

UPDATED INFORMATIVE DIGEST

The Department is updating the Informative Digest contained in the Notice of Proposed Rulemaking. The update addresses changes not originally identified in the Initial Statement of Reasons.

There has been no change to the underlying laws or the effect of the proposed action since the inception of the rulemaking.

Effect of Proposed Rulemaking

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

4970.01. DEFINITIONS

4970.01.~~(f)~~(g)

The Off-Highway Motor Vehicle Recreation (OHMVR) Division increased the unit acquisition cost to be at least \$5,000 for Equipment. In the example, identical assets were increased to five, the cost for each identical asset was increased to \$1,000 and the total was increased to \$5,000. These actions were made in response to comments received during the 45-day public comment period and feedback received during the Public Hearing held June 5, 2018.

4970.01.~~(x)~~(w)

The OHMVR Division added an “s” at the end of material to pluralize it, added “other than fencing” and “maintenance or replacement of existing fence lines that do not require disturbance beyond replacement of fence posts and wire or existing component” to help clarify what activities fall under a “Ground Disturbing Activity”. These actions were made in response to comments received during the 45-day public comment period and feedback received during the Public Hearings held June 5, 2018 and June 7, 2018.

4970.01.~~(z)~~(y)

The OHMVR Division added a definition for “Heavy Equipment”. This addition was made to help clarify the meaning of the Heavy Equipment mentioned in the newly adopted Eligible Project Costs Sections 4970.08.(b)(12) and 4970.08(b)(13) and in response to comments received during the 45-day public comment period and feedback received during the Public Hearing held June 5, 2018.

UPDATED INFORMATIVE DIGEST

4970.08. ELIGIBLE PROJECT COSTS

4970.08.(b)(10)(9)

The OHMVR Division added the text “Nonprofit grantees shall be limited to the base of operation or 100 miles from the main project site whichever is less; any cost exceeding the 100 mile maximum may be claimed only as match” to differentiate transportation costs between a public agency and a nonprofit and in response to comments received during the 45-day public comment period and feedback received during the Public Hearing held June 5, 2018.

4970.08.(b)(12)

The OHMVR Division added the text “When claiming a “per mile” fee, it shall be stated as a “per mile” charge in the Project Cost Estimate and shall not exceed the federal Internal Revenue Service standard mileage business rate provided as of the start of the grant cycle for which the cost is being requested” to clarify how an applicant would determine the per mile fee mentioned in Section 4970.08. This text was also added in response to comments received during the 45-day public comment period and feedback received during the Public Hearing held June 5, 2018.

4970.08.(b)(12)(D)(1)

The OHMVR Division added the text “and/or” at the end of the daily use fee section to clarify that the applicant may charge a daily use fee and/or a per mile fee for Equipment acquired solely with funds outside this grant program. This text was also added in response to comments received during the 45-day public comment period and feedback received during the Public Hearing held June 5, 2018.

4970.08.(b)(12)(E)(2)

The OHMVR Division added a “b” after 4970.08 and updated the “13” to “12” which now correctly identifies the section being referenced. This correction was also made in response to comments received during the 45-day public comment period and feedback received during the Public Hearing held June 5, 2018.

4970.09. INELIGIBLE PROJECT COSTS

4970.09.(b)(10)

The OHMVR Division replaced the word “property” with “a State Vehicular Recreation Area” to clarify what type of property a Youth Mentoring Program project may utilize. This correction was also made in response to comments received during the 45-day public comment period and feedback received during the Public Hearing held June 7, 2018.

UPDATED INFORMATIVE DIGEST

4970.22.23 ACCOUNTING PRACTICES

4970.22.23(c)

The OHMVR Division removed the text “hours or” to adjust the requirements in the logbook/source document that is used to track an Equipment use. This adjustment was also made in response to comments received during the 45-day public comment period and feedback received during the Public Hearing held June 5, 2018.

DOCUMENTS INCORPORATED BY REFERENCE

Evaluation Criteria - General Criteria

The OHMVR Division reworded General Criteria number five to add clarity. This adjustment was also made in response to comments received during the 45-day public comment period.

Evaluation Criteria – Acquisitions

The OHMVR Division deleted “come in” and replaced the phrase with “apply” to add clarity. This adjustment was also made in response to comments received during the 45-day public comment period.

Evaluation Criteria – Education and Safety

The OHMVR Division reworded Education and Safety Criteria number two to add clarity. This adjustment was also made in response to comments received during the 45-day public comment period.

Habitat Management Program (HMP) Part 2

The OHMVR Division added a strikeout to the “1” in the number “14”, added a “1” before the number nine, and removed the strikeout through the number nine. The action was done as the OHMVR Division made a formatting oversight and did not intend on striking out the nine. This action should also add clarity to the revision date.