

**TITLE 14. NATURAL RESOURCES
GRANTS AND COOPERATIVE AGREEMENTS PROGRAM REGULATIONS**

ADDENDUM TO INITIAL STATEMENT OF REASONS

SPECIFIC PURPOSE, ANTICIPATED BENEFIT, AND NECESSITY

The Initial Statement of Reasons (ISOR) identifies three regulatory sections being adopted, CCR Sections 4970.05.2, 4970.08.1, 4970.08.2; these three sections should be disregarded as adopted.

CCR Section 4970.08.2:

Discussion in the ISOR relating to amendments to Sections 4970.08.2(d) and 4970.08(d)(2) were incorrectly listed in the ISOR.

Repeal CCR Section 4970.08.2(d)(1)

Specific Purpose: The specific purpose of this amendment is to delete the purchase or repair Application requirement for Equipment and/or Heavy Equipment.

Benefit/Necessity: The proposed amendment is necessary to remove unnecessary language due to other sections of regulation specifying purchase or repair of equipment is required as part of the Application. For example, Section 4970.08.1 defines that a Project includes Deliverables, which include the purchase of equipment. Additionally, equipment repair requirements are addressed in Section 4970.08.2(b).

Repeal CCR Section 4970.08.2(d)(2)

Specific Purpose: The specific purpose of this amendment is to combine Equipment and Heavy Equipment requirements by deleting and moving this subsection to section 4970.08.2(b).

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by combining all eligible costs requirements for Equipment and/or Heavy Equipment acquired with funds from the Grants program into the same subsection of regulation.

Grants and Cooperative Agreements Program – Appendix (Rev. 1/19)

Amend Appendix – Environmental Review Data Sheet (ERDS):

Specific Purpose: The specific purpose of this amendment is to amend the form title, update the form revision date, and make changes identified below (as noted by Item number within the ERDS form sections):

ERDS Item 3 section: Update reference to Item numbers within the section and reference to other possible alternatively named standard measures in Item 4 section.

ERDS Item 4 section: Relocate existing section language to Item 5 section; add language in order to explicitly identify standard measures within the project description that have been incorporated to avoid potential impacts to biological resources, cultural resources, or other resource evaluated in the ERDS.

ERDS Item 5 section: Relocate existing section language to Item 7 section; add existing language moved from Item 4 and additional language to provide information to Applicants on reports and databases to be referred to when researching potential project impacts to natural resources, as well as to describe what analysis was completed as a part of the evaluation to determine potential project impacts.

ERDS Item 6 section: Add language in order to explicitly identify if designated critical habitat for threatened and/or endangered species exists within or surrounding the project site; add language to provide information to Applicants on reports and databases to be referred to when researching critical habitat.

ERDS Item 7 section: Relocate existing section language to Item 9 section; add existing language moved from Item 5 and additional language in order to describe what analysis was completed as a part of the evaluation to determine potential cumulative impacts.

ERDS Item 8 section: Relocate existing section language to Item 10 section; add language in order to describe what analysis was completed as a part of the evaluation to determine the level of potential environmental effects due to soil erosion and loss of topsoil.

ERDS Item 9 section: Relocate existing section language to Item 11 section; add existing language moved from Item 7 and additional language in order to describe what analysis was completed as a part of the evaluation to determine the potential for damage to scenic resources.

ERDS Item 10 section: Relocate existing section language to Item 12 section; add existing language moved from Item 8.

ERDS Item 11 section: Add existing language moved from Item 9 and additional language in order to describe what analysis was completed as a part of the evaluation to determine the potential impacts to historical or cultural resources.

ERDS Item 12 section: Add existing language moved from Item 10 and additional language in order to describe what analysis was completed as a part of the evaluation to determine the potential indirect significant impacts.

ERDS Item 13 section: Add language in order to explicitly describe if the approval of the proposed project would change the existing baseline conditions and/or impact Off-highway vehicle (OHV) facility operations.

Benefit/Necessity: The proposed amendment is necessary to be consistent with Appendix naming convention. The form version date is updated, in the form footer, due to form amendments making the form an updated version; the updated revision date is based on anticipated approval date of the rulemaking file.

ERDS Item 3 section: The proposed amendments are necessary to align referenced sections in the Item section due to the addition of additional sections within the ERDS form and clarify that the cited standard measures described in Item 4 section may not be the only naming convention for these standards, as other agencies may use different terminology for the same standard measure.

ERDS Item 4 section: The proposed amendment is necessary to help ensure potential impacts to biological resources, cultural resources, or other resource are avoided.

ERDS Item 5 section: The proposed amendment is necessary to increase documentation of the analysis completed when identifying potential project impacts to natural resources. This will help grant reviewers ensure that all potential project impacts were adequately reviewed and addressed.

ERDS Item 6 section: The proposed amendment is necessary to ensure that the Applicant and grant reviewer are aware if final or proposed designated critical habitat for threatened and/or endangered species exists within or surrounding the project site. Furthermore, this information can be used to determine the proper level of California Environmental Quality Act (CEQA) compliance for the proposed project.

ERDS Item 7 section: The proposed amendment is necessary to increase documentation of the analysis completed when identifying potential cumulative project impacts. This will help grant reviewers ensure that all potential cumulative project impacts were adequately reviewed and addressed.

ERDS Item 8 section: The proposed amendment is necessary to increase documentation of the analysis completed when identifying the level of potential environmental effects due to soil erosion and loss of topsoil. This will help grant reviewers ensure that the level of potential effects were adequately reviewed and addressed. Furthermore, this information can be used to determine the proper level of CEQA compliance for the proposed project.

ERDS Item 9 section: The proposed amendment is necessary to increase documentation of the analysis completed when identifying potential impacts to scenic resource. This will help grant reviewers ensure that the potential impacts to scenic resources were adequately reviewed and addressed. Furthermore, this information can be used to determine the proper level of CEQA compliance for the proposed project.

ERDS Item 11 section: The proposed amendment is necessary to increase documentation of the analysis completed when identifying potential impacts to historical or cultural resource. This will help grant reviewers ensure that the potential impacts to

historical or cultural resources were adequately reviewed and addressed. Furthermore, this information can be used to determine the proper level of CEQA compliance for the proposed project.

ERDS Item 12 section: The proposed amendment is necessary to increase documentation of the analysis completed when identifying potential for indirect significant impacts. This will help grant reviewers ensure that the potential for indirect significant impacts were adequately reviewed and addressed. Furthermore, this information can be used to determine the proper level of CEQA compliance for the proposed project.

ERDS Item 13 section: The proposed amendment is necessary to increase documentation discussion concerning how the approval of the project would change baseline conditions and/or impacts OHV facility operations. Furthermore, this information can be used to determine the proper level of CEQA compliance for the proposed project.

Amend Appendix – Habitat Management Program-Part 2:

Specific Purpose: The specific purpose of this amendment is to amend the form title and clearly identify that the Section II ought to address impacts due to OHV recreation directly facilitated by the project activities and ensure all areas affected by Project activities are addressed by the HMP; update the form revision date.

Benefit/Necessity: The proposed amendment is necessary to be consistent with Appendix naming convention.

The proposed amendment is necessary to ensure all impacts, including indirect impacts, from the project activities are appropriately analyzed within the HMP Part 2. Impacts should be addressed beyond the Project footprint and relate to all impacts on the Project related to OHV use in accordance with California Code of Regulations, Title 14, Division 3, Chapter 15, that do not exclude areas not open to OHV recreation.

Additionally, the form version date is updated, in the form footer, due to form amendments making the form an updated version. The updated revision date is based on anticipated approval date of the rulemaking file.

Amend Appendix – Adopt Equipment Disposition Request

Specific Purpose: The specific purpose of this amendment is to adopt the Equipment Disposition Request form to the Appendix.

Benefit/Necessity: The proposed form is necessary to make ensure equipment purchased with Grant funds past their useful life and/or are unsafe to operate may be requested for disposition

The form provides that Grantees must now complete the Equipment Disposition Request form if they request to dispose of any Equipment. Existing regulation is not

clear as to how a Grantee would submit a disposition request to the Division; by requiring Grantees to submit an Equipment Disposition Request form, the Division will be able to obtain an Equipment disposition request that is clear and consistent as to the Equipment and any other necessary details that would assist the Division in deciding whether to approve a disposition request.

Within the form, the Grantee must include equipment information so that the Division is able to identify the specific piece of equipment to ensure it was the same one that was purchased with Grant funds. Additionally, the Grantee is required to certify under penalty of perjury on the form with a signature so that the Division may ensure statements made on the form are truthful.