

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

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Off-Highway Motor Vehicle Recreation (OHMVR) Grants and Cooperative Agreements Program (Program).

Sections Affected: Amend the California Code of Regulations, Title 14, Division 3, Chapter 15, Articles 1 through 5 (CCR), Sections 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06.1, 4970.07, 4970.07.1, 4970.07.2, 4970.08, 4970.09, 4970.10, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.12, 4970.13, 4970.14, 4970.14.1, 4970.14.3, 4970.15.1, 4970.15.2, 4970.15.3, 4970.15.4, 4970.17, 4970.17.1, 4970.18, 4970.19, 4970.19.1, 4970.19.2, 4970.19.3, 4970.19.4, 4970.19.5, 4970.19.6, 4970.20, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24.1, 4970.24.2, 4970.25.1, 4970.25.2, Grants and Cooperative Agreements Program – Appendix (Appendix) and adopt CCR Sections 4970.05.2, 4970.08.1, 4970.08.2

BACKGROUND AND PROBLEM STATEMENT

Public Resources Code Section 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation Act of 2003, 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 (Division) within the California Department of Parks and Recreation (Department). 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 proposed Projects are evaluated using objective criteria. Grantees awarded Grants and/or Cooperative Agreements submit reimbursement requests to the Division funding throughout the term of the Grantee's Project and, once complete, all Projects are reviewed for compliance with Program regulations. Grants are further subject to audit by the Department Audit Office and in some cases Grant funds are returned to the State when certain Projects are not in compliance with Program regulations.

The purpose of the proposed action is to make improvements to the existing Program through amendments to Program regulations and documents incorporated by reference. The proposed regulation revisions will address specific issues, as outlined below, based on the OHMVR Division's ongoing experience administering Grants and/or Cooperative

Agreements thereby ensuring public funds are being spent judiciously and within the State's best interest. Additionally, the proposed regulation revisions will allow for a more clear understanding of the regulations by both Grantees and OHMVR Division staff, as well as address outstanding programmatic issues related to the review and award of Grants and/or Cooperative Agreements.

SPECIFIC PURPOSE, ANTICIPATED BENEFIT, AND NECESSITY

Article 1. General Provisions

CCR Section 4970.00

Amend CCR Section 4970.00:

Specific Purpose: The specific purpose of this amendment is to clarify that the Program regulations pertain to Grant Applications received on or after the first day of the year for each new Grant cycle and update the Public Resources Code Reference section citation.

Benefit/Necessity: The proposed amendment to the Grant cycle end date is necessary to clarify the CCR applies to each new Grant cycle for which the Grant Applicant is applying and prevent Applicant confusion on applicability of the CCR. Previously this section was amended, in a rulemaking file each year, to reflect the new Grant cycle start date; this amendment will eliminate the need to submit a rulemaking file every year to update the Grant cycle start date.

CCR Section 4970.01

Amend CCR Section 4970.01(d):

Specific Purpose: The specific purpose of this amendment is to clarify the definition of an Audit by removing reference to specific auditing standards requirements, make the section language consistent with all sections of the CCR, and clarify the meaning of statements within the regulatory language.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language and reduce the documentary burden on Grantees by removing specific auditing standards in the Audit definition, concerning the condition of Grant records, and focus on meeting content requirements of Project records. This allows the Department Audits Office a more streamlined review of Project records for purposes of a Project audit.

The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by making reference to the Department consistent throughout the CCR.

The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by clarifying the Grantee audit strictly concerns financial records as part of the Project Agreement and no other records.

The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by removing unnecessary language that an audit will determine expenditures are supported by the Agreement as Section 4970.25.1 already details outcomes of a Grantee audit.

Amend CCR Section 4970.01(q):

Specific Purpose: The specific purpose of this amendment is to clarify what qualifies as Equipment by adding a motorized requirement to the definition of Equipment.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion whether Equipment includes any purchase over \$5,000 by adding a motorized requirement to the Equipment definition which will clarify that only Equipment with a motor is considered Equipment for purposes of other requirements in the CCR, including, but not limited to proposed Sections 4970.08.1 and Section 4970.08.2.

Amend CCR Section 4970.01(aa):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing “Project”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Project” is defined in Section 4790.01 and should be capitalized in this subsection.

Amend CCR Section 4970.01(ii):

Specific Purpose: The specific purpose of this amendment is to move the definition of “On-line Grant Application (OLGA)” in Section 4970.07(a)(1) to this subsection.

Benefit/Necessity: The proposed amendment is necessary to relocate the “On-line Grant Application (OLGA)” definition that is currently defined in Section 4970.07(a)(1) to this subsection as it is more appropriate for regulatory definitions.

Amend CCR Section 4970.01(jj):

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by revising the structure of the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the definition of a Project by restructuring the language within the definition.

Amend CCR Section 4970.01(kk):

Specific Purpose: The specific purpose of this amendment is to add language further describing that a Project Agreement is strictly between the Grantee and the Department.

Benefit/Necessity: The proposed amendment clarifies that a Project Agreement is strictly between the Grantee and the Department and thus reduces confusion when interpreting the definition of a Project Agreement.

Amend CCR Section 4970.01(mm):

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by adding clarifying language to the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with interpretation of the Project Description definition by including that Deliverables are part of the work plan as well as clarify these parts of the work plan only relate to the Project; including Deliverables in the definition is consistent with Project Description requirements in Section 4870.10.1 and other sections of the CCR.

CCR Section 4970.02

Amend CCR Section 4970.02:

Specific Purpose: The specific purpose of this amendment is to make grammatical changes to the section language and update the Public Resources Code Reference section citation.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion by correcting grammar within the section. The proposed amendment is necessary to correctly cite applicable Public Resources Code (PRC) as PRC Section 5090.70 does not exist in law.

CCR Section 4970.03

Amend CCR Section 4970.03:

Specific Purpose: The specific purpose of this amendment is to amend the section title by deleting “Determining Applicant Eligibility” and adding “Eligible Applicants”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion regarding the content of the section by making the section title reflect the content of the section. The section content is specific to types of grant eligible applicants, which are not currently included in the section title, and is consistent with section naming convention.

Amend CCR Section 4970.03(b):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by updating reference to the section table.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with inconsistent language in the CCR by referencing section tables and/or regulatory sections in a manner consistent throughout the CCR.

CCR Section 4970.04

Amend CCR Section 4970.04(b):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by updating the section table.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with inconsistent language in the CCR by referencing section tables and/or regulatory sections in a manner consistent throughout the CCR.

CCR Section 4970.05

Amend CCR Section 4970.05:

Specific Purpose: The specific purpose of this amendment is to amend the section numbering to Section 4970.05.01 due to proposed adoption of new Section 4970.05.2.

The specific purpose of this amendment is to renumber existing Section 4970.05(l) through Section 4970.05(p).

Benefit/Necessity: The proposed amendment is necessary to update section numbering to Section 4970.05.01 due to the proposed adoption of new Section 4970.05.2 that is consistent with regulatory structure that groups similar regulatory topics into the same numbering series.

The proposed amendment to renumber sections is necessary due to the repeal of Sections 4970.05(k) and 4970.05(o) thereby renumbering existing subsections.

Amend CCR Section 4970.05(a):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by updating the formal name of the Appendix and its revision date.

Benefit/Necessity: The proposed amendment is necessary to accurately reflect the formal name of the Appendix as titled and its updated revision date based on amendments to the Appendix in this rulemaking file.

Amend CCR Section 4970.05(e)(2):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and clarify the meaning of statements within the regulatory language by capitalizing “Preliminary” and adding additional clarifying language to the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Preliminary” is defined in Section 4790.01 and should be capitalized in this subsection.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language by adopting language clarifying Application public review and notification cannot be sooner than the start of the Grant cycle consistent with Section 4970.00 that the Grant cycle begins on January 1 of the year the Applicant is applying for a Grant.

Amend CCR Section 4970.05(f):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by adding reference to the Appendix.

The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing “Project”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Project Cost Estimate form revision date and reference to Appendix.

The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Project” is defined in Section 4790.01 and should be capitalized in this subsection.

Amend CCR Section 4970.05(f)(1):

Specific Purpose: The specific purpose of this amendment is to make grammatical changes to the section language by correcting grammar within the section.

The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing “Project”.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion by removing a hyphen erroneously included in the language.

The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Project” is defined in Section 4790.01 and should be capitalized in this subsection.

Amend CCR Section 4970.05(f)(3):

Specific Purpose: The specific purpose of this amendment is to revise the volunteer reimbursable rate, when determining cash value for volunteer time, by specifying the use of the Independent Sector California hourly rate.

Benefit/Necessity: The proposed amendment is necessary to better control reimbursable costs and cost tracking for unpaid Project volunteers due to the wide variance of reimbursable costs currently claimed by Grantees and make these costs more equitable across all Grantees and Grant type allowances by adopting the Independent Sector California volunteer hourly rate. Grantees report a wide variance in cash value for volunteers, necessitating additional work for staff to determine the appropriateness of the reported value. The Independent Sector is widely used to establish fair and equitable cash value for volunteers and provides a means for standardization in determining reimbursable value.

Amend CCR Section 4970.05(f)(4):

Specific Purpose: *Specific Purpose:* The specific purpose of this amendment is to restructure and clarify the meaning of the subsection by dividing existing Section 4970.05(f)(3) language into two independent subsections.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when determining allowable reimbursable cash value for volunteers and/or employees by separating the reimbursable cash value for employee requirement from Section 4970.05(f)(3) to Section 4970.05(f)(4).

Amend CCR Section 4970.05(f)(5):

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.05(f)(4) to Section 4970.05(f)(5).

Benefit/Necessity: The proposed amendment is necessary due to the addition of Section 4970.05(f)(4) thereby renumbering the existing subsection.

Amend CCR Section 4970.05(g):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by updating reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Project Cost Estimate form revision date and reference to the Appendix.

Amend CCR Section 4970.05(h):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and ensure Equipment is tracked for the life of the Equipment by updating regulatory language phrasing and amending Equipment inventory tracking requirements.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with inconsistent language throughout the CCR by updating language phrasing in reference to acquired Equipment.

The proposed amendment is necessary to ensure any Equipment still in use is reported on the Application to assist the Division's tracking of Equipment with a useful life of more than five years and ensure all Equipment is used and maintained in accordance with regulations. Existing regulations do not require Grantees to report to the Division any Equipment purchased more than five years after its purchase; purchased Equipment oftentimes has a useful life of more than five years and the Division must be able to confirm applicable Equipment is in the Grantee's possession, is in working order, and is being properly maintained.

Amend CCR Section 4970.05(i):

Specific Purpose: The specific purpose of this amendment is to make grammatical changes to the section language.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion by correcting grammar within the section.

Repeal CCR Section 4970.05(k):

Specific Purpose: The specific purpose of this amendment is to consolidate Nonprofit organization Application requirements by repealing and moving this subsection to a new regulatory section.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by repealing 4970.05(k) and moving it to new proposed Section 4970.05.2. Language specific to Nonprofit organizations is better grouped in its own regulatory section with all other Nonprofit organization Application requirements.

Amend CCR Section 4970.05(l):

Specific Purpose: The specific purpose of this amendment is to revise grant Applicant public lands written permission requirements by repealing the land management goal description as part of the Land Manager letter requirement

Benefit/Necessity: The proposed amendment is necessary to alleviate unnecessary and overly burdensome requirements to obtain land a management goals description due to the existing requirement (to obtain written permission by the land manager to conduct the Project) as sufficient to determine land manager consent when the grant Applicant is not the land manager. By obtaining a land manager authorization, it is understood by the Division that the Project meets the goals of the land manager.

Amend CCR Section 4970.05(l)(2):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by removing capitalization of "Preliminary".

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by only capitalizing specific words

within the text that are defined in Section 4790.01. “Preliminary” is not defined in Section 4790.01 and should not be capitalized in this subsection.

Amend CCR Section 4970.05(m):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing “Grant”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Grant” is defined in Section 4790.01 and should be capitalized in this subsection.

Repeal CCR Section 4970.05(o):

Specific Purpose: The specific purpose of this amendment is to consolidate Nonprofit organization Application requirements by repealing and moving this subsection to a new regulatory section.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by repealing Section 4970.05(o) and moving it to new proposed Section 4970.05.2. Language specific to Nonprofit organizations is better grouped in its own regulatory section with all other Nonprofit organization Application requirements.

Adopt CCR Section 4970.05(o):

Specific Purpose: The specific purpose of this amendment is to adopt additional grant application requirements for Applicants who may be under investigation, commit unsound business practices, or are alleged to have committed fraud.

Benefit/Necessity: The proposed amendment is necessary to clarify certain violations make an Applicant ineligible for grant funds and prevent ineligible Applicants from applying for a Grant by adopting subsection (o) prohibiting certain Applicants from submitting an Application. It has been the Division’s experience that certain Grantees who are known to be under investigation, commit unsound business practices, or alleged to have committed fraud are still able to apply for a grant and have shown a higher likelihood for misappropriating those grant funds; these amendments will further ensure OHV Trust Funds are protected.

CCR Section 4970.05.2

Adopt CCR Section 4970.05.2:

Specific Purpose: The specific purpose of this amendment is to move and consolidate Nonprofit organization Application requirements from Section 4970.05, incorporate by reference the new Grants and Cooperative Agreements Program Nonprofit Certification form as an Application requirement, and add Authority and Reference section citations.

Benefit/Necessity: The proposed amendment is necessary to consolidate Nonprofit organization Application requirements from Section 4970.05 and eliminate any confusion which Application requirement regulations apply specifically to Nonprofits as well as adopt the Grants and Cooperative Agreements Program Nonprofit Certification form. Additionally, regulatory authority and reference citations are necessary to establish statutory authority and reference to the statute being made specific by this regulation.

Adopt CCR Section 4970.05.2(a):

Specific Purpose: The specific purpose of this amendment is to relocate Nonprofit organization Application requirements from current Section 4970.05(k) to new section 4970.05.2.

Benefit/Necessity: The proposed amendment is necessary to eliminate any confusion as to specific Application requirements for Nonprofit organizations by consolidating Nonprofit organization Application requirements, which were previously intermixed within Section 4970.05, to this new section.

Adopt CCR Section 4970.05.2(b):

Specific Purpose: The specific purpose of this amendment is to relocate Nonprofit organization Application requirements from current Section 4970.05(o) to new section 4970.05.2.

Benefit/Necessity: The proposed amendment is necessary to eliminate any confusion as to specific Application requirements for Nonprofit organizations by consolidating Nonprofit organization Application requirements, which were previously intermixed within Section 4970.05, to this new section.

Adopt CCR Section 4970.05.2(c):

Specific Purpose: The specific purpose of this amendment is to relocate Nonprofit organization Application requirements from current Section 4970.05(l) to new section 4970.05.2.

Benefit/Necessity: The proposed amendment is necessary to eliminate any confusion as to specific Application requirements for Nonprofit organizations by consolidating Nonprofit organization Application requirements, which were previously intermixed within Section 4970.05, to this new section. Nonprofit organizations are not the land manager on a Project, and therefore would be required to meet requirements in current Section 4970.05(l).

Adopt CCR Section 4970.05.2(d):

Specific Purpose: The specific purpose of this amendment is to incorporate by reference the new Grants and Cooperative Agreements Program Nonprofit Certification form requirements as an Application requirement for Nonprofit organizations.

Benefit/Necessity: The proposed amendment is necessary to ensure Nonprofit organization applicants are held accountable for the expenditure of Grant funds by adopting the Grants and Cooperative Agreements Program Nonprofit Certification form as part of the new section 4970.05.2 related to Nonprofit organization application requirements.

It has been the Division's experience that certain Nonprofit Grantees have used Grant funds to purchase Project equipment or services from a company or organization partially or wholly owned by the Grantee. These scenarios present a clear conflict of interest of using Grant funds that directly profit the Grantee. The Grants and Cooperative Agreements Program Nonprofit Certification form will require Nonprofit organization Grantees (encompassing the Board, Executive Director, staff, and Nonprofit organization Bylaws) to certify they will not self-deal or otherwise have a material financial interest in a business related to the distribution of Grant funds. Further, the Nonprofit Certification form requirements will ensure the preservation of the OHV Trust Fund from misappropriation and allow funds for use by the maximum number of eligible Applicants.

Subarticle 1. Environmental Requirements Administration Procedures
CCR Section 4970.06.1

Amend CCR Section 4970.06.1:

Specific Purpose: The specific purpose of this amendment is to clarify the section title by adding "National Environmental Policy Act" to the title.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion regarding the content of the section by making the section title reflect the content of the section. The section content includes information on the National Environmental Policy Act, which is not currently included in the section title, and is consistent with regulatory section naming convention.

Amend CCR Section 4970.06.1(b):

Specific Purpose: The specific purpose of this amendment is to make grammatical changes to the section language by correcting grammar within the section.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion by removing "for" from the subsection language.

Amend CCR Section 4970.06.1(b)(1):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and clarify the meaning of statements within the regulatory language by adding "Project" in reference to a phased Project.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and making regulatory language consistent by

clarifying that reference to phased funding refers to Project phase funding and consistent with other sections throughout the CCR.

Amend CCR Section 4970.06.1(b)(2):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and clarify the meaning of statements within the regulatory language by adding “Project” in reference to a phased Project and capitalizing “Deliverables”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and making regulatory language consistent by clarifying that reference to phased funding refers to Project phase funding and consistent with other sections throughout the CCR.

The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Deliverables” is defined in Section 4790.01 and should be capitalized in this subsection.

Amend CCR Section 4970.06.1(c)(1)(A):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by adding additional clarifying language to the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and making regulatory language consistent by adding “Section” before a referenced section number consistent with other referenced sections throughout the CCR.

Amend CCR Section 4970.06.1(c)(2)(A):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by adding additional clarifying language to the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and making regulatory language consistent by adding “Section” before a referenced section number consistent with other section references throughout the CCR.

Amend CCR Section 4970.06.1(d)(1)(D):

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by adding additional clarifying language to the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and making regulatory language consistent by adding

“Section” before a referenced section number consistent with other section references throughout the CCR.

CCR Section 4970.07

Repeal CCR Section 4970.07(a)(1)

Specific Purpose: The specific purpose of this amendment is to move the definition of “On-line Grant Application (OLGA)” to Section 4970.01(ii) by deleting this subsection.

Benefit/Necessity: The proposed amendment is necessary to make regulatory language consistent throughout the CCR by relocating the “On-line Grant Application (OLGA)” definition, which is currently defined in this section, to Section 4970.01(ii) as Section 4970.01 comprises all regulatory definitions.

Repeal CCR Section 4970.07(a)(2)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by deleting the subsection. Similar language referencing the submittal of Applications via OLGA is described in Section 4970.07(a).

Amend CCR Section 4970.07(b)(1)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing “Project Description”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Project Description” is defined in Section 4790.01 and should be capitalized in this subsection.

Amend CCR Section 4970.07(b)(2)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by adding reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Project Cost Estimate form revision date and reference to Appendix.

Amend CCR Section 4970.07(b)(3)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by adding reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Evaluation criteria forms' reference to Appendix.

Amend CCR Section 4970.07(b)(4)

Specific Purpose: The specific purpose of this amendment is to amend and update reference to specific Nonprofit organization requirements by removing specific Nonprofit organization requirements and update the section reference to the new regulatory section specific to Nonprofit organization Application requirements.

Benefit/Necessity: The proposed amendment is necessary to clarify and consolidate all Nonprofit organization Application requirements by deleting 501(c)(3) requirement and instead refer to all Nonprofit organization Application requirements, including requiring verification of 501(c)(3) status, to new Section 4970.05.2.

Amend CCR Section 4970.07(b)(5)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and make section references accurate by capitalizing "Project" and updating section numbering.

The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing "Project".

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. "Project" is defined in Section 4790.01 and should be capitalized in this subsection.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language by amending the section numbering to 4970.05(k) due to renumbering of that section.

Amend CCR Section 4970.07(c)(1)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by adding reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Project Cost Estimate form revision date and reference to Appendix.

Amend CCR Section 4970.07(c)(2)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by adding reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Law Enforcement Needs Assessment form reference to Appendix.

Amend CCR Section 4970.07(c)(3)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by adding reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Law Enforcement Project Certification form reference to Appendix.

CCR Section 4970.07.1

Amend CCR Section 4970.07.1(c)

Specific Purpose: The specific purpose of this amendment is to update the Division website Grants page reference by adding the specific web page name as displayed on the Division website.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and clarify where Grant Application information can be found on the Division website by amending the referenced web page name as it is shown on the Division web page.

CCR Section 4970.07.2

Amend CCR Section 4970.07.2(f)(1)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing “Grant Project”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Grant Project” is defined in Section 4790.01 and should be capitalized in this subsection.

Amend CCR Section 4970.07.2(f)(2)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing “Project”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Project” is defined in Section 4790.01 and should be capitalized in this subsection.

Section 4970.08

Amend CCR Section 4970.08(a)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language and make regulatory language consistent throughout the CCR by amending and adding additional clarifying language to the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by clarifying that Project costs can be both directly and indirectly related to the Project. The definition of Indirect Costs in Section 4970.01(aa) state that indirect costs may include a related Project activity and would be considered a valid reimbursable expenditure.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language by changing the term “Applicant” to “Grantee” as the requirements in this regulatory section applies to Grantees and not Applicants.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language by clarifying a Grantee may only receive fifteen percent of total actual Project costs as a reimbursement for Indirect costs.

Amend CCR Section 4970.08(b)(1)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing “Project”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Project” is defined in Section 4790.01 and should be capitalized in this subsection.

Amend CCR Section 4970.08(b)(2)(A)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language and make regulatory language consistent throughout the CCR by specifying a Project “charge” versus Project “cost”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by changing the term “Applicant” to “Grantee” as the requirements in this regulatory section applies to Grantees and not Applicants.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language by changing the term “charges” to “costs” as the subsection addresses eligible Project expenditures or “costs” whereas “charges” refers to the act of attributing Project expenditures to a Project.

Amend CCR Section 4970.08(b)(3)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by adding additional numbering language to the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make regulatory language consistent by spelling out the number “fifty”, referenced in the language, along with its numerical value.

Amend CCR Section 4970.08(b)(4)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language and make regulatory language consistent throughout the CCR by amending and adding additional clarifying language to the subsection and correcting reference to the California Department of Human Resources website.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by changing the term “Applicant” to “Grantee” as the requirements in this regulatory section applies to Grantees and not Applicants.

The proposed amendment is necessary to reduce confusion when referencing the California Department of Human Resources website by amending the citation and web page address to the California Department of Human Resources website to provide better guidance to locate California travel reimbursement rates. Additionally, the web page address in current regulatory language does not link to an existing web page.

Amend CCR Section 4970.08(b)(9)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding supplies as an eligible transportation cost.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by clarifying eligible transportation costs includes the movement of Project supplies. Current regulatory language has not been clear that movement of supplies is an eligible Project cost, while current practice is to allow for this Project cost.

Adopt CCR Section 4970.08(b)(9)(A)

Specific Purpose: The specific purpose of this amendment is to adopt language clarifying the meaning of the subsection by separating eligible transportation costs, by Nonprofit Grantee and agency Grantees, into two separate subsections.

The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by adding additional numbering language to the subsection.

The specific purpose of this amendment is to clarify the meaning of the subsection by deleting language repealing a Nonprofit organization's allowance for transportation costs, in excess of 100 miles, to be used as matching Grant funds.

The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language and make regulatory language consistent throughout the CCR by specifying a Project "charge" versus Project "cost".

The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by adding reference to the Appendix.

The specific purpose of this amendment is to clarify the language by deleting redundant reference to the federal Internal Revenue Service.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting allowable transportation costs by separating existing requirements into a subsection detailing allowable Nonprofit Grantee costs and a subsection detailing all other allowable Grantee costs.

The proposed amendment is necessary to reduce confusion and make regulatory language consistent by spelling out the number "one hundred", referenced in the language, along with its numerical value.

The proposed amendment is necessary to preserve the OHV Trust Fund for use by the maximum number of eligible Applicants by removing language that would otherwise allow Nonprofit Grantees from claiming, as Grant match, transportation costs exceeding 100 miles to limit excessive transportation cost reimbursements. Due to the nature of Nonprofit Grantee Project work and the large number of miles able to be claimed as Grant match for transportation costs the Division will limit transportation miles eligible to be claimed as match.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language by changing the term "charge" to "cost" as the subsection addresses eligible Project expenditures or "cost" whereas "charge" refers to the act of attributing Project expenditures to a Project.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Project Cost Estimate form revision date and reference to Appendix.

The proposed amendment is necessary to reduce confusion with redundant language by deleting "federal" in reference to the Internal Revenue Service, which is generally understood to be a federal agency.

Adopt CCR Section 4970.08(b)(9)(B)

Specific Purpose: The specific purpose of this amendment is to adopt language clarifying the meaning of the subsection by separating eligible transportation costs, by Nonprofit Grantee and agency Grantees, into two separate subsections.

The specific purpose of this amendment is to clarify eligible reimbursement of transportation costs for moving material, supplies, and personnel for agency Grantees.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting allowable transportation costs by separating existing requirements into a subsection detailing allowable Nonprofit Grantee costs and a subsection detailing all other allowable Grantee costs.

The proposed amendment is necessary to clarify the meaning of the subsection by defining parameters for the reimbursement of transportation costs for moving material, supplies, and personnel includes transportation from Grantee's base of operations to the Project site and that the base of operations is where Grantee's equipment is stored. Agency Grantee reimbursable costs of transportation are typically only from one location to the Project and do not require the same 100 mile limitation that is necessary for Nonprofit Grantees.

Amend CCR Section 4970.08(b)(10)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by adding language that Grant funded publications must be approved by the Division.

Benefit/Necessity: The proposed amendment is necessary to ensure Grant funded publication messaging is consistent within the OHV Program and publications comply with regulatory requirements by adding language clarifying that Grant funded publications are required to be both reviewed and approved prior to publication by the Grantee.

Amend CCR Section 4970.08(b)(11)

Specific Purpose: The specific purpose of this amendment is to make subsection language consistent and reduce confusion by adding language that refers to both rental and lease throughout the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by consistently stating that eligible costs outlined in the subsection refer to both rental and lease of facilities or Equipment; as currently stated the language is unclear and could be confusing that some parts of the subsection refer to only leasing, only rental, or both.

Repeal CCR Section 4970.08(b)(12)

Specific Purpose: The specific purpose of this amendment is to repeal the section and specify eligible equipment costs for Nonprofit Grantees in Section 4970.08.1.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting eligible Nonprofit Grantee equipment costs by moving Section 4970.08(b)(12) requirements to their own regulatory section.

The content from this subsection is largely relocated into adopted Section 4970.08.1, which specifies eligible equipment costs for Nonprofit Grantees.

Section 4970.08(b)(12)(B), specific to the Department acting as the lien holder for Grant fund purchased equipment, is repealed in its entirety and is not relocated to Section 4970.08.1. The proposed amendment is necessary as alternative equipment ownership requirements are adopted in Section 4970.20(e), which requires Grantees to obtain approval from the Division prior to disposition of Grant fund purchased equipment. It has been the Division's experience that acting as lien holder for Grant fund purchased equipment has been difficult to implement and put an undue burden on both the Division and Grantees ensuring equipment liens are put in place. Adopted Section 4970.20(e) meets the Division's intent to monitor, track, and determine the disposition of Grant fund purchased equipment.

Repeal CCR Section 4970.08(b)(13)

Specific Purpose: The specific purpose of this amendment is to repeal the section and specify eligible equipment costs for agency Grantees in Section 4970.08.2.

Benefit/Necessity: The specific purpose of this amendment is to reduce confusion when interpreting eligible agency Grantee equipment costs by moving these requirements to their own regulatory section. A portion of the content from this subsection is incorporated into adopted Section 4970.08.2, which specifies eligible equipment costs for agency Grantees.

Amend CCR Section 4970.08(b)(14)

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.05(b)(14) to Section 4970.05(b)(12).

Benefit/Necessity: The proposed amendment is necessary due to the repeal of Section 4970(b)(12) and Section 4970(b)(13).

CCR Section 4970.08.1

Adopt CCR Section 4970.08.1

Specific Purpose: The specific purpose of this amendment is to specify eligible equipment costs for Nonprofit Grantees that are currently in Section 4970.08(b)(12).

The specific purpose of this amendment is to add Authority and Reference section citations.

Benefit/Necessity: The proposed amendment is necessary to specify eligible Nonprofit Grantee reimbursement costs for equipment by adopting a separate regulatory section for those requirements. Separating eligible equipment costs by section and by Grantee type will reduce confusion when interpreting the regulatory language.

The proposed amendment is necessary to specify statutory authority to make regulation and reference the statutes being made specific by this regulation.

Adopt CCR Section 4970.08.1(a)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(12)(A); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.1(b)(1)

Specific Purpose: The proposed regulatory language is relocated, with amendment, from current Section 4970.08(b)(12)(D)(1).

The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by deleting “daily” from use fee and adopting a \$150 per vehicle per day limit for Equipment acquired with funds outside the Program

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

The proposed amendment is necessary to amend “daily” fee use reimbursement to a use fee reimbursement, as Equipment use fee reimbursements do not have to be limited to a daily fee only.

The proposed amendment is necessary to adopt an Equipment use fee reimbursement limit on Equipment purchased with non-Grants funds to limit excessive reimbursement of Equipment costs that greatly exceed the value of the Equipment. The reimbursement allowance will providing sufficient reimbursement to compensate Grantees for necessary Equipment upkeep and preserve the OHV Trust Fund for use by the maximum number of eligible Applicants

Adopt CCR Section 4970.08.1(b)(2)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(12)(D)(2); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.1(b)(3)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(12)(F); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.1(c)(1)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(12)(E)(1); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.1(c)(2)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(12)(D)(2); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.1(c)(3)

Specific Purpose: The specific purpose of this amendment is to adopt a provision allowing reimbursement of Equipment regular maintenance costs on Equipment acquired with Grant funds.

Benefit/Necessity: The proposed amendment is necessary to provide an allowance for regular Equipment maintenance by a licensed repair facility to ensure Grant fund purchased Equipment is properly maintained by a reputable facility and OHV Trust Funds are protected.

Adopt CCR Section 4970.08.1(c)(4)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(12)(F); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.1(d)(1)

Specific Purpose: The proposed regulatory language is relocated, with amendment, from current Section 4970.08(b)(12)(G)(1).

The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by deleting “daily” from use fee and amending “Applicant” to “Grantee”.

The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by amending the Heavy Equipment use fee shall “cover regular maintenance only for Project activities”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

The proposed amendment is necessary to amend “daily” fee use reimbursement to a use fee reimbursement, as Heavy Equipment use fee reimbursements do not have to be limited to a daily fee only.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language by changing the term “Applicant” to “Grantee” as the requirements in this regulatory section applies to Grantees and not Applicants.

The proposed amendment is necessary to allow for “regular maintenance” of Heavy Equipment, consistent with phrasing in the section as well as specify that the Heavy Equipment maintenance is only for Project activities. If Grantees are approved by the Division to use Heavy Equipment on activities unrelated to the Project, these costs would not reimbursable.

Adopt CCR Section 4970.08.1(d)(2)

Specific Purpose: The specific purpose of this amendment is to adopt provisions allowing reimbursement of Heavy Equipment fuel costs on Project activities.

Benefit/Necessity: The proposed amendment is necessary to provide an allowance for fuel cost reimbursement for Heavy Equipment purchased with non-Grant funds as the Division determined existing reimbursement allowances did not adequately fund Heavy Equipment fuel costs that are fundamental to the completion of Project activities.

Adopt CCR Section 4970.08.1(d)(3)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(12)(G)(2); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.1(d)(4)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(12)(I); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.1(e)(1)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(12)(H)(1); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.1(e)(2)

Specific Purpose: The specific purpose of this amendment is to adopt provisions allowing reimbursement of Heavy Equipment fuel costs on Project activities.

Benefit/Necessity: The proposed amendment is necessary to provide an allowance for fuel cost reimbursement for Heavy Equipment purchased with Grant funds as the Division determined existing reimbursement allowances did not adequately fund Heavy Equipment fuel costs that are fundamental to the completion of Project activities.

Adopt CCR Section 4970.08.1(e)(3)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(12)(H)(2); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.1(e)(4)

Specific Purpose: The specific purpose of this amendment is to adopt a provision allowing reimbursement of Heavy Equipment regular maintenance costs on Heavy Equipment acquired with Grant funds.

Benefit/Necessity: The proposed amendment is necessary to provide an allowance for regular maintenance by a licensed repair facility to ensure Grant fund purchased Heavy Equipment is properly maintained by a reputable facility and OHV Trust Funds are protected.

Adopt CCR Section 4970.08.1(e)(5)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(12)(I); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.1(f)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(12)(C); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.1(g)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(12); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

CCR Section 4970.08.2

Adopt CCR Section 4970.08.2

Specific Purpose: The specific purpose of this amendment is to specify eligible equipment costs for agency Grantees that are currently under Section 4970.08(b)(13).

The specific purpose of this amendment is to add Authority and Reference section citations.

Benefit/Necessity: The proposed amendment is necessary to specify eligible agency Grantee reimbursement costs for equipment by adopting a separate regulatory section for those requirements. Separating eligible equipment costs by section and by Grantee type will reduce confusion when interpreting the regulatory language.

The proposed amendment is necessary to specify statutory authority to make regulation and reference the statutes being made specific by this regulation.

Adopt CCR Section 4970.08.2(a)(1)

Specific Purpose: The proposed regulatory language is relocated, with amendment, from current Section 4970.08(b)(13)(B)(1).

The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by deleting “daily” from use fee.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

The proposed amendment is necessary to amend “daily” fee use reimbursement to a use fee reimbursement, as Heavy Equipment use fee reimbursements do not have to be limited to a daily fee only.

Adopt CCR Section 4970.08.2(a)(2)

Specific Purpose: The specific purpose of this amendment is to adopt provisions allowing reimbursement of Equipment and/or Heavy Equipment fuel costs on Project activities.

Benefit/Necessity: The proposed amendment is necessary to provide an allowance for fuel cost reimbursement for Equipment and/or Heavy Equipment purchased with non-Grant funds as the Division determined existing reimbursement allowances did not adequately fund Heavy Equipment fuel costs that are fundamental to the completion of Project activities.

Adopt CCR Section 4970.08.2(b)(1)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(13)(F)(1); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

Adopt CCR Section 4970.08.2(b)(2)

Specific Purpose: The specific purpose of this amendment is to adopt a provision allowing reimbursement of Equipment and/or Heavy Equipment fuel costs on Project activities.

The specific purpose of this amendment is to adopt a provision allowing reimbursement of Equipment and/or Heavy Equipment regular maintenance costs on Equipment and/or Heavy Equipment acquired with Grant funds.

Benefit/Necessity: The proposed amendment is necessary to provide an allowance for fuel cost reimbursement for Equipment and/or Heavy Equipment purchased with Grant funds as the Division determined existing reimbursement allowances did not adequately fund Equipment and/or Heavy Equipment fuel costs that are fundamental to the completion of Project activities.

The proposed amendment is necessary to provide an allowance for regular maintenance to ensure Grant fund purchased Equipment and/or Heavy Equipment is properly maintained and OHV Trust Funds are protected.

Adopt CCR Section 4970.08.2(c)

Specific Purpose: The specific purpose of this amendment is to adopt a provision allowing reimbursement of Equipment and/or Heavy Equipment transportation costs.

Benefit/Necessity: The proposed amendment is necessary to adopt allowance to reimburse the transportation of Equipment and/or Heavy Equipment from its normal storage location to the Project site to adequately fund costs that are fundamental to the completion of Project activities, which is consistent with similar allowances in Section 4870.08.1.

Adopt CCR Section 4970.08.2(d)(1)

Specific Purpose: The specific purpose of this amendment is to require any request for purchase or repair of Equipment and/or Heavy Equipment is made on the Grant Application.

Benefit/Necessity: The proposed amendment is necessary to clarify the Grantee must indicate on their Grant Application any request for purchase or repair of Equipment and/or Heavy Equipment. The Division has limited Grant funds to award for each Grant cycle and by obtaining and evaluating purchase or repair costs on the Application the Division will be able to equitably distribute limited Grant funds.

Adopt CCR Section 4970.08.2(d)(2)

Specific Purpose: The specific purpose of this amendment is to require that any Grant Application request for Equipment and/or Heavy Equipment repair is justified and cost effective.

Benefit/Necessity: The proposed amendment is necessary to ensure Grantees provide an analysis on their Grant Application that the costs of Equipment and/or Heavy Equipment repairs do not exceed replacement costs. The Division has limited Grant funds to award for each Grant cycle and it is not an effective use of Grant funds to fund Equipment and/or Heavy Equipment repairs if they are more than the cost of a new piece of Equipment and/or Heavy Equipment. By obtaining and evaluating repair costs on the Application the Division will be able to equitably distribute limited Grant funds.

Adopt CCR Section 4970.08.2(e)

Specific Purpose: The proposed regulatory language is relocated from current Section 4970.08(b)(13)(A); the subsection language meaning and intent has not changed.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by adopting a separate regulatory section by Grantee type.

CCR Section 4970.09

Amend CCR Section 4970.09

Specific Purpose: The specific purpose of this amendment is to renumber existing subsections 4970.09(2) through 4970.09(13).

Benefit/Necessity: The proposed amendment is necessary due to the adoption of new subsection 4970.09(2) thereby renumbering existing subsections to 4970.09(3) through 4970.09(14).

Adopt CCR Section 4970.09(b)(2)

Specific Purpose: The specific purpose of this amendment is to adopt language clarifying a purchase made for the Project, and not used on the Project, may be ineligible for reimbursement.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and add further definition as to what constitutes eligible Project expenditures. The Division intends all purchases made for the Project to be used on the Project during the term of the Project Agreement. However, there have been extenuating circumstances in past Projects where the Division allowed a purchase towards the end of the Project Agreement term that may or may not be fully utilized on the Project; the Division will have discretion to allow or disallow those purchases.

Amend CCR Section 4970.09(b)(5)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language and make regulatory language consistent throughout the CCR by specifying a Project “charge” versus Project “cost”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by changing the term “charges” to “costs” as the subsection addresses eligible Project expenditures or “costs” whereas “charges” refers to the act of attributing Project expenditures to a Project.

Amend CCR Section 4970.09(b)(11)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by adding additional clarifying language specifying Project recognition activities are ineligible for reimbursement.

Benefit/Necessity: The proposed amendment is necessary to clarify any Project recognition activity as ineligible for reimbursement to preserve OHV Trust Funds for Project-related costs only. It has been the Division’s experience that Grantee’s have either requested or made purchases related to Project recognition activities; these purchases were deemed to not have been used to directly benefit the Project or were not specified in the Project Agreement and were therefore ineligible for reimbursement. Grantees must understand that any purchase related to Project recognition activities are

not furthering the OHV's mission to provide for managed OHV recreational opportunities.

Amend CCR Section 4970.09(c)

Specific Purpose: Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection and by adding additional clarifying language and update "should" seek clarification to "may" seek clarification.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language by clarifying seeking clarification of costs in question refers to the eligibility of costs.

The proposed amendment is necessary to indicate the Grant Applicant has the option to obtain clarification from the Division regarding eligible costs by changing "should" seek clarification to "may" seek clarification, which is consistent with legal writing convention and use throughout the CCR for statements with an discretionary indication.

Article 2. Types of Projects and Specific Application Requirements

Specific Purpose: The specific purpose of this amendment is to amend the article title.

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

CCR Section 4970.10

Amend CCR Section 4970.10(c)(2)

Specific Purpose: The specific purpose of this amendment is to amend Operation and Maintenance funding by increasing the Acquisition Project type request to \$1,500,000.

Benefit/Necessity: The proposed amendment is necessary to increase the Acquisition Project request maximum to \$1,500,000 to address diminishing application for Acquisition projects, an integral aspect of OHV funding, and believes increasing this Project type maximum will lead to additional requests for Project funding.

The proposed amendment is necessary to allow greater Applicant flexibility to request funds for Projects in multiple Operation and Maintenance categories, and due to the proposed increase to Acquisition Project types, will allow for a greater distribution of funding requests within the Operation and Maintenance category.

Repeal CCR Section 4970.10(c)(3)

Specific Purpose: The specific purpose of this amendment is to amend Operation and Maintenance funding by removing the maximum Operation and Maintenance category funding allowance.

Benefit/Necessity: The proposed amendment is necessary to allow greater Applicant flexibility to request funds for Projects in multiple Operation and Maintenance

categories, and due to the proposed increase to Acquisition Project types, will allow for a greater distribution of funding requests within the Operation and Maintenance category.

CCR Section 4970.10.1

Amend CCR Section 4970.10.1(d)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting “common” from the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by deleting reference to common requirements in cited Section 4970.05; “common” requirements in this regulation have no specific meaning.

Amend CCR Section 4970.10.1(d)(2)(A)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting examples of Project Deliverables in the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by deleting Project Deliverables examples that are similarly listed in Section 4970.10.1(c).

Amend CCR Section 4970.10.1(d)(3)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR, update the language in the subsection, and remove redundant language from the subsection by adding additional clarifying language to the subsection, update regulatory reference in the subsection, and deleting “for instructions” from the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and make regulatory language consistent by adding “pursuant to” before a referenced section number consistent with other referenced sections throughout the CCR.

The proposed amendment is necessary to amend an erroneous reference to Section 4970.10.2(d)(2) when the reference should have referenced Section 4970.10.2(d)(3) which refers to preparing conceptual drawings and site plans.

The proposed amendment is necessary to reduce confusion with redundant language by deleting reference “for instructions” in 4970.10.2(d)(2); the regulations as a whole are deemed guidance and/or instructions.

Amend CCR Section 4970.10.1(f)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are

required and part of the Appendix by adding the form name and reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Ground Operations Project Criteria form name, form revision date, and reference to Appendix.

CCR Section 4970.10.2

Amend CCR Section 4970.10.2(d)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting “common” from the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by deleting reference to common requirements in cited Section 4970.05; “common” requirements in this regulation have no specific meaning.

Amend CCR Section 4970.10.2(d)(2)(A)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting examples of Project Deliverables in the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by deleting Project Deliverables examples that are similarly listed in Section 4970.10.2(c).

Amend CCR Section 4970.10.2(g)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by adding the form name and reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Development Project Criteria form name, form revision date, and reference to Appendix.

CCR Section 4970.10.3

Amend CCR Section 4970.10.3(d)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting “common” from the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by deleting reference to common requirements in cited Section 4970.05; “common” requirements in this regulation have no specific meaning.

Amend CCR Section 4970.10.3(d)(2) through 4970.10.3(d)(6)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by renumbering and restructuring the existing subsection language as well as adding language consistent with like regulatory sections.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language due to inconsistent numbering and structure by renumbering and restructuring existing Sections 4970.10.3(d)(2) through 4970.10.3(d)(6) to be consistent with the regulatory numbering and structure of Section 4970.10.2(d)(2). The amendment also adds language to Section 4970.10.3(d)(2) that is consistent with Section 4970.10.2(d)(2) further clarifying the subsection meaning.

Amend CCR Section 4970.10.3(f)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by adding the form name and reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Planning Project Criteria form name, form revision date, and reference to Appendix.

CCR Section 4970.10.4

Amend CCR Section 4970.10.4(d)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting “common” from the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by deleting reference to common requirements in cited Section 4970.05; “common” requirements in this regulation have no specific meaning.

Amend CCR Section 4970.10.4(e)(3) and 4970.10.4(e)(4)

Specific Purpose: The specific purpose of this amendment is to restructure and clarify the meaning of the subsection by dividing existing subsection language into two independent subsections.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when determining land acquisition requirements related to warranty for OHV use by separating Federal land use requirements and fund award requirements into independent Sections 4970.10.4(e)(3) and 4970.10.4(e)(4).

Amend CCR Section 4970.10.4(g)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by adding the form name and reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Acquisition Project Criteria form name, form revision date, and reference to Appendix.

CCR Section 4970.11

Amend CCR Section 4970.11(f)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting “common” from the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by deleting reference to common requirements in cited Section 4970.05; “common” requirements in this regulation have no specific meaning.

Amend CCR Section 4970.11(f)(1)(B)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting examples of Project Deliverables in the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by deleting Project Deliverables examples that are similarly listed in Section 4970.11(e).

Amend CCR Section 4970.11(f)(2)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing “Project”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Project” is defined in Section 4790.01 and should be capitalized in this subsection.

Amend CCR Section 4970.11(g)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by adding the form name and reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Acquisition Project Criteria form name, form revision date, and reference to Appendix.

CCR Section 4970.12

Amend CCR Section 4970.12(a)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting “Law enforcement Projects” from the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by removing reference to the Project type which is the title and subject of the regulatory section.

Amend CCR Section 4970.12(b)

Specific Purpose: The specific purpose of this amendment is to clarify the subject of the subsection by deleting “and Eligible Applicants” from the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by removing reference to eligible Applicants in the subsection as the subsection does not address this topic.

Amend CCR Section 4970.12(c)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by renumbering and restructuring the existing subsection language.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language due to inconsistent numbering and structure by renumbering and restructuring existing Section 4970.12(c) to be consistent with the regulatory numbering and structure of Section 4970.13(c).

Adopt CCR Section 4970.12(d)

Specific Purpose: The specific purpose of this amendment is to adopt language referencing eligible applicants by adding the subsection titled “Eligible Applicants” and referencing the table in Section 4970.03(b).

Benefit/Necessity: The proposed amendment is necessary to provide information for determining eligible applicants for Law Enforcement Projects by adding an eligible applicants subsection and reference to Table 1: Eligible Applicants by Project Types in Section 4970.03(b). Regulatory language in new Section 4970.12(d) is consistent with other sections in the Article referring to applicant eligibility and Table 1.

Amend CCR Section 4970.12(e)

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.12(d).

Benefit/Necessity: The proposed amendment is necessary due to the adoption of Section 4970.12(d) thereby renumbering the existing subsection as 4970.12(e).

Amend CCR Section 4970.12(f)

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.12(d) and remove redundant language by deleting “common” from the subsection.

Benefit/Necessity: The proposed amendment is necessary due to the adoption of Section 4970.12(d) thereby renumbering the existing subsection as 4970.12(f).

The proposed amendment is necessary to reduce confusion with redundant language by deleting reference to common requirements in cited Section 4970.05; “common” requirements in this regulation have no specific meaning.

CCR Section 4970.13

Amend CCR Section 4970.13(e)(1)(A)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by adding additional clarifying language.

Benefit/Necessity: The proposed amendment is necessary to reduce unclear language by specifying Project Deliverables may also include both classroom and field training, and not solely one or the other.

Amend CCR Section 4970.13(f)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting “common” from the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by deleting reference to common requirements in cited Section 4970.05; “common” requirements in this regulation have no specific meaning.

Amend CCR Section 4970.13(f)(2)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting examples of Project Deliverables in the subsection.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by deleting Project Deliverables examples that are similarly listed in Section 4970.13(e).

Adopt CCR Section 4970.13(f)(7)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by adding additional information detailing education elements required as part of an Education and Safety Application.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and provide additional information on required curriculum for an Education Project Application. By requiring certain Education Project curriculum meet known industry education standards, or are otherwise approved by the Division, students will be able to obtain appropriate, consistent, and useful OHV education.

Amend CCR Section 4970.13(h)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by adding the form name and reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarify certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including the Education and Safety Project Criteria form name, form revision date, and reference to Appendix.

Article 3. Application Evaluation System and Funding
CCR Section 4970.14

Amend CCR Section 4970.14

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by updating the subsection language for consistency.

The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix by updating reference to the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion by clarifying the Applicant shall “answer” Project-specific criteria, which is consistent with other phrasing in the subsection with regards to Applicant Application requirements.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language and clarifies certain forms and/or documents, referenced in the regulatory language, are part of the Appendix by including reference to Appendix for Project-specific forms.

CCR Section 4970.14.1

Amend CCR Section 4970.14.1(b)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by making grammatical changes within the subsection.

Benefit/Necessity: The proposed amendment is necessary to correct grammar and make regulatory phrasing consistent throughout the CCR by updating the language to state “include,”, which is consistent with other phrasing throughout the CCR.

CCR Section 4970.14.3

Amend CCR Section 4970.14.3(a)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding additional clarifying language to the subsection.

The specific purpose of this amendment is to make grammatical changes to the section language by correcting reference to words defined within the subsection.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by clarifying Applicant’s required responses should be found “in the Application” and that the definition to “Published” is specific to only Section 4970.14.3 by adding “the...in this Section,”. Additionally, “Published” is quoted to indicate the definition of this word, as defined in Section 4970.14.3, does not apply to any other section in the CCR.

Amend CCR Section 4970.14.3(b)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding additional clarifying language to the subsection.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by clarifying the evaluation panel is the “Application” evaluation panel for purposes of referencing Division staff who evaluate Applications.

CCR Section 4970.15.1

Amend CCR Section 4970.15.1(b)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding additional clarifying language to the subsection.

The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by updating reference to the section table.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by clarifying the evaluation panel is the “Application” evaluation panel for purposes of referencing Division staff who evaluate Applications.

The proposed amendment is necessary to reduce confusion with inconsistent language in the CCR by referencing section tables and/or regulatory sections in a manner consistent throughout the CCR.

CCR Section 4970.15.2

Amend CCR Section 4970.15.2(a)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language and make regulatory language consistent throughout the CCR by adding additional clarifying language to the subsection and updating reference to the section table.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by clarifying the evaluation panel is the “Application” evaluation panel for purposes of referencing Division staff who evaluate Applications.

The proposed amendment is necessary to reduce confusion with inconsistent language in the CCR by referencing section tables and/or regulatory sections in a manner consistent throughout the CCR.

CCR Section 4970.15.3

Amend CCR Section 4970.15.3(c)

Specific Purpose: The specific purpose of this amendment is to clarify the Division’s determination of proportional funding for law enforcement Grants.

Benefit/Necessity: The proposed amendment is necessary to clarify Law Enforcement Grant funds are distributed proportionally based on the Division recommended amount and eliminate unclear language that may confuse Applicants on the Division’s methodology of determining Law Enforcement Project funding.

CCR Section 4970.15.4

Amend CCR Section 4970.15.4(a)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding additional clarifying language to the subsection.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by clarifying the evaluation panel is the “Application” evaluation panel for purposes of referencing Division staff who evaluate Applications.

CCR Section 4970.17

Amend CCR Section 4970.17(d)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing “Project”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Project” is defined in Section 4790.01 and should be capitalized in this subsection.

Amend CCR Section 4970.17 - Table 6

Specific Purpose: The specific purpose of this amendment is to make the section language consistent by correcting inconsistent language.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and making regulatory language consistent by amending “sent” to “submitted”, which is consistent with language in the table.

CCR Section 4970.17.1

Amend CCR Section 4970.17.1

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by adding additional clarifying language and making grammatical changes within the section.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion with interpretation of the regulatory language by adding “award of Grants” to indicate the contingency list may be created specifically after Grants are awarded. “Project” and “lists” are added to indicate the contingency list is for Grant Projects and that there may be more than one contingency list created.

CCR Section 4970.18

Amend CCR Section 4970.18

Specific Purpose: The specific purpose of this amendment is to make the section language consistent with all sections of the CCR.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by making reference to the “Department” consistent throughout the CCR.

Article 4. Project Administration Procedures
CCR Section 4970.19

Amend CCR Section 4970.19(a)

Specific Purpose: The specific purpose of this amendment is to remove redundant language by deleting phrasing referring to awarding of Grants.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by removing the sentence in subsection (a) that specifies the award of Grants, which is redundant with award of Grants language in Section 4970.18.

Amend CCR Section 4970.19(c)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding and amending the subsection language concerning refunds due to the State.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by adding “any” and amending “Grant” to “grant” to clarify execution of Project Agreements are dependent upon the Grantee not having any unpaid grant project refunds for any State agency and not limited to the Division (as defined as “Grant” in Section 4970.01); this will ensure OHV Trust Funds are protected and limit Grantee’s from using OHV Trust Funds to reimburse funds owed to other State agencies.

Amend CCR Section 4970.19(d)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and clarify the meaning of statements within the regulatory language by amending “will” to “shall”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by amending “shall” into regulatory language. The Division interprets existing language as a mandatory requirement; however, the amendment is consistent with legal writing convention and use throughout the CCR.

CCR Section 4970.19.1

Amend CCR Section 4970.19.1(a)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language and make regulatory language consistent throughout the CCR by adding additional clarifying language to the subsection.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by clarifying expenditures, start date, and end date all refer to the Project specifically. The

amendment also clarifies the Intent to Award is specifically found on the Division website and no other location.

CCR Section 4970.19.2

Amend CCR Section 4970.19.2

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding “Project” in reference to Project amendment.

The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language and make regulatory language consistent throughout the CCR by specifying Project “charges” versus Project “charged cost”.

The specific purpose of this amendment is to update “shall” deny costs to “may” deny costs in reference to denial of charged costs.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by adding “Project”, clarifying “amendment” specifically refers to “Project” amendment

The proposed amendment is necessary to reduce confusion when interpreting regulatory language by changing the term “charges” to “charged cost” as the subsection is specifically referencing costs attributed to the Project.

The proposed amendment is necessary to provide additional latitude for Grants staff to review and approve adjustments to the Project Cost Estimate by amending “shall” deny costs to “may” deny costs, as “may” indicates denial is optional. Changes to the Project, and therefore the Project Cost Estimate, are sometimes immediately necessary for the Grantee based on quickly evolving unforeseen circumstances in the field. The Division is providing some leniency for Grant staff to allow for emergent issues in the field.

Amend CCR Section 4970.19.2(c)(4)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by not capitalizing “amendment”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by only capitalizing specific words within the text that are defined in Section 4790.01. “Amendment” is not defined in Section 4790.01 and should not be capitalized in this subsection.

Amend CCR Section 4970.19.2(f)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding “Project” in reference to Project amendment.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by adding “Project”, clarifying “amendment” specifically refers to “Project” amendment

CCR Section 4970.19.3

Amend CCR Section 4970.19.3(b)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the section by adding “or withdrawn”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with inconsistent language in the section by adding “or withdrawn” as this subsection applies to both cancelled and withdrawn Projects.

Adopt CCR Section 4970.19.3(d)

Specific Purpose: The specific purpose of this amendment is to restructure and clarify the meaning of the subsection by dividing existing Section 4970.19.3(c) into two independent subsections.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting Project withdrawal requirements by separating Project reimbursement requirements and record keeping requirements into independent Sections 4970.19.3(c) and Section 4970.19.3(d).

CCR Section 4970.19.4

Amend CCR Section 4970.19.4

Specific Purpose: The specific purpose of this amendment is to restructure and clarify the meaning of the section by dividing existing Section 4970.19.4 into three independent subsections.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting Project breach-termination requirements by separating section requirements in to independent Sections 4970.19.4(a), 4970.19.4(b), and 4970.19.4(c).

Amend CCR Section 4970.19.4(a)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the subsection by adding “contract” and “of contract” and remove “the Project Agreement” when referencing a breach of contract.

The specific purpose of this amendment is to clarify the meaning of the statements in subsection by adding “from the date of written notification”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with inconsistent language in the section by adding “contract” and “of contract” and removing

“the Project Agreement” as the subsection applies to Division actions due to a breach of contract.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language by specifying the 30-day requirement to address a breach of contract begins from the date of written notification; existing language is not clear as to when the 30-day requirement begins.

Amend CCR Section 4970.19.4(b)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the subsection by adding “of contract” when referencing a breach of contract.

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding “Project Agreement”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with inconsistent language in the section by adding “of contract” as the subsection applies to Division actions due to a breach of contract.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language by clarifying waiver requirements specifically apply to terminated Project Agreements.

Amend CCR Section 4970.19.4(c)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by deleting “The” and adding “Any terminated”.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion with by specifying any Project terminated as detailed in this section is subject to certain requirements, consistent to requirements for completed Projects, and is not exempt from these requirements.

CCR Section 4970.19.5

Amend CCR Section 4970.19.5(b)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by adding “a Project”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make regulatory language consistent throughout the CCR by referring to the amendment in the subsection as meaning a Project amendment, which is consistent with the subject of referenced Section 4970.19.2.

CCR Section 4970.19.6

Amend CCR Section 4970.19.6

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by deleting “s organization”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make regulatory language consistent throughout the CCR by referring to “Grantees” as meaning all Grantees within the Grant Program; a Grantee “organization” implies a specific subset of Grantees.

CCR Section 4970.20

Amend CCR Section 4970.20

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by amending language specific to how equipment is obtained by a Grantee.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with inconsistent language in the CCR by maintaining consistent phrasing when referencing equipment acquisition requirements. Amending equipment “acquired with funds from this Grants program” shares the same meaning as the language being replaced, but is consistent with phrasing used in Sections 4970.08.1 and Section 4970.08.2.

Amend CCR Section 4970.20(a)

Specific Purpose: The specific purpose of this amendment is to relocate the requirement that equipment must be used for its intended purpose to Section 4970.20(b) and add the requirement that equipment acquired with Grant funds are kept in Grantee’s inventory for its useful life.

Benefit/Necessity: The proposed amendment is necessary to ensure that equipment can be tracked and accounted for by Division staff for inspection and further comply with all regulatory requirements regarding maintenance and disposition of equipment. This is consistent with amendment to Section 4970.05(h) that requires Grantee’s to report, on their Grant Application, all equipment still in use.

Adopt CCR Section 4970.20(b)

Specific Purpose: The specific purpose of this amendment rephrases and relocates the existing requirement from Section 4970.20(a), that equipment must be used for its intended purpose, and adds further specificity that “intended use” means equipment used on Project activities applicable to the specific type of Project that the equipment was acquired.

Benefit/Necessity: The proposed amendment is necessary to clarify equipment shall only be used on specific Project types for which the equipment was obtained that will prevent equipment from being shared across Project types and/or redirected to non-OHV use by the Grantee. It has been the Division’s experience that equipment has

been redirected to Grantee Projects that were not intended for use of that equipment, or purchased explicitly for use of that equipment.

Adopt CCR Section 4970.20(b)(1)

Specific Purpose: The specific purpose of this amendment is to adopt specific exceptions to the requirement that equipment is only used on the Project for which it was purchased. This includes an allowance for equipment use on non-Project activities where the equipment was partially acquired with funds outside the Program.

Benefit/Necessity: The proposed amendment is necessary to provide an exception to equipment use limits when a Grantee funds part of the purchase price of the Equipment, which allows flexibility to use Equipment for OHV-related purposes to benefit other OHV interests of the Grantee. The Division has no authority over how equipment purchased with Grantee funds is used; however, for the Grant funded portion of the purchase price, the Division has regulatory authority over its use on Grant Projects.

Adopt CCR Section 4970.20(b)(2)

Specific Purpose: The specific purpose of this amendment is to adopt specific exceptions to the requirement that equipment is only used on the Project for which it was purchased. This includes an allowance for equipment used for other OHV purposes provided the Grantee obtains Division approval for the equipment use.

Benefit/Necessity: The proposed amendment is necessary to provides exception to Equipment use limits when a Grantee obtains approval by the Division, which allows flexibility to use Equipment for OHV-related purposes to benefit other OHV interests of the Grantee. It has been the Division's experience, that due to the lengthy useful life of some equipment, equipment would be best utilized on an OHV interest of the Grantee without restriction and add benefit to the OHV community, provided the Grantee obtains Division approval for the equipment use.

Amend CCR Section 4970.20(b)

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.20(b).

The specific purpose of this amendment is to remove redundant language by deleting "purchased with OHV Trust Funds" from the subsection.

Benefit/Necessity: The proposed amendment is necessary due to the adoption of a new Section 4970.20(b) thereby renumbering the existing section as Section 4970.20(c).

The proposed amendment is necessary to reduce confusion with redundant language by removing "purchased with OHV Trust Funds" which is redundant with phrasing in the section lead in phrasing specifying subsection requirements are for equipment obtained with Grant funds.

Amend CCR Section 4970.20(c)

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.20(c).

Benefit/Necessity: The proposed amendment is necessary due to the adoption of a new Section 4970.20(b) thereby renumbering the existing section as Section 4970.20(d).

Repeal CCR Section 4970.20(d) and Section 4970.20(e)

Specific Purpose: The specific purpose of this amendment is to repeal requirements pertaining to disposition of equipment no longer in usable condition and the allowable transfer of surplus equipment.

Benefit/Necessity: The proposed amendment is necessary due to the adoption of unified equipment disposition requirements in new Section 4970.20(e).

Adopt CCR Section 4970.20(e)

Specific Purpose: The specific purpose of this amendment is to require a Grantee to obtain written Division approval prior to the disposition of any equipment.

Benefit/Necessity: The proposed amendment is necessary to unify existing equipment disposition requirements from repealed Sections 4970.20(d) and Section 4970.20(e) in order to ensure that equipment can be tracked and accounted for by Division staff and further ensure equipment complies with all maintenance and disposition requirements.

Amend CCR Section 4970.20(f)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by adding "Equipment" and deleting reference to Section 4870.08(13)(B).

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with by specifying ownership and title are referencing ownership of equipment.

The proposed amendment is necessary to remove reference to Section 4870.08(13)(B) as the subsection has been repealed.

CCR Section 4970.22

Amend CCR Section 4970.22(a)

Specific Purpose: The specific purpose of this amendment is to delete prescriptive record keeping requirements and replace with a general statement of record keeping requirement as well as clarify record keeping requirements also apply to associated Project contractors and subcontractors.

Benefit/Necessity: The proposed amendment is necessary to repeal overly prescriptive record keeping requirements specific to auditing standards and evidentiary materials.

This will reduce documentary burden on Grantees and instead focus on Grantees meeting content requirements of Project records. Grantees still must comply with record keeping and availability of records for inspection; however, the amended language gives Grantees the flexibility to determine how best to meet the record keeping requirements.

The proposed amendment is necessary to clarify all record keeping requirements apply to, and include, all contracted and subcontracted Project work to ensure the Division has access to any Project-related documents for purposes of inspection or audit.

Adopt CCR Section 4970.22(c)

Specific Purpose: The specific purpose of this amendment is to adopt transportation record keeping requirements.

Benefit/Necessity: The proposed amendment is necessary to specify required transportation records, assist Division with its mandated Project records review, ensure transportation records are complete and thorough, and Project expenditures are eligible and authorized. There is no existing guidance for Grantees regarding transportation record keeping; records submitted for Project review have been inconsistent and difficult for Grants staff to interpret. These new requirements will ensure a consistent documentary format and that all necessary information is provided when Grantees submit transportation records for review.

Amend CCR Section 4970.22(c)

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.22(c).

The specific purpose of this amendment is to clarify the subsection title by deleting “Use” and adding “Operation” to the title as well as specify additional equipment operation record keeping requirements.

Benefit/Necessity: The proposed amendment is necessary due to the adoption of a new Section 4970.22(c) thereby renumbering the existing section as Section 4970.22(d).

The proposed amendment is necessary to reduce confusion regarding the content of the subsection by making the subsection title reflect the content of the subsection. The subsection content details record keeping requirements for the operation of equipment.

The proposed amendment is necessary to standardize equipment operation record keeping requirements, assist Division with its mandated Project records review, and ensure equipment operation records are complete and thorough. Equipment operation records submitted for Project review have been inconsistent and difficult for Grants staff to interpret. Additionally, by obtaining the operator signature, the Division will be able to verify the named equipment operator. These requirements will ensure a consistent documentary format and that all necessary information is provided when Grantees submit equipment operation records for review.

Amend CCR Section 4970.22(d)

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.22(d).

The specific purpose of this amendment is to clarify the meaning of the subsection by adding additional clarifying language to the subsection.

Benefit/Necessity: The proposed amendment is necessary due to the adoption of a new Section 4970.22(c) thereby renumbering the existing section as Section 4970.22(d).

The proposed amendment is necessary to reduce confusion with interpretation of the regulatory language by clarifying the Grantee must save all records specific to the Project and that the types of records cited in the language are examples of these records but not the only types of records required to be retained.

Amend CCR Section 4970.22(d)(1)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by deleting “expiration” and restructuring the subsection language.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by more clearly defining the Project records retention period as three years from the Project Agreement end date. There is no such thing as an “expiration” date of an Agreement and has no specific meaning.

Amend CCR Section 4970.22(d)(2)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by amending the subsection language.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion with interpretation of the regulatory language. In accordance with amended Section 4970.25.1(a), an audit may be conducted up to three years following Project final payment or Project completion; specifying audit requirements in this subsection is unnecessary and unclear; Project records must be retained while a Project is under audit.

The proposed amendment is necessary to eliminate unclear language and reduce confusion with interpretation of the regulatory language by clarifying the report issued is the final Audit report, not any other report. Additionally, the final Audit report is “issued” to the Grantee and not “published”, as published implies a public distribution of the document.

Amend CCR Section 4970.22(e)

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.22(c) and clarify the subsection title by adding “Payment” to the title.

Benefit/Necessity: The proposed amendment is necessary due to the adoption of a new Section 4970.22(c) thereby renumbering the existing section as Section 4970.22(d).

The proposed amendment is necessary to reduce confusion regarding the content of the subsection by making the subsection title reflect the content of the subsection. The subsection content details requirements for payment advances.

Amend CCR Section 4970.22(f)

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.22(f).

Benefit/Necessity: The proposed amendment is necessary due to the adoption of a new Section 4970.22(c) thereby renumbering the existing section as Section 4970.22(g).

Amend CCR Section 4970.22(f)(1)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing “Project”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Project” is defined in Section 4790.01 and should be capitalized in this subsection.

Amend CCR Section 4970.22(f)(2)

Specific Purpose: The specific purpose of this amendment is to specify additional volunteer and volunteer hours record keeping requirements.

Benefit/Necessity: The proposed amendment is necessary to standardize volunteer and volunteer hours record keeping requirements, assist Division with its mandated Project records review, and ensure volunteer records are complete and thorough. Volunteer records submitted for Project review have been inconsistent and difficult for Grants staff to interpret. Additionally, by obtaining the volunteer and volunteer supervisor signature, the Division will be able to verify the volunteer work done on the Project. These requirements will ensure a consistent documentary format and that all necessary information is provided when Grantees submit volunteer and volunteer hours records for review.

Amend CCR Section 4970.22(f)(3)

Specific Purpose: The specific purpose of this amendment is to specify additional record keeping requirements for matching funds expenditures specific to volunteer logs and specify cash value for volunteer time shall be determined using the Independent Sector California hourly rate instead of the Grantee’s paid classification rate.

Benefit/Necessity: The proposed amendment is necessary to amend the reimbursable cash value for volunteer time to the Independent Sector California volunteer hourly rate,

for the term of the Grant cycle, to better control reimbursable costs and cost tracking to the Program due to the wide variance of reimbursable costs claimed by Grantees and would make these costs more equitable across all Grantees and Grant type allowances;

Adopt CCR Section 4970.22(f)(4)

Specific Purpose: The specific purpose of this amendment is to

Specific Purpose: The specific purpose of this amendment is to restructure and clarify the meaning of the subsection by dividing existing subsection 4970.22(f)(3) into two independent subsections.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting matching funds requirements for cash value of volunteer time and cash value of salaried employee time by separating subsection requirements in to independent Sections 4970.22(f)(3) and 4970.22(f)(4).

CCR Section 4970.23

Amend CCR Section 4970.23

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding “Project” in reference to Project payment.

The specific purpose of this amendment is to make regulatory language consistent throughout the CCR when referencing the Appendix.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by adding “Project”, clarifying “payments” specifically refers to “Project” payment

The proposed amendment is necessary to reduce confusion when interpreting regulatory language and make language consistent throughout the CCR when referencing forms as part of the Appendix by amending the Appendix reference phrasing.

CCR Section 4970.23.1

Amend CCR Section 4970.23.1

Specific Purpose: The specific purpose of this amendment is to clarify the section title by adding “Payment” to the title.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion regarding the content of the section by making the section title reflect the content of the section. The section content includes information on payment advances, which is not clearly specified in the section title, and is consistent with regulatory section naming convention.

Amend CCR Section 4970.23.1(a)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding “Project” in reference to Project expenditures.

The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by adding “Project”, clarifying “expenditures” specifically refers to “Project” expenditures.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language and make language consistent throughout the CCR when referencing forms as part of the Appendix by amending the Appendix reference phrasing. Additionally, the Payment Request DPR 364 form submission has always been required as part of the payment advance request; however, the form requirement was not specified in regulation and is added to the language for clarity.

Amend CCR Section 4970.23.1(b)(5)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR when referencing the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and make language consistent throughout the CCR when referencing forms as part of the Appendix by amending the Appendix reference phrasing.

CCR Section 4970.23.2

Amend CCR Section 4970.23.2

Specific Purpose: The specific purpose of this amendment is to clarify the section title by adding “Payment” to the title.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion regarding the content of the section by making the section title reflect the content of the section. The section content includes information on reimbursement payments, which is not clearly specified in the section title, and is consistent with regulatory section naming convention.

Amend CCR Section 4970.23.2(e)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR when referencing the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and make language consistent throughout the CCR when referencing forms as part of the Appendix by amending the Appendix reference phrasing.

CCR Section 4970.24.1

Amend CCR Section 4970.24.1(a)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and specify forms within the text that are required and part of the Appendix.

The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding “Project” in reference to Project end date and deleting “or amendment to the Project Agreement”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and make language consistent throughout the CCR when referencing forms as part of the Appendix by amending the Appendix reference phrasing. Additionally, the Payment Request DPR 364 form submission has always been required as part of the payment advance request; however, the form requirement was not specified in regulation and is added to the language for clarity.

The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by adding “Project”, clarifying “end date” specifically refers to “Project” end date.

The proposed amendment is necessary to eliminate unclear language in reference to the completion of a Project Agreement. The completion of a Project Agreement is delineated by the Agreement end date, regardless of an amendment to the Project Agreement, as the Agreement end date is updated due to an Agreement amendment.

Amend CCR Section 4970.24.1(a)(1)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR when referencing the Appendix.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language and make language consistent throughout the CCR when referencing forms as part of the Appendix by amending the Appendix reference phrasing.

Amend CCR Section 4970.24.1(a)(2)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding “Project” in reference to Project expenditures.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by adding “Project”, clarifying “expenditures” specifically refers to “Project” expenditures.

Amend CCR Section 4970.24.1(a)(5)

Specific Purpose: The specific purpose of this amendment is to require additional corroborating photographs of purchased equipment.

Benefit/Necessity: The proposed amendment is necessary to specify additionally required OHV sticker and Vehicle Identification Number photographs of purchased equipment. This will ensure that equipment can be tracked to the Project for which it was acquired as well as account for the equipment in accordance with equipment inventory requirements.

Amend CCR Section 4970.24.1(b)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding “Project” in reference to Project expenditures.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by adding “Project”, clarifying “expenditures” specifically refers to “Project” expenditures.

CCR Section 4970.24.2

Amend CCR Section 4970.24.2(a)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by capitalizing “Project” and clarify the meaning of the subsection by adding “of all Projects”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. “Project” is defined in Section 4790.01 and should be capitalized in this subsection.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language by clarifying Project performance reviews will be conducted for all Projects as existing language is unclear whether performance reviews apply to all Projects.

Amend CCR Section 4970.24.2(e)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding “Project” in reference to Project Deliverables.

Benefit/Necessity: The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by adding “Project”, clarifying “Deliverables” specifically refers to “Project” Deliverables.

Amend CCR Section 4970.24.2(e)(1)

Specific Purpose: The specific purpose of this amendment is to update “shall” provide to “may” provide adequate notice.

The specific purpose of this amendment is to clarify the meaning of the subsection by deleting “oversee” and adding “manage” in reference to Grantee staff availability during a Department site visit.

Benefit/Necessity: The proposed amendment is necessary to clarify the Department will not always provide adequate notice when conducting an on-site review of a Project. Part of the Department's ability to hold Grantees accountable for their Project outcomes is by conducting site visits at the Project site; announced and unannounced site visits enable the Department to get a direct assessment of the status of a Project.

The proposed amendment is necessary to eliminate unclear language and reduce confusion by requiring the Grantee Project manager be available in the event of a Department site visit. The Project manager would have greater oversight and firsthand knowledge of the Project rather than an overseer of the Project.

Amend CCR Section 4970.24.2(e)(2)

Specific Purpose: The specific purpose of this amendment is to clarify the meaning of the subsection by adding “final” report.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting regulatory language by clarifying the site visit report, available upon request of the Grantee, is the complete final site visit report and not an outline or draft report.

Subarticle 1. Audits

CCR Section 4970.25.1

Amend CCR Section 4970.25.1(a)

Specific Purpose: The specific purpose of this amendment is to make the section language consistent with all sections of the CCR and clarify parameters of the Grantee financial audit timeline.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion when interpreting the regulatory language by making reference to the “Department” consistent throughout the CCR.

The proposed amendment is necessary to clarify the timeline of a financial audit and further define that Projects are subject to audit during and after the Project, as allowed in referencing statute. It has been the Division's experience that, due to accounting

delays in making final payment to Grantees, audits cannot be initiated until final payment is made, which may necessitate an audit timeline more than three years from the end of the Project performance period.

Repeal CCR Section 4970.25.1(b)

Specific Purpose: The specific purpose of this amendment is to delete the subsection, remove redundant language, and relocate and further specify requirements in to Section 4970.25.1(c).

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with redundant language by deleting phrasing that indicates the Division will forward Projects to the Audit office, which is redundant with phrasing in current Section 4970.25.1(b) and Section 4970.01(d) indicating the Audits office is responsible for, and conducts, audits.

The proposed amendment is necessary to combine subsection requirements, specific to Grantee expectations during an audit, with related requirements in current Section 4970.25.1(d).

Amend CCR Section 4970.25.1(c)

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.25.1(c).

The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding “Project” in reference to Project expenditures.

Benefit/Necessity: The proposed amendment is necessary due to the repeal of 4970.25.1(b) thereby renumbering the existing section as Section 4970.25.1(b).

The proposed amendment is necessary to eliminate unclear language and reduce confusion when interpreting regulatory language by adding “Project”, clarifying “expenditures” specifically refers to “Project” expenditures.

Amend CCR Section 4970.25.1(d)

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.25.1(d) and remove redundant language.

The specific purpose of this amendment is to combine repealed Section 4970.25.1(b) with related requirements in current Section 4970.25.1(d) that specifies required auditor access to Project records and Project staff.

Benefit/Necessity: The proposed amendment is necessary due to the repeal of 4970.25.1(b) thereby renumbering the existing section as Section 4970.25.1(c).

The proposed amendment is necessary to reduce confusion with redundant language by deleting phrasing that indicates the Audits office will coordinate with Division staff. Current Section 4970.25.1(d) and Section 4970.01(d) indicate the Audits office is

responsible for, and conducts, financial audits. Additionally, a financial audit does not include directly verifying completion of Project Deliverables, Division staff, via site visits, confirm completion of Project Deliverables.

The proposed amendment is necessary to specify Department auditors have access to all Project records and Project staff during normal business hours, including all subcontracted Project work. It has been the Division's experience that Grantees have not always participated in good faith with Project auditors when requiring access to Project records and staff in order to accomplish a Project audit in a timely and efficient manner.

Amend CCR Section 4970.25.1(e)

Specific Purpose: The specific purpose of this amendment is to renumber existing Section 4970.25.1(e) and make regulatory language consistent throughout the CCR by capitalizing "Audit".

Benefit/Necessity: The proposed amendment is necessary due to the repeal of 4970.25.1(b) thereby renumbering the existing section as Section 4970.25.1(d).

The proposed amendment is necessary to reduce confusion and make punctuation consistent throughout the CCR by capitalizing specific words within the text that are defined in Section 4790.01. "Audit" is defined in Section 4790.01 and should be capitalized in this subsection.

CCR Section 4970.25.2

Amend CCR Section 4970.25.2(a)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by replacing "results" of the Audit with "findings" of the Audit and adding "to the State".

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with inconsistent language in the CCR by referencing Audit "findings" and refunds due "to the State" in a manner consistent throughout the CCR.

Amend CCR Section 4970.25.2(b)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by replacing "results" of the Audit with "findings" of the Audit.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with inconsistent language in the CCR by referencing Audit "findings" in a manner consistent throughout the CCR.

Amend CCR Section 4970.25.2(c)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR by replacing “amount” due with “refund” due.

The specific purpose of this amendment is to clarify the meaning of statements within the regulatory language by adding “in writing” in reference to responding to a Grantee request.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with inconsistent language in the CCR by referencing “refund” and not “amount” due in a manner consistent in the section.

The proposed amendment is necessary to reduce confusion when interpreting regulatory language by clarifying that the Division has thirty calendar days to respond “in writing” to a request. Consistent with other sections throughout the CCR, the Division only responds to Grantees in writing.

Amend CCR Section 4970.25.2(d)

Specific Purpose: The specific purpose of this amendment is to make regulatory language consistent throughout the CCR and clarify the meaning of statements within the regulatory language by adding “of any refunds due to the State” and replacing “money” with “refunds due to the State”.

Benefit/Necessity: The proposed amendment is necessary to reduce confusion with unclear and inconsistent language by clarifying subsection references to remittance of payments refer to “refunds due to the State”, not “money”, and are consistent with phrasing in the section.

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

Amend Appendix – Cover Page

Specific Purpose: The specific purpose of this amendment is to update the Appendix Cover Page Revision date.

Benefit/Necessity: The proposed amendment is necessary to update the Appendix Revision date to “1/21” due to amendments within the Appendix that makes the document a new version and based on anticipated approval date of the new document.

Amend Appendix – Table of Contents

Specific Purpose: The specific purpose of this amendment is to amend Public Review Process and Progress Accomplishment Report form revision dates, amend form referencing page numbers, add new Nonprofit Certification form, and make grammatical changes.

Benefit/Necessity: The proposed amendment is necessary due to revisions made to specific forms that update form versioning, the adoption of the new Nonprofit Certification form required in Section 4970.05.2(d), and correction of misspelled form names. Additionally, with the adoption and insertion of a new the form into the Appendix, page number references in the Table of Contents is updated.

Amend Appendix – Public Review Process (Rev. 12/11)

Specific Purpose: The specific purpose of this amendment is to add date fields to the Public Review Process form - Public Notification Efforts field and update form version date.

Benefit/Necessity: The proposed amendment is necessary to allow Grantee to note certain public notification dates that were not included on the current form and are consistent with existing date fields. Additionally, the form version date is updated, in the form footer, due to form amendments making the form an updated version.

Adopt Appendix – Nonprofit Certification (New 1/21)

Specific Purpose: The specific purpose of this amendment is to add the new Grants and Cooperative Agreements Program Nonprofit Certification form to the Appendix.

Benefit/Necessity: The proposed form amendment is necessary due to the adoption of Section 4970.05.2 that adopts the Cooperative Agreements Program Nonprofit Certification form. It has been the Division's experience that certain Nonprofit Grantees have used Grant funds to purchase Project equipment or services from a company or organization partially or wholly owned by the Grantee. These scenarios present a clear conflict of interest of using Grant funds that directly profit the Grantee. The Grants and Cooperative Agreements Program Nonprofit Certification form will require Nonprofit organization Grantees (encompassing the Board, Executive Director, staff, and Nonprofit organization Bylaws) to certify they will not self-deal or otherwise have a material financial interest in a business related to the distribution of Grant funds. Further, the Nonprofit Certification form requirements will ensure the preservation of the OHV Trust Fund from misappropriation and allow funds for use by the maximum number of eligible Applicants.

Amend Appendix – Project Accomplishment Report (PAR) – Law Enforcement (New 1/19)

Specific Purpose: The specific purpose of this amendment is to add "Contacts" to the jurisdiction details field and update form version date.

Benefit/Necessity: The proposed amendment is necessary to allow law enforcement Grantees to note the number of law enforcement interactions with the public as part of work completed on the Project Accomplishment Report form. It has been the Division's experience that many more public contacts are made than public citations or warnings issued; it is essential, as part of Division's audit of law enforcement Grantee Projects, to capture all completed work, which includes interaction with the public. Additionally, the

form version date is updated, in the form footer, due to form amendments making the form an updated version.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed amendments do not impose any mandates on agencies or organizations. Participation in the Program is voluntary and does not mandate the use of specific technologies or equipment.

UNDERLYING DATA / DOCUMENTS RELIED UPON

The Division relied on input from various stakeholders and subject matter experts via a pre-rulemaking roundtable meeting that provided information, feedback, and subject matter expertise from the Grantee perspective on the proposed Equipment regulations.

The Division studied and compared the cost of Equipment use fees requested by Grantees over a three-year Grant cycle which included preparation of a spreadsheet of comparative Equipment use fees on the Agreement Project Cost Estimate.

ECONOMIC IMPACT ASSESSMENT / ANALYSIS

Existing law restricts eligible Program Applicants to cities, counties, Districts, State agencies, federal agencies, State and Federally Recognized Native American tribes, Educational Institutions, Nonprofit organizations and Certified Community Conservation Corps. The proposed regulatory action would apply only to those Applicants.

The OHMVR Program is voluntary and intended to supplement an Applicant's existing budget, not support it. The OHMVR Division finds that jobs, at worst would not be affected, but mostly likely foresee increase in job creation throughout the State because Grantees would possibly need to hire individuals to complete their Grant funded Projects. Further, the OHMVR Division finds that at worst, no new business will be created and no business eliminated because of Grant funds being infused into the local community. OHMVR Program history shown that local small businesses typically benefit from Grants funds being used in their area because Grantees typically utilize local businesses when purchasing goods and services with Grant funds.

This regulatory action benefits the health and welfare of California residents by providing recreational opportunities in the State. This regulatory action benefits the state's environment by providing broader funding for resource protection and Restoration activities.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed. No reasonable alternative would be as effective or less burdensome to affected private persons, and be equally

effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

BUSINESS IMPACT

The Program 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.

The Program is voluntary and provides supplementary funding to the operating budgets of Program participants. The Department has found that since the inception of this Program, there has not been an adverse economic impact on businesses. On the contrary, the Department has found that an impact on businesses is generated when OHV recreationists spend money in local communities close to areas they recreate in for recreational trip items such as gasoline, food, lodging and souvenirs.

DUPLICATION / CONFLICT WITH FEDERAL REGULATIONS

The Department has determined that the proposed rulemaking action does not unnecessarily duplicate or conflict with federal regulations contained in the Code of Federal Regulations. Participation in the Program is voluntary and is not addressed in the Federal Code of Regulations.