

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

INITIAL STATEMENT OF REASONS

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

Sections Affected: Amend the California Code of Regulations, Title 14, Division 3, Chapter 15, Article 1 (CCR), Section 4970.06.3, repeal the 2008 Soil Conservation Standard and Guidelines (2008 Guidelines), and adopt the 2020 Soil Conservation Standard and Guidelines (2020 Guidelines) pertaining to the Off-Highway Motor Vehicle Recreation Division (OHMVR Division) Grants and Cooperative Agreements Program (Program).

BACKGROUND AND PROBLEM STATEMENT

Public Resources Code (PRC) Section 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation Act of 2003, governs the OHMVR Division's Grants and Cooperative Agreements and ensures appropriate resource management and maintenance in areas of off-highway vehicle use.

The Program is administered by the OHMVR Division within the Department. The Program allows the State to assist eligible agencies and organizations to develop, maintain, expand, and manage high-quality Off-Highway Vehicle (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. The 2008 Guidelines govern soil conservation are intended to guide and reinforce responsible resource management in support of OHV recreation principles.

The guidelines apply to OHV-related trail and road maintenance projects, OHV-related development projects on federal and local government lands that receive funding from the OHV Program, and California's State Vehicular Recreation Areas.

Senate Bill 249 (Allen, 2017) was passed by the California Legislature and signed into law by the Governor in 2017. Included in this bill were several changes to the PRC that govern the OHMVR Division. Specifically, Section 5090.35(b)(1) directs the Division to, "...review and if deemed necessary, update the 2008 Soil Conservation Standard and Guidelines to establish a generic and measurable soil conservation standard..." by December 31, 2020.

The OHMVR Division began its review of the 2008 Guidelines by consulting with various state and federal agencies to develop specific updates. It was found that the 2008 Guidelines could benefit from a structural reorganization, update to the document language, and a more thoroughly developed guidelines section to make the document more useful to land managers without creating additional requirements.

Updates were drafted and made available for stakeholder and public review and, after incorporating these comments, the draft 2020 Guidelines were finalized.

SPECIFIC PURPOSE, ANTICIPATED BENEFIT, AND NECESSITY

The purpose of the proposed action is to update reference in regulation to the new 2020 Guidelines version and make the 2020 Guidelines more useful to land managers without creating additional requirements.

Substantive changes between the 2008 and 2020 Guidelines were minimal, with the standards section of the document generally unchanged. The most substantial changes were made within the guidelines section of the 2020 Guidelines, and focused primarily on introducing new technologies, enhancing organizational clarity, and describing specific requirements.

Due to the significant reorganization of the 2008 Guidelines, and to eliminate confusion between the amendments to it and the 2020 Guidelines, it was necessary to repeal the existing document and adopt the 2020 Guidelines.

The 2020 Guidelines is not intended to be an entirely new document of new requirements, standards, and guidelines. The 2020 Guidelines is intended as an update to the 2008 Guidelines where the same intent and meaning in the 2008 Guidelines are carried over and reflected in the 2020 Guidelines. Updates made to the 2008 Guidelines will better organize and explain standards and guidelines, provide improved tools for compliance with the standards and guidelines, and provide a clearer framework to ensure appropriate resource management and maintenance in areas of off-highway vehicle use.

Specific updates to the regulation and 2008 Guidelines are outlined below:

Amend CCR Section 4970.06.3

Specific Purpose: The specific purpose of this amendment is to update the 2008 Guidelines document name and make other clarifying and consistency changes.

Benefit/Necessity: The proposed is necessary to update the “2008 Soil Conservation Standard and Guidelines” to “2020 Soil Conservation Standard and Guidelines” due to repeal and adoption of the new document version, clarify the definition of Soil Conservation Standard is defined in the 2020 Guidelines document, and make reference to the document consistent throughout the section language.

2020 Soil Conservation Standard and Guidelines

Adopt 2020 Guidelines - General

Specific Purpose: The specific purpose of this amendment is to update the Soil Conservation Standard and Guidelines document cover page date, update the Table of

Contents, add a List of Abbreviations, and make other non-substantive grammatical and/or clarifying changes to the language throughout.

Benefit/Necessity: The proposed is necessary to update the Soil Conservation Standard and Guidelines cover page date due to repeal and adoption of the new document version, reorganization and update to the document contents referenced in the Table of Contents, clarify the meaning of abbreviations used throughout the 2020 Guidelines, and update the language for clarity and improved legibility of the guidelines within the document.

Adopt 1.1 Review and Update

Specific Purpose: The specific purpose of this amendment is to renumber section 1.0 of the 2008 Guidelines, introduce why the 2008 Guidelines went through a revision process, and identify the PRC authority. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Additionally, this section introduces the intent of the 2008 Guidelines and clarifies that after public and agency review, the 2008 Guidelines provided an effective framework for soil resource conservation for OHV management, but that some updates were identified. The section details the process for updating the document, which agencies were involved in the review, and that the public was able to comment.

Benefit/Necessity: The proposed is necessary to reflect the updated organization of the 2020 Guidelines and explain why updates to the 2008 Guidelines were necessary and provide details of the review process the 2020 Soil Conservation Standard and Guidelines went through.

Adopt 1.2 2020 Soil Conservation Standard

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 1.1 of the 2008 Guidelines and update the section language to reflect the new 2020 Soil Conservation Standard as applicable. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to reflect the updated organization of the 2020 Guidelines and define the standard to which OHV facilities will be managed as it relates to soil loss, erosion, and sedimentation.

Adopt 1.3.1 Public Resources Code

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 1.2 of the 2008 Guidelines, introduce applicable PRC as they specifically pertain to the 2020 Guidelines, and to introduce additions to the PRC due to the passage of Senate Bill 249 (Allen, 2017). The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to reflect the updated organization of the 2020 Guidelines, explain why the 2020 Guidelines are required, and provide reference

to additional guiding statutes that establishes the Legislature's intent. The meaning and intent of section 1.3.1 is otherwise unchanged from Section 1.2 in the 2008 Guidelines.

Adopt 1.3.2 Other Applicable Laws and Regulations

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.2 of the 2008 Guidelines and clarify that there are other applicable laws not listed in the document that still must be followed as they relate to projects and land management. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to clarify that the document does not preclude the land manager from following all local, state, and federal laws that may pertain to off-highway vehicle use.

Adopt 1.4 Definitions of Terms for the 2020 Standard

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 1.3.3 of the 2008 Guidelines and add definition of "Ground Disturbing Activity", "Management Unit", "Project", and "Project Area". The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to reflect the updated organization of the 2020 Guidelines and define additional terms used through the document.

Adopt 2.0 2020 Soil Conservation Guidelines

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.1 of the 2008 Guidelines and remove reference to the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to detail the foundation of the guidelines and explain that the land manager has the option to use the examples provided in the guidelines or develop their own.

Adopt 2.1 Background

Specific Purpose: The specific purpose of this amendment is to relocate specific language in section 2.0 of the 2008 Guidelines into section 2.1 of the 2020 Guidelines. The meaning and intent of section 2.1 is otherwise unchanged from specific language in section 2.0 of the 2008 Guidelines.

Benefit/Necessity: This section is necessary to reflect the updated organization of the 2020 Guidelines, and to specify that the guidelines were developed with input from land management agencies per recommendations in Senate Bill 249 (Allen, 2017).

Adopt 2.2 Objectives of the Guidelines

Specific Purpose: The specific purpose of this amendment is to define the objectives of the 2020 Guidelines and specify which entities must create a Soil Conservation Plan and Compliance Reports.

Benefit/Necessity: This section is necessary to reflect the updated organization of the document, clarify the overall objective of the guidelines, the intent of the guidelines, and which entities require Soil Conservation Plans and Compliance Reports based on ground disturbing activities.

Adopt 2.3 Defining Successful Compliance with the 2020 Standard

Specific Purpose: The specific purpose of this amendment is to define successful compliance with the 2020 Guidelines Standard and specifically defines language in the 2020 Standard. This section clarifies the Standard and provides examples of how to ensure compliance with the Standard through assessments, maintenance and monitoring.

Benefit/Necessity: The proposed is necessary to define successful compliance with the Standard. The section also defines the intent of the Standard and details components of the Standard for determining compliance with the Standard.

Adopt 2.4 Where to Apply the Standard

Specific Purpose: The specific purpose of this amendment is to explicitly define that locations receiving OHV Trust Fund monies are required to adhere to the Standard. The section further specifies that State Vehicular Recreation Areas are required to prepare and submit Soil Conservation Plans, and details requirements in the plan and review cycle.

Additionally, the section outlines the OHV Grants Program, entities that can apply for grants, the types of projects that are eligible for funding, and requirements for certain projects with ground disturbing activities must submit a Soil Conservation Plan.

Benefit/Necessity: The proposed is necessary to clearly articulate the types of projects that are required to have a Soil Conservation Plan, how the Standard applies to those projects, and describe requirements for State Vehicular Recreation Areas to develop a Soil Conservation Plan.

Adopt 2.5 Approaches to Evaluating Compliance with the 2020 Standard

Specific Purpose: The specific purpose of this amendment is to introduce the three scales which to apply the Standard in both State Vehicular Recreation Areas and project areas. The language also clarifies the different scales which the 2020 Standard is applied.

Benefit/Necessity: The proposed is necessary to improve organizational clarity and to explain that there are three scales - the project area for the OHV Grants and Cooperative Agreement Program, within Management Units of State Vehicular

Recreation Areas, and for the entire State Vehicular Recreation Area - to apply the guidelines Standards.

Adopt 2.5.1 Project, Project Area, Soil Conservation Plan

Specific Purpose: The specific purpose of this amendment is to outline and summarize the requirements and intent of the Soil Conservation Plan, Compliance Report, and Action Plan that is submitted by grantees and State Vehicular Recreation Areas.

Benefit/Necessity: The proposed is necessary to clarify specific requirements in the Soil Conservation Plan, Compliance Report, and Action Plan for affected grantees and State Vehicular Recreation Areas. The language provides additional guidance by referencing regulations that govern the intent of the Soil Conservation Plan.

Adopt 2.5.2 Use of Assessments and Monitoring

Specific Purpose: The specific purpose of this amendment is to outline and summarize the importance of assessments and monitoring within the context of the Soil Conservation Plan and provide an overview of the use of field surveys, visual inspection, analysis of erosion potential, and OHV Condition Evaluation.

Benefit/Necessity: The proposed is necessary to clarify the rationale behind performing assessments and continual monitoring as a means to ensure compliance with the 2020 Soil Conservation Standard.

Adopt 2.5.2.1 Assessment of Erosion Potential

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.3.5 of the 2008 Guidelines and explain the importance of, and how to apply, erosion potential assessments on large and small scales. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to clarify limitations when applying large-scale methods of assessing erosion potential to trail tread and expands on language in Section 2.3 and 2.3.5 of the 2008 Guidelines. Subsections following this section further explain additional considerations.

Adopt 2.5.2.1.1 Physiographic Data Used in Assessment of Erosion Potential

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.3.5 of the 2008 Guidelines and introduce various data types and data sources used in erosion assessments. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to clarify types of data to be considered when performing an assessment of erosion potential and provide sources where the data can be found. This information will assist in the collection of information for the assessment of erosion potential.

Adopt 2.5.2.1.2 Exploration of Desktop Data

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.3.5 of the 2008 Guidelines and provide information how Geographic Information Systems can be used to view the data types noted in section 2.5.2.1.1. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to provide additional resources to be considered when performing an assessment of erosion potential. Geographic Information Systems will assist in the collection of information for the assessment of erosion potential.

Adopt 2.5.2.1.3 Watercourse Classification – Sensitive Aquatic Resources

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.3.5 of the 2008 Guidelines and describe the methodology for classifying various types of watercourses. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to specify the various types of watercourse classifications that may be used while assessing OHV-related erosion impacts on sensitive aquatic resources potentially impacted by OHV use.

Adopt 2.5.2.1.4 Analysis of Watercourse Crossings

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.3.5 of the 2008 Guidelines and provide considerations and methods that can be used to assess watercourse crossings. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to provide examples how to analyze a watercourse crossing and provide detailed information where data may be obtained as part of a watercourse analysis.

Adopt 2.5.2.1.5 Modeling Erosion Potential

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.3.5 of the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect the updated organization of the 2020 Guidelines. The intent and meaning of the section is unchanged from the 2008 Guidelines.

Adopt 2.5.2.2 Field Surveys and Visual Inspections

Specific Purpose: The specific purpose of this amendment is to describe the importance and relevance of routine field surveys and visual inspections of OHV facilities.

Benefit/Necessity: The proposed is necessary to serve as an additional resource for the assessment and monitoring of OHV facilities.

Adopt 2.5.3 Maintenance Planning

Specific Purpose: The specific purpose of this amendment is to renumber section 2.4 from the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to reflect the updated organization of the 2020 Guidelines.

Adopt 2.5.3.1 Maintenance Planning and Implementation

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.4.1 of the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect updated organizational changes in the 2020 Guidelines.

Adopt 2.5.3.2 Documentation of Maintenance Activities

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.4.2 of the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect updated organizational changes in the 2020 Guidelines.

Adopt 2.5.4 Monitoring Techniques

Specific Purpose: The specific purpose of this amendment is to outline and summarize the importance various monitoring techniques, concepts, and evaluation requirements.

Benefit/Necessity: The proposed is necessary to clarify the need for monitoring programs and the applicable PRC requirements.

Adopt 2.5.4.1 Trail Condition Evaluation

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.3.6 of the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect updated organizational changes in the 2020 Guidelines.

Adopt 2.5.4.2 Soil Conservation Plan – Monitoring Section

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.3.6 of the 2008 Guidelines. Updates provide more specific

examples of monitoring that can be performed such as monitoring special events, air quality, and monitoring considerations in dune or desert environments. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect updated organizational changes to the 2020 Guidelines. Updated language additionally clarifies Soil Conservation Plan monitoring requirements.

Adopt 2.5.4.3 Developing a Monitoring Plan

Specific Purpose: The specific purpose of this amendment is to update language used in section 2.5.1 of the 2008 Guidelines and to renumber section 2.5.1 of the 2008 Guidelines. The amendment strengthens language referencing the Monitoring Plan and provides considerations when developing a monitoring plan, defines a monitoring plan focus, details the importance of establishing monitoring objectives, parameters, who conducts the monitoring, a monitoring schedule, field observations, data to be collected, and means to ensure quality data is collected. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect updated organizational changes to the 2020 Guidelines. Additionally, amendments are necessary to explain how to establish a monitoring plan and provide examples of what should be considered when developing the plan.

Adopt 2.5.5 The Compliance Report and Action Plan Portions of a Soil Conservation Plan

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.5.4 of the 2008 Guidelines. The amendment details the purpose of the Compliance Report and how to demonstrate compliance with the 2020 Soil Conservation Plan. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect updated organizational changes to the 2020 Guidelines. Additionally, the language adds detailed information and clarifies requirements for the Compliance Report and Action Plan.

Adopt 2.6.1 Previous Land Use and Hazard Consideration

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.3.2 of the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect updated organizational changes in the 2020 Guidelines.

Adopt 2.6.2 OHV Area Visitor Information

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.3.3 of the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect updated organizational changes in the 2020 Guidelines.

Adopt 2.6.3 Use of Best Available Science within Soil Conservation Plans

Specific Purpose: The specific purpose of this amendment is to introduce best available science concepts to be incorporated into the Soil Conservation Plans.

Benefit/Necessity: The proposed is necessary to clarify language and address changes made to PRC Section 5090.39, through Senate Bill 249 (Allen, 2017), that requires any soil conservation standard, wildlife habitat protection plan, or monitoring program must incorporate best available science.

Adopt 2.6.3.1 Updating the Soil Standards and Guidelines with Best Available Science

Specific Purpose: The specific purpose of this amendment is to describe how best available science was incorporated into the development of the 2020 Guidelines.

Benefit/Necessity: The proposed is necessary to explain that the development of the 2020 Guidelines used best available science in accordance with changes made through Senate Bill 249 (Allen, 2017) to PRC Section 5090.39.

Adopt 2.6.4 Critical Existing Resources

Specific Purpose: The specific purpose of this amendment is to list various resources available to OHV area managers that may be used to develop a Soil Conservation Plan.

Benefit/Necessity: The proposed is necessary to describe to OHV area managers extensive resources available to use when creating a Soil Conservation Plan. The resources provide extensive details for OHV best management practices and studies on impacts and how to manage those impacts.

Adopt 2.7 Specific Guidance for Project Design and Construction

Specific Purpose: The specific purpose of this amendment is to introduce the section content.

Benefit/Necessity: The proposed is necessary to summarize the content of the section.

Adopt 2.7.1 Project Design Considerations

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.6.1 of the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect updated organizational changes in the 2020 Guidelines.

Adopt 2.7.2 Designing for Specific (Variable) Environments

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.6.3 of the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect updated organizational changes in the 2020 Guidelines.

Adopt 2.7.3 Project Design Features

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.6.2 of the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect updated organizational changes in the 2020 Guidelines.

Adopt 2.7.4 Construction Practices

Specific Purpose: The specific purpose of this amendment is to update and renumber language used in section 2.6.4 of the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to make clarifications to the document language and reflect updated organizational changes in the 2020 Guidelines.

Adopt Reference List

Specific Purpose: The specific purpose of this amendment is to update the list of references used in section 2.7 of the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to update the document and reflect updated references used in development of the 2020 Guidelines and assist with finding specific resources for additional information.

Adopt Appendix 1 – Definitions

Specific Purpose: The specific purpose of this amendment is to update definitions used in Appendix 1 of the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to clarify and define certain words, phrases, and acronyms used throughout the document.

Adopt Appendix 2 – Soil Loss Modeling Tools

Specific Purpose: The specific purpose of this amendment is to detail and describe soil loss modeling tools.

Benefit/Necessity: The proposed is necessary to provide additional resources used in a predictive manner for larger scale projects and to calculate and predict erosion from a project site.

Adopt Appendix 3 – Trail Evaluation Form

Specific Purpose: The specific purpose of this amendment is to update and renumber Appendix 2 of the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to reflect updated organizational changes in the 2020 Guidelines.

Adopt Appendix 4 – Maintenance Checklist Form

Specific Purpose: The specific purpose of this amendment is to update and renumber Appendix 3 of the 2008 Guidelines. The meaning and intent of the language in the section is otherwise unchanged from the 2008 Guidelines.

Benefit/Necessity: The proposed is necessary to reflect updated organizational changes in the 2020 Guidelines.

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

OHMVR Division technical staff, in consultation with various federal land managers, reviewed the 2008 Guidelines in response to direction provided in Senate Bill 249 (Allen, 2017). The review found updates were necessary to the guidelines; staff received further input from State and Federal agencies that resulted in the development of a draft 2020 Guidelines.

The draft guidelines were further developed with additional consultation from additional Federal and State agencies, and once the final draft was complete, the final draft 2020 Guidelines were published for public review and comment. The final draft was then adopted by the OHMVR Division for review subject to this rulemaking action.

ECONOMIC IMPACT ASSESSMENT / ANALYSIS

For purposes of the Program regulations in this rulemaking action, the Soil Conservation Standard and Guidelines apply to all OHV-related Projects involving ground disturbing activity on federal and local government lands that receive funding from the OHMVR Division.

For those Projects affected by the Soil Conservation Standard and Guidelines, the 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, no business eliminated, and no expansion of businesses currently doing business with the state of California due to Grant funds being infused into the local community. OHMVR Division Program history has 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 supporting 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

For purposes of the Program regulations in this rulemaking action, the Soil Conservation Standard and Guidelines apply to all OHV-related Projects involving ground disturbing activity on federal and local government lands that receive funding from the OHMVR Division.

For those Projects affected by the Soil Conservation Standard and Guidelines, 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. As a result, the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability to compete.

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.