I understand the Desert Plans need a ton of work. There are many questions on these subjects that we can discuss during our meetings this month.

I would like to thank all of you for your commitment to CORVA and the OHV Community. You have shown California that we are the leaders in the preservation of the OHV lifestyle. I am looking forward to seeing all of you at our Annual Meeting.

Amy Granat
Managing Director
Amy.granat@corva.org
916-710-1950

Meeting Date: March 26, 2018

MANAGING DIRECTOR REPORT MARCH 26, 2018

From the frying pan into the fire!

1. The month started off with a 4 day trip to Imperial Valley for the OHMVR Commission meeting and tour, and DRECP meeting. Bob, Nicole from ASA and I had 2 meetings with Kathy Lynch, who attended the tour and meeting as well to review pending legislation. We updated Ed Stovin as to the issues because he couldn't attend. Kathy learned a lot attending the tour and meeting, which is important as she talks with legislators about our issues.

The DRECP meeting evolved into an entire evening spent with the BLM State Director, El Centro Field Office Manager Tom Zale, and the planner for the DRECP from the BLM State Office. I came away with a pretty complete understanding of the issues that caused DC to reopen the process, although it's impossible to predict what will happen. Decision-making will happen in Washington DC, although California will be involved the process is very different than it was the first time.

Industry is leading the way and hoping to open more areas for fast track development. This could be bad news for off-road, because already disturbed areas are one of the first places that will be looked at for development. Industry will not look at environmentally sensitive areas because of the difficulty for the eventual environmental analysis. Even if an area is fast tracked for alternative energy development, a NEPA review will still be required.

I don't know that all the other OHV organizations understood the threat, but everyone submitted comments as did CMRC representing the united OHV community in California, including CORVA. CORVA's comments were specifically geared to saving our opportunities and the first issue we challenged was the lack of need for additional alternative energy facilities other than the areas already identified in the Record of Decision signed in 2016.

2. I've been working with the Modesto Houndsmen on political issues they are facing this legislative session. There are 2 bills that are especially problematic for the Houndsmen, and Kathy Lynch is helping me write the appropriate letters and meet with the appropriate people to further their issues. AB 2805 would change the designation of wild pigs and take away the game mammal status. The change is unwarranted and would represent a loss to the hunting community.

AB 3199 is a bill that would render all raffles involving guns illegal. This is the main source of revenue for many sporting organizations, fire departments and rural organizations. Anyone who wins a gun in a raffle still has to go through the legal process with a licensed firearms dealer including a background check and mandatory waiting period. This is an ill advised way to try and limit gun sales, since all it does is hurt nonprofit organizations, but doesn't stop gun sales in any way.

Ken and I attended the California Houndsmen For Conservation meeting to talk about AB 2805. The meeting became somewhat controversial, because the California Houndsmen For Conservation are supporting AB 2805. We were successful in inserting doubt into the proposed changes and how it would affect the hunting community. During the meeting, I was asked to attend the Sporting Coalition meeting at the end of May.

3. I also attended the Fish and Game Commission Strategic planning meeting in Sacramento, and spoke for the Modesto Houndsmen. This strategic planning process is very disconcerting because it is not needed, but is supported by influential environmental organizations. I will be following up with this issue.

4. I was invited to address the Natural Resources Committee of the Tuolumne County Board of Supervisors in Sonora, but the meeting was canceled at the last minute. I will be attending the next meeting, and talk about the Stanislaus National Forest.

5. I will be attending federal court on April 10th in San Francisco for the appeal hearing for the lawsuit against the Plumas National Forest. Pacific Legal Foundation attorneys will be addressing the court.

6. The draft petition for the repeal and replace the Travel Management Rule is moving forward and we should have the first draft in about 2 months.

7. Oceano Dunes: it's a big problem. Jesse is not experienced in air pollution issues, and does not feel he has the expertise to help us. We have American Adventurist raising money for legal consulting services for Oceano Dunes and will be reviewing our options.

More on the call!

Amy

March 26, 2018

CORVA TREASURER'S REPORT

REVIEW:

Reports attached:

Lots of reports – last year's closing P&L and Balance Sheet and then the first month of this year.

The books have been closed for last year and the back-up has been sent to our accounting firm for tax preparation.

A closing adjustment of 24,656 was made to offset our legal expenses – 10,894 was from last year's donations to our restricted accounts with the balance of 13,762 coming from prior accruals – this has reduced the restricted account liability from 18,634 to a beginning balance of 4,872 for this year.

Membership income for the year was reduced by \$790 – we had several outstanding invoices for folks that had signed up for lifetime membership and only made 1 or 2 payments and then cancelled – some were from 2016 and others from this year – if over 8 to 9 months old I cleared them out and reduced the membership income.

I also included a 6 year P&L summary – best year we have had in the 6 years I have had the books – congrats to all involved.

Website: Our website is up for renewal on April 21 – Wild Apricot is increasing the monthly fee for our lever from \$240 to \$290/month we pay yearly which provides a 10% discount so the yearly fee will go from \$2,592 to \$3,132 and increase of \$540. Our current plan supports 5,000 contacts – we currently have 4,181 so have room to grow but might consider removing some of the older records that have had no activity in order to extend the life - the next plan allows 15,000 contacts but the fee goes to \$350/mo or \$3,780/yr with the discount. They have also announced a new 2 year subscription with a 15% discount which is supposed to be available on April 3 – the 2 year fee would be \$5,916 or \$2,958/yr for an additional savings of \$174/yr.

As of April 3 -a couple of new features are an online store and new mobile apps to allow members to sign up for events and renew membership on their phone.

Mike Moore

Treasurer