

TITLE 14 DEPARTMENT OF PARKS AND RECREATION

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN the Department of Parks and Recreation (Department) proposes to amend the regulations and documents incorporated by reference described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to amend the regulations in the California Code of Regulations (CCR), Title 14, Division 3, Chapter 15, Articles 1 through 5, Sections 4970.00 through 4970.26 pertaining to the Off-Highway Motor Vehicle Recreation (OHMVR) Grants and Cooperative Agreements Program.

PUBLIC HEARING

The Department has scheduled two public hearings on the proposed rulemaking. The first hearing will be held in Bakersfield on June 5th, 2018. The meeting will commence at 3:00 p.m.

The location of the first hearing is:

Kern County Public Services Building
2700 M Street
Bakersfield, CA

The second public hearing on the proposed rulemaking will be held in Sacramento on June 7th, 2018. The meeting will commence at 3:00pm.

The location of the second hearing is:

Off-Highway Motor Vehicle Recreation Division Headquarters
1725 23rd Street, Suite 200
Sacramento, CA 95816

Any interested person, or his or her authorized representative, may present oral or written statements, arguments, or contentions relevant to the proposed action described in the Informative Digest. The Department may impose reasonable limits on oral presentations. The Department requests, but does not require, persons making oral comments at the hearings also submit a written copy of their testimony at the conclusion of their remarks. Additionally, pursuant to Government Code Section 11125.1, any information presented to the Department during the open hearings in connection with the matter subject to discussion or consideration becomes part of the public record.

Such information shall be retained by the Department and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed rulemaking to the Department. The written comment period ends at 5:00 p.m., on June 4th, 2018. The Department will consider only written comments received at the Department's office by that time. Written comments may be mailed to the following address:

Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
Attn: Sixto Fernandez, Grants Manager
Grants and Cooperative Agreements
1725 23rd Street, Suite 200
Sacramento, California 95816-7100

Written comments delivered by email or facsimile will also be accepted by the Department. Written comments may be submitted by email to OHVInfo@parks.ca.gov or via facsimile at (916) 324-1610. Electronic mail or facsimile transmission must be completed by the deadline given above.

AUTHORITY AND REFERENCE

Authority Citation: The proposed amendments are authorized by Public Resources Code (PRC) Sections 5001.5 and 5003.

Reference Citation: The particular code sections implemented, interpreted, or made specific by these proposed amendments are PRC Sections 5090.32 and 5090.50.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Background and History

Public Resources Code Section 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation Act of 2003 (Act), as amended, governs Off-Highway motor vehicle (OHV) Grants and Cooperative Agreements with cities, counties, Districts, U.S. Forest Service, U.S. Bureau of Land Management, other Federal Agencies, State and Federally Recognized Native American Tribes, Nonprofit organizations, Educational Institutions, Certified Community Conservation Corps, and State agencies. The Program is administered by the OHMVR Division within the Department of Parks and Recreation. The Program allows the State to assist eligible agencies and organizations to develop, maintain, expand and manage high-quality OHV Recreation areas, roads, trails, and other Facilities, while responsibly maintaining the wildlife, soils, and habitat in a manner that will sustain long-term OHV Recreation. Assistance is provided in the form

of Project-specific Grant funding. Grants are awarded through a competitive process where Applicants and their Projects are evaluated using objective criteria.

The Department adopted permanent regulations for the Program, which appear in the California Code of Regulations, Title 14, Division 3, Chapter 15, Sections 4970.00 – 4970.26.

Objectives and Benefits

The objective of the proposed action is to make improvements to the existing Program via amendments to the Program Regulations and documents incorporated by reference and to comply with SB 249. Program regulations appear in the California Code of Regulations (CCR) Title 14, Division 3, Chapter 15, Section 4970.00 et seq. The proposed revisions would remove one definition that's no longer needed, provide two new definitions and clarification of several existing definitions. The regulations add additional time to extend the Grant program cycle to give review teams the sufficient time to be thorough and to reduce errors that have occasionally been made in the past. Further explanation has been added to clarify how a match is treated between the Program and grant participants to reduce confusion. An explanation of how the OHMVR Division verifies a Certified Community Conservation Corps has been added and the agency has also been added to the list of agencies that must comply with the California Environmental Quality Act (CEQA) Requirements so they know how to comply with CEQA. Updates have been made, based on the experiences of the last few years, throughout the environmental requirements sub article 1 to clarify required documentation. Guidelines have been added to explain how an application may be rejected. The definition of "Eligible Project Costs" have been updated to, allow for an hourly rate charge for vehicles with an additional 15% allowance to cover overhead costs of operating the equipment. Transportation cost and the base of operations have been defined. Guidelines have been added to update the equipment expense limit for nonprofits and the requirement that the Department of Parks and Recreation, OHMVR Division must be added as the lien holder after OHMVR Division approval of the equipment purchase. "Ineligible Project Costs" have been updated to allow for Grantees that provide Youth Mentoring Programs to have access to the Department's owned or managed property for training purposes. A background section has been added for five "Project types" to give the Grantees a separate section on their Application in which to provide details on the history of their program. Unreasonable and/or unnecessary cost and activities have been excluded from Law Enforcement Project request amounts. A contingency list is created to adhere to Legislative intent of funding as many projects as possible. The creation of the contingency will maximize grant fund awarded in previous Grant cycles but not utilized.

Throughout the Project administration section, the word Division has been replaced with Department due to changes within the Department as a result of our recent transformation. New forms have been assigned in this section as well to help with the efficiency of the program. Advances have been updated so Grantees now only need to send in pictures and GPS coordinates on the second advance and beyond due to

uncontrollable changes in the Project Area. Section 5090.35 has been removed throughout, where there is no need for it to be listed for authority.

In the appendix, updates have been made to the Environmental Review Data Sheet, Habitat Management Program and the Soils Conservation Plan to update program requirements and to reduce confusion. In addition, the General Provisions have been updated to reduce confusion as well and new forms have been adopted to increase efficiency and consistency throughout the Grants program. The DPR 364 and Project Agreement have been updated to reflect new terms from the State's new FISCAL system, which is used to track all Grant funds. Lastly, the Evaluation Criteria questions have been updated to reduce confusion on what is being asked.

Overall, the intent of the proposed regulation revision is to reduce confusion for Applicants, address changes based on the OHMVR Division's past experience and to ensure public funds are being spent wisely and within the State's best interest. The proposed revisions will allow for a more clear understanding of the regulations and Grant administration by both the Grantees and OHMVR Division staff. These changes will provide Program efficiency and will allow the OHMVR Division to fully support motorized recreation.

Effect of Proposed Rulemaking

The Department is proposing to amend the OHMVR Grants and Cooperative Agreements Program Regulations, CCR Title 14, Division 3, Chapter 15, Articles 1 through 4, Sections 4970.00 – 4970.26 as follows:

ARTICLE 1 – GENERAL PROVISIONS

4970.00 APPLICATION OF CHAPTER

Change to 14CCR Section 4970.00 to add the Department of Parks and Recreation (Department) and to reflect current applicable Program dates for proposed revisions.

4970.01. DEFINITIONS

Section 4970.01(f) is amended to conform to recent legislative action which redefined "Conservation" in Public Resource Code (PRC) 5090.10. The removal of PRC Sections 5090.10, 5090.50, and 5090.53 is made to align with changes that came from SB 249 and to repeal Sections that no longer apply to the definition.

Section 4970.01(o) is repealed because the term "Ecological Restoration" is no longer used within the Program per updates in SB 249.

Section 4970.01(t) is amended to provide an updated definition for the term "Good Standing".

Section 4970.01(u) is amended to align with changes that came from SB 249, which added State Recognized Native American Tribes and Certified Conservation Corps as eligible Grant Applicants.

Section 4970.01(w) is amended to clarify to Applicants/Grantees that three specific Project activities are not considered Ground Disturbing for the purposed of this program.

Section 4970.01(x) is amended to maintain regulatory consistency. PRC Section 5090.53 requires all Grants and Cooperative Agreements with Ground Disturbing Activities to prepare a wildlife habitat protection program to sustain a Viable Species Composition for the Project Area. PRC Section 5090.35 no longer refers to wildlife habitat protection programs or Viable Species Composition. The amendment also updates punctuation consistent with omitting the section reference.

Section 4970.01.(pp) is adopted to define a State Recognized Native American Tribe and who the official Tribal Contact list is managed by. The OHMVR Division will refer to this list when verifying Applicants. State Recognized Native American Tribes were added as eligible Applicants in SB 249.

Section 4970.01(rr) is adopted to define a Youths Mentoring Program.

4970.04. GRANTS PROGRAM CYCLE

Section 4970.04, Table 2, Grant Cycle, is amended to add additional time for the review of Preliminary and final Applications. Additionally, the change in Grant Cycle dates will provide the public additional time to review and provide public comments on the Preliminary Applications. Lastly, "OHMVR" is removed from the appeal period date box.

4970.05. GENERAL APPLICATION REQUIREMENTS

Section 4970.05(e)(4) is amended to align with the updates in Section 4970.04, Table 2, Grants Cycle, which will provide additional time for the review and evaluation of Preliminary and final Applications. Additionally, the changes also provide for an additional month for the public to review and comment on Preliminary and final Applications. This change will clarify to Applicants and the public when public comments are due.

Section 4970.05(l)(2) is amendment to define when the written permission is due.

Section 4970.05(p) is amended to define how the OHMVR Division will verify a Certified Community Conservation Corps, which are new eligible Applicants per SB 249.

Sub article 1. ENVIRONMENTAL REQUIREMENTS

4970.06.1. California Environmental Quality Act (CEQA) Requirements

Section 4970.06.1(b)(2) is amended to add "OHMVR" before "Division".

Section 4970.06.1(b)(3) is amended to avoid confusion as to funding of Project Deliverables prior to completion of CEQA review.

Section 4970.06.1(c) and 4970.06(c)(1) are amended to include State Recognized Native American Tribes and Certified Conservation Corps who were added as eligible Applicants in SB 249.

Section 4970.06.1(c)(1)(A) is amended to add "OHMVR" before "Division".

Section 4970.06.1(c)(3) is amended to correctly refer to CEQA compliance obligations of non-Federal Applicants.

Section 4970.06.1(d)(1)(A) is amended to make it clear to Cooperative Agreement Applicants that Project-related environmental review at least comparable with CEQA requirements must be completed, documented, and submitted as part of the Application. Documentation is necessary to ensure compliance with PRC Section 5090.50 (d)(4).

Section 4970.06.1(d)(1)(B) is amended to make it clear to Cooperative Agreement Applicants that NEPA or other Project-related environmental review submitted to comply with PRC Section 5090.50 (d)(4) must be clearly applicable to the Project Application.

Section 4970.06.1. is amended to remove PRC Reference 5090.35, which does not apply to the CEQA requirements.

4970.06.2. Habitat Management Program (HMP)

Section 4970.06.2(a) is amended to eliminate confusion as to when a HMP is required for a Project that has been phased consistent with Section 4970.06.1(b).

Section 4970.06.2(d) is repealed because the previous language implied authority that does not exist.

Section 4970.06.2. is amended to remove PRC Reference 5090.35, which does not apply to the HMP requirements.

Section 4970.06.3(a) is amended to refer to the correct title of the referenced document.

Section 4970.06.3(c) is amended because Applicants may not receive Grant funding for every proposed Project, and the submitted Soil Conservation Plan may thus have addressed activities that would not be implemented with Grant funding.

Section 4970.06.3(e) is amended because the previous language implied the required Soil Conservation Plan could be presented in its entirety with the Grant Application and before the Grant-funded work had been completed. It also offered no explanation of or guidance on how to comply with the 2008 Soil Conservation Standard. As revised, the

language now clarifies specific items to be included with the Soil Conservation Plan upon submission with the Grant Application. Documents that can only be provided upon completion of activities to be funded by Grant monies are now requested under an adopted Section 4970.06.3(g).

Section 4970.06.3(g) is amended because the previous language implied authority that does not exist. As such, this language was stricken in its entirety. Language regarding the documentation requirements for activities to be funded by requested Grant monies has been inserted into this section.

4970.07.2. Final Application Defects

Section 4970.07.2(f) is adopted to alert potential Applicants that their Application may be rejected if their conduct is incompatible and/or contrary to the Mission Statement of the OHMVR Division.

Section 4970.07.2(g)(6) is adopted to add a sixth item whereby the OHMVR Division may decrease a requested amount in an Applicant's Project Cost Estimate and/or eliminate a proposed Project activity.

4970.08. ELIGIBLE PROJECT COSTS

Section 4970.08(b)(5) is repealed to remove redundancy based on newly adopted Sections 4970.08(b)(12) and 4970.08(b)(13).

Sections 4970.08(b)(6) through 4970.08(b)(12) are renumbered.

Section 4970.08(b)(10) is amended to provide clarity on what the Program will allow for transportation costs as it related to materials and personnel and the word "Equipment" is removed and will be defined in adopted Sections 4970.08(b)(12) and 4970.08(b)(13).

Section 4970.08(b)(11) is amended to capitalize "Trust Fund".

Section 4970.08(b)(12) is adopted to further define eligible Equipment cost for a Nonprofit Grantee.

Section 4970.08(b)(13) is repealed and replaced with a revised section documenting what the Program will allow with regard to Equipment purchases and costs of operating such Equipment.

Section 4970.08(b)(13) is adopted to further define eligible Equipment cost for all other Grantees. This new section will provide a more standardized method for the Program to allow for the purchase, costs of operation and management of Equipment and related costs. Current regulations provides for a variety of ways the Program can be charged for fees and operating costs of Equipment and/or vehicles bought with funds outside this Program and for Equipment and/or vehicles bought with funds from this Program.

Section 4970.09(b)(10) is amended to provide an exception for a “Youth Mentoring Program” on the restriction of expending any Grant or match funds on lands owned or managed by the Department. Additionally, “OHMVR” is added before “Division”.

Section 4970.09(b)(13) is repealed as the information is incorporated in the newly adopted Section 4970.08(12) and (13).

Section 4970.09(b)(14) is renumber to 4970.09(b)(13) due to the repeal of the prior Section 4970.09(b)(13).

ARTICLE 2 – TYPES OF PROJECTS AND SPECIFIC APPLICATION REQUIREMENTS

The adoption of 14CCR Sections 4970.10.1(d)(1), 4970.10.2(d)(1), 4970.10.3(d)(1), 4970.10.4(d)(1), 4970.11.(f)(1)(A), 4970.13(f)(1) are made to add a section where an Applicant can provide background information about their organization.

Change to 14CCR Sections 4970.10.1(d)(1)(A), 4970.10.2(d)(1)(A), 4970.10.3(d)(1), 4970.10.4(d)(1)(A), 4970.11(f)(1)(A) and 4970.13(f)(1) are made to consistently list Project Deliverables as an Application requirement. The language being removed has the same meaning but using the defined term Project Deliverables reduces confusion.

4970.10.2 Development

Section 4970.10.2(e)(2) is amended to add “OHMVR” before “Division”.

Section 4970.10.2(c)(2) is amended to provide clarity to an Applicant of what type of activity on a parking lot would be considered a Development Project as opposed to a Ground Operation activity.

4970.11. RESTORATION

Section 4970.11(a)(1) is amended because the language for Restoration was updated in SB 249, Section 15.5090.50(2)(C). The amendments simplify the language so it is clear that the purpose of a Restoration Project is to restore or Repair habitat damaged by either legal or illegal OHV use.

ARTICLE 3 – APPLICATION EVALUATION SYSTEM AND FUNDING

4970.15.3. LAW ENFORCEMENT

Section 4970.15.3(b)(6) is adopted to add a sixth item whereby the OHMVR Division may decrease a requested amount in an Applicant’s Project Cost Estimate and/or eliminate a proposed Project activity.

4970.18. CONTINGENCY LIST(S)

Section 4970.18 is adopted to create a “Contingency List” process for the Department to capture unexpended and unencumbered Grant funds from previous Grant Projects. The process provides the framework on how the Contingency List will be established.

4970.19.2. Project Amendments

Section 4970.19.2. is amended because it has always been the OHMVR Division’s policy that a funded Grantee must get approval to make adjustments to their Project cost estimate but it has not been added to the language of our regulations. Adding it will allow for more clarity and consistency.

4970.20. EQUIPMENT MANAGEMENT REQUIREMENTS

Section 4970.20(a) is amended to clarify that Equipment purchased with OHV Trust Funds shall only be used for its intended purpose.

Section 4970.20(f) is amended to protect public funds from the possibility of Nonprofit Grantees misusing and inappropriately disposing of Equipment that was purchased with Grant funds. Additionally, the change to 4970(f) is necessary to conform to the new requirements listed in Section 4970.8(13)(E).

4970.22. ACCOUNTING PRACTICES

Section 4970.22(c) is amended to eliminate redundant regulatory language contained in Section 4970.08(b)(5). The changes also adds “date of activity” as information necessary when completing a logbook or source document.

4970.23. PAYMENT REQUESTS

Section 4970.23. is amended to replace “OHMVR Division” with “Department” due to a potential shift in responsibilities as dictated by the Operational Transition Plan. The term Payment Request has also been replaced with Expenditure Workbook to list a new workbook that is being adopted into the appendix.

4970.23.1. Advances

Section 4970.23.1(a) is amended to replace “written justification” with the new “Advance Justification Request” form. The requirement for GPS coordinates and photos of Project areas where activities will be conducted is being removed because those items are no longer required for the first advance. Additionally, “OHMVR” is added before “Division”.

Section 4970.23.1(b)(5) is amended to replace “statement of activities/accomplishment” with “Project Accomplishment Report”.

4970.23.2. Reimbursements

Section 4970.23.2(e) is amended to replace “statement of activities/accomplishment” with “Project Accomplishment Report”. The new Project Accomplishment Report is a standardized statement of activities/accomplishments.

Section 4970.23.2(f) is being repealed because the new Project Accomplishment Report includes the information being requested in this section, which the Grantee will fill out when submitting it.

4970.24. PROJECT CLOSEOUT

4970.24.1 Project Documentation

Section 4970.24.1(a) is amended to replace “OHMVR Division” with “Department” due to a potential shift in responsibilities as dictated by the Operational Transition Plan. The term Payment Request has also been replaced with Expenditure Workbook to list a new workbook that is being adopted into the appendix.

Section 4970.24.1(a)(1) is amended to replace “report of Deliverables completed” with the “Project Accomplishment Report”. The new Project Accomplishment Report is a standardized report of deliverables completed.

Section 4970.24.1(a)(3) is being repealed because the items requested in this section will be turned in with the new Project Accomplishment Report.

Section 4970.24.1(b) is made to replace “OHMVR Division” with “Department” due to a potential shift in responsibilities as dictated by the Operational Transition Plan.

Section 4970.24.1(c) is made to replace the word “may” with “shall” to be less ambiguous.

Section 4970.24.1(d) is made to replace “OHMVR Division” with “Department” due to a potential shift in responsibilities as dictated by the Operational Transition Plan.

4970.24.2 Project Performance Review

Sections 4970.24.2(a), 4970.24.2(e), 4970.24.2(e)(1) and 4970.24.2(e)(2) are amended to replace “OHMVR Division” with “Department” due to a potential shift in responsibilities as dictated by the Operational Transition Plan.

Subarticle 1. Audits

Section 4970.25.1(d) is made to capitalize “Parks”; Department of Parks and Recreation is the name of a department and each word in a name should be capitalized.

Section 4970.25.1 Authority cited note is amended to remove PRC Reference 5090.35, which does not apply to Audits.

4970.25.2. Final Audit Report

Section 4970.25.2. Authority cited note is amended to remove PRC Reference 5090.35, which does not apply to Final Audit Reports.

ARTICLE 5 – CONTACTING THE OHMVR DIVISION

Documents Incorporated by Reference

ENVIRONMENTAL REVIEW DATA SHEET (ERDS) (Rev. 1/19)

Change to the Environmental Review Data Sheet (ERDS) is made to make it clearer what constitutes a Project under CEQA and to make it clear to federal agency and tribal Applicants that California special-status species must be addressed.

HABITAT MANAGEMENT PROGRAM (HMP) (Rev. 1/19)

Change to the Habitat Management Program (HMP) is made to correct punctuation, to address several issues that can make it difficult for Applicants to correctly complete the existing Table 4, to clarify what information is needed in each column and update Table 5 consistent with changes made to Table 4 and to make it clearer what information is needed in Table 6 in each column.

SOIL CONSERVATION PLAN (SCP) (Rev. 1/19)

Part 1. DETERMINE THE NEED FOR FULL SCP is amended to remove the direction that a Grantee must fill out SCP PARTS 1 and 2 if they select “no” and replaces the direction to refer to the newly adopted Soil Conservation Section 4970.06.3. Part 2. SOIL CONSERVATION PLAN is repealed to match the new direction in Part 1.

GOVERNING BODY RESOLUTION (Rev. 1/19)

Governing Body Resolution is amended to match the language in Section 4970.05.(m).

PROJECT AGREEMENT (Rev. 1/19)

The Project Agreement has been amended to update terms that are no longer valid due to the state mandated FISCAL system enhancement.

PROJECT AGREEMENT GENERAL PROVISIONS (UNITED STATES FEDERAL AGENCIES) (Rev. 1/19)

PROJECT AGREEMENT GENERAL PROVISIONS (FEDERAL AGENCIES OTHER THAN FOREST SERVICE) (Rev. 1/16)

PROJECT AGREEMENT GENERAL PROVISIONS (U.S. FOREST SERVICE ONLY) (Rev. 1/16)

Changes to the General Provisions are made to reduce the number of Project Agreement General Provisions from three to two separate documents, which will reduce confusion for Applicants and curtail unnecessary repetitive language.

PROJECT AGREEMENT GENERAL PROVISIONS (NONFEDERAL APPLICANTS ONLY) (Rev. 1/19)

Change to the Nonfederal Applicant Only General Provision is made to clarify and to provide consistency with the United States Federal Agencies General Provisions.

ADVANCE JUSTIFICATION REQUEST (Rev. 1/19)

The Advance Justification Request is adopted to standardize the advance justification process and to increase the efficiency of the administrative process.

EXPENDITURE WORKBOOK – ADVANCE (Rev. 1/19)

The Expenditure Workbook – Advance is adopted to standardize the advance payment request process and to increase the efficiency of the Grant administrative process.

EXPENDITURE WORKBOOK – REIMBURSEMENT (Rev. 1/19)

The Expenditure Workbook - Reimbursements is adopted to standardize the reimbursement payment request process, to increase the efficiency of the Grant administration process, and to reduce the amount of time it takes for a Grantee to receive their funds.

PAYMENT REQUEST DPR 364 (Rev. 1/19)

The Payment Request DPR 364 has been amended to update terms that are no longer valid due to the state mandated FI\$Cal system enhancement.

PROJECT ACCOMPLISHMENT REPORT (PAR) – GROUND OPERATIONS (Rev. 1/19)

PROJECT ACCOMPLISHMENT REPORT (PAR) – DEVELOPMENT (Rev. 1/19)

PROJECT ACCOMPLISHMENT REPORT (PAR) – PLANNING (Rev. 1/19)

PROJECT ACCOMPLISHMENT REPORT (PAR) – ACQUISITION (Rev. 1/19)

PROJECT ACCOMPLISHMENT REPORT (PAR) – RESTORATION (Rev. 1/19)

PROJECT ACCOMPLISHMENT REPORT (PAR) – LAW ENFORCEMENT (Rev. 1/19)

PROJECT ACCOMPLISHMENT REPORT (PAR) – EDUCATION AND SAFETY (Rev. 1/19)

A Project Accomplishment Report (PAR) has been adopted for each Project type to clarify what is required in a statement of activities/accomplishments and to increase the OHMVR Division's efficiency.

GENERAL CRITERIA

Evaluation Criteria - General Criteria (Rev. 1/19) is amended to provide additional instruction to Applicants revise scoring criteria, and request more specific explanations or data where applicable.

EVALUATION CRITERIA – Acquisition Project Criteria (Rev. 1/19)

EVALUATION CRITERIA – Development Project Criteria (Rev. 1/19)

EVALUATION CRITERIA – Education and Safety Criteria (Rev. 1/19)

EVALUATION CRITERIA – Ground Operations Project Criteria (Rev. 1/19)

EVALUATION CRITERIA – Planning Project Criteria (Rev. 1/19)

EVALUATION CRITERIA – Restoration Project Criteria (Rev. 1/19)

Each of the Evaluation Criteria in six categories are amended to revise specific Project evaluation criteria in order to obtain more effective and relevant information when scoring the Projects.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting an evaluation for any regulations related to this area, the Department has found that there are no other regulations concerning grants that supports the planning, acquisition, development, maintenance, administration, operation, enforcement, restoration, and conservation of trails, trailheads, areas, and other facilities associated with the use of off-highway motor vehicles, and programs involving off-highway motor vehicle safety or education. Therefore, the Department has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL REGULATION OR STATUTE

The proposed amendments do not duplicate or conflict with federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Department has determined these proposed regulation amendments do not impose a mandate on local agencies or school districts. Participation in the OHMVR Grants and Cooperative Agreements Program is voluntary.

DISCLOSURES/ESTIMATE OF ECONOMIC AND FISCAL IMPACT

The Department has made the following initial determinations:

Fiscal Impact on Local Agencies or School Districts: None

Fiscal Impact on State Government: None

Fiscal Impact on Federal Funding to the State: None

Significant, Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Business to Compete with Businesses in Other States: None

Other Nondiscretionary Cost or Savings imposed Upon Local Agencies: None

Cost Impacts on Representative Private Persons or Businesses: The proposed regulation changes will have no negative impact to the representative private persons or businesses. Contrary, the awarding of Grant funds to the various entities state-wide will

provide an economic boost as Grantees will need to purchase goods and services from private businesses in order to successfully complete their Projects

Assessment of Effect on Jobs and Businesses: Adoption of these regulations will likely see an increase in creation of jobs throughout the State as the various entities receiving Grant funds will need to hire individuals to complete their Projects. Additionally, the entities receiving Grants funds will need to purchase the goods and services necessary to complete their Projects. It can be argued that at the very least, the infusion of Grant funds into local economies will provide an economic boost and provide a stable revenue source for local businesses.

Impact on Housing: None

Determination Regarding Effect on Small Businesses: The Department has determined there are no cost impacts on small businesses. Program history has shown that small businesses benefit by the Grants Program. Many of the Grant funds go to entities that utilize small businesses when they purchase good and services. The proposed changes will provide a more streamline and efficient program that should boost the ability of small business to capture revenue from the various Grantees.

RESULTS OF ECONOMIC IMPACT ASSESSMENT /ANALYSIS

The Department finds that jobs, at worst would not be affected, but, mostly likely see an increase in the creation of jobs. Additionally, the Department finds that at worst, no new business will be created and no business will be eliminated; however, the Department finds that it is likely that private businesses may be created and or expanded because of the proposed action.

This regulatory action benefits the health and welfare of California residents by improving the funding method that helps Land Managers and partners provide recreational opportunities in the State. This regulatory action also benefits the state's environment by improving the funding method that supports resource protection and Restoration activities related to OHV Recreation.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered or has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

Inquiries concerning the proposed action may be directed to Sixto Fernandez, Grants Manager, at (916) 324-1572 or email at sixto.fernandez@parks.ca.gov.

The back-up contact person regarding the proposed action is Jessica Terry, Grants Administrator, at (916) 319-8540 or e-mail at jessica.terry@parks.ca.gov.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. Copies may be obtained by contacting Sixto Fernandez at the e-mail address listed previously. The rulemaking file, which contains all information on which the proposal is based, is located at the OHMVR Division, 1725 23rd Street, Suite 200, Sacramento, California, 95816-7100, and may be obtained upon request. Additionally, the Initial Statement of Reasons and the text of the proposed regulations and documents incorporated by reference may be obtained from the - Department's website located at www.ohv.parks.ca.gov at the Grants link.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After any public hearings and consideration of all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes substantive modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be obtained by contacting Sixto Fernandez at the aforementioned address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the regulations will be available through the Division Website at www.ohv.parks.ca.gov, under the Grants link.